

## SCHEDULES

### SCHEDULE 1

Section 8.

#### INSOLVENCY PRACTITIONERS TRIBUNAL

##### *Panels of members*

- 1 (1) The Secretary of State shall draw up and from time to time revise—
- (a) a panel of persons who are barristers, advocates or solicitors, in each case of not less than seven years' standing, and are nominated for the purpose by the Lord Chancellor or the Lord President of the Court of Session ; and
  - (b) a panel of persons who are experienced in insolvency matters;
- and the members of the Tribunal shall be selected from those panels in accordance with this Schedule.
- (2) The power to revise the said panels shall include power to terminate a person's membership of either of them, and shall accordingly to that extent be subject to section 8 of the Tribunals and Inquiries Act 1971 (which makes it necessary to obtain the concurrence of the Lord Chancellor and of the Lord President of the Court of Session to dismissals in certain cases).

##### *Remuneration of members*

- 2 The Secretary of State may out of money provided by Parliament pay to members of the Tribunal such remuneration as he may with the approval of the Treasury determine ; and such expenses of the Tribunal as the Secretary of State and the Treasury may approve shall be defrayed by the Secretary of State out of money so provided.

##### *Sittings of Tribunal*

- 3 (1) For the purposes of carrying out their functions in relation to any cases referred to them, the Tribunal may sit either as a single tribunal or in two or more divisions.
- (2) The functions of the Tribunal in relation to any case referred to them shall be exercised by three members consisting of—
- (a) a chairman selected by the Secretary of State from the panel drawn up under paragraph 1(1)(a) above; and
  - (b) two other members selected by the Secretary of State from the panel drawn up under paragraph 1(1)(b) above.

##### *Procedure of Tribunal*

- 4 (1) Any investigation by the Tribunal shall be so conducted as to afford a reasonable opportunity for representations to be made to the Tribunal by or on behalf of the person whose case is the subject of the investigation.

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- (2) For the purposes of any such investigation, the Tribunal—
- (a) may by summons require any person to attend, at such time and place as is specified in the summons, to give evidence or to produce any books, papers and other records in his possession or under his control which the Tribunal considers it necessary for the purposes of the investigation to examine ; and
  - (b) may take evidence on oath, and for the purpose administer oaths, or may, instead of administering an oath, require the person examined to make and subscribe a declaration of the truth of the matter respecting which he is examined;
- but no person shall be required, in obedience to such a summons, to go more than ten miles from his place of residence, unless the necessary expenses of his attendance are paid or tendered to him.
- (3) Every person who—
- (a) without reasonable excuse fails to attend in obedience to a summons issued under this paragraph, or refuses to give evidence; or
  - (b) intentionally alters, suppresses, conceals or destroys or refuses to produce any document which he may be required to produce for the purpose of an investigation by the Tribunal,
- shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (4) Subject to the provisions of this paragraph, the Secretary of State may make rules for regulating the procedure on any investigation by the Tribunal.
- (5) In their application to Scotland, sub-paragraphs (2) and (3) above shall have effect as if for any reference to a summons there were substituted a reference to a notice in writing.

*Supervision by Council on Tribunals*

- 5 (1) The Tribunals and Inquiries Act 1971 shall be amended as follows.
- (2) In section 8(2) (concurrency required for removal of members of certain tribunals), after " 6A " there shall be inserted " 10A
- (3) In section 13(1) (appeals from certain tribunals), after " 10 " there shall be inserted " 10A ".
- (4) In Schedule 1 (tribunals under general supervision of Council), after paragraph 10 there shall be inserted the following paragraph—

*“Insolvency Practitioners.*

10A The Insolvency Practitioners Tribunal established under section (Reference to Tribunal) of the Insolvency Act 1985.”

*Parliamentary disqualification*

- 6 (1) In Part III of Schedule 1 to the House of Commons Disqualification Act 1975 (disqualifying offices), there shall be inserted at the appropriate place the following entry—

“Any member of the Insolvency Practitioners Tribunal in receipt of remuneration.”

- (2) A corresponding amendment shall be made in Part III of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975.

## SCHEDULE 2

Section 14.

### MATTERS FOR DETERMINING UNFITNESS OF DIRECTORS

#### PART I

##### MATTERS APPLICABLE IN ALL CASES

- 1 Any misfeasance or breach of any fiduciary or other duty by the director in relation to the company.
- 2 Any misapplication or retention by the director of, or any conduct by the director giving rise to an obligation to account for, any money or other property of the company.
- 3 The extent of the director's responsibility for the company entering into any transaction liable to be set aside under section 212 of this Act.
- 4 The extent of the director's responsibility for any failure by the company to comply with any of the following provisions of the 1985 Act, namely—
- (a) section 221 (companies to keep accounting records) ;
  - (b) section 222 (where and for how long records to be kept);
  - (c) section 288 (register of directors and secretaries);
  - (d) section 352 (obligation to keep and enter up register of members) ;
  - (e) section 353 (location of register of members) ;
  - (f) sections 363 and 364 (company's duty to make annual return) ;
  - (g) section 365 (time for completion of annual return) ; and
  - (h) sections 399 and 415 (company's duty to register charges it creates).
- 5 The extent of the director's responsibility for any failure by the directors of the company to comply with section 227 (directors' duty to prepare annual accounts) or section 238 (signing of balance sheet and documents to be annexed) of the 1985 Act.

#### PART II

##### MATTERS APPLICABLE WHERE COMPANY HAS BECOME INSOLVENT

- 6 The extent of the director's responsibility for the causes of the company becoming insolvent.
- 7 The extent of the director's responsibility for any failure by the company to supply any goods or services which have been paid for (in whole or in part).
- 8 The extent of the director's responsibility for the company entering into any transaction or giving any preference, being a transaction or preference liable to

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be set aside under section 101 of this Act or section 522 of the 1985 Act or challengeable under section 615A or 615B of that Act or under any rule of law in Scotland.

9 The extent of the director's responsibility for any failure by the directors of the company to comply with section 85 of this Act.

10 Any failure by the director to comply with any obligation imposed on him by or under section 482 of the 1985 Act (company's statement of affairs) or section 39, 53, 66, 85, 98 or 99 of this Act.

### SCHEDULE 3

Sections 33 and 48.

#### POWERS OF ADMINISTRATOR OR ADMINISTRATIVE RECEIVER

1 Power to take possession of, collect and get in the property of the company and, for that purpose, to take such proceedings as may seem to him expedient.

2 Power to sell or otherwise dispose of the property of the company by public auction or private contract or, in Scotland, to sell, feu, hire out or otherwise dispose of the property of the company by public roup or private bargain.

3 Power to raise or borrow money and grant security therefor over the property of the company.

4 Power to appoint a solicitor or accountant or other professionally qualified person to assist him in the performance of his functions.

5 Power to bring or defend any action or other legal proceedings in the name and on behalf of the company.

6 Power to refer to arbitration any question affecting the company.

7 Power to effect and maintain insurances in respect of the business and property of the company.

8 Power to use the company's seal.

9 Power to do all acts and to execute in the name and on behalf of the company any deed, receipt or other document.

10 Power to draw, accept, make and endorse any bill of exchange or promissory note in the name and on behalf of the company.

11 Power to appoint any agent to do any business which he is unable to do himself or which can more conveniently be done by an agent and power to employ and dismiss employees.

12 Power to do all such things (including the carrying out of works) as may be necessary for the realisation of the property of the company.

13 Power to make any payment which is necessary or incidental to the performance of his functions.

14 Power to carry on the business of the company.

15 Power to establish subsidiaries of the company.

16 Power to transfer to subsidiaries of the company the whole or any part of the business and property of the company.

- 17 Power to grant or accept a surrender of a lease or tenancy of any of the property of the company, and to take a lease or tenancy of any property required or convenient for the business of the company.
- 18 Power to make any arrangement or compromise on behalf of the company.
- 19 Power to call up any uncalled capital of the company.
- 20 Power to rank and claim in the bankruptcy, insolvency, sequestration or liquidation of any person indebted to the company and to receive dividends, and to accede to trust deeds for the creditors of any such person.
- 21 Power to present or defend a petition for the winding up of the company.
- 22 Power to change the situation of the company's registered office.
- 23 Power to do all other things incidental to the exercise of the foregoing powers.

## SCHEDULE 4

Sections 89 and 166.

### PREFERENTIAL DEBTS

#### PART I

##### LIST OF PREFERENTIAL DEBTS

###### *Debts due to Inland Revenue*

- 1 (1) Sums due at the relevant date from the debtor on account of deductions of income tax from emoluments paid during the period of twelve months next before that date, being deductions which the debtor was liable to make under section 204 of the Income and Corporation Taxes Act 1970 (pay as you earn) less the amount of the repayments of income tax which the debtor was liable to make during that period.
- (2) Sums due at the relevant date from the debtor in respect of such deductions as are required to be made by the debtor for that period under section 69 of the Finance (No. 2) Act 1975 (subcontractors in the construction industry).

###### *Debts due to Customs and Excise*

- 2 (1) Any value added tax which is referable to the period of six months next before the relevant date.
- (2) The amount of any car tax which is due at the relevant date from the debtor and which became due within a period of twelve months next before that date.
- (3) Any amount which is due—
  - (a) by way of general betting duty or bingo duty ; or
  - (b) under section 12(1) of the Betting and Gaming Duties Act 1981 (general betting duty and pool betting duty recoverable from agent collecting stakes); or
  - (c) under section 14 of, or Schedule 2 to, that Act (gaming licence duty),

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from the debtor at the relevant date and which became due within the period of twelve months next before that date.

*Social security contributions*

- 3 (1) All sums which on the relevant date are due from the debtor on account of Class 1 or Class 2 contributions under the Social Security Act 1975 or the Social Security (Northern Ireland) Act 1975 and which became due from the debtor in the twelve months next before the relevant date.
- (2) All sums which on the relevant date have been assessed on and are due from the debtor on account of Class 4 contributions under either of the said Acts of 1975, being sums which—
- (a) are due to the Commissioners of Inland Revenue (rather than to the Secretary of State or a Northern Ireland department) ; and
  - (b) are assessed on the debtor up to 5th April next before the relevant date, but not exceeding, in the whole, any one year's assessment.

*Contributions to occupational pension schemes etc.*

- 4 Any sum which is owed by the debtor and is a sum to which Schedule 3 to the Social Security Pensions Act 1975 (contributions to occupational pension scheme and state scheme premiums) applies.

*Remuneration of employees etc.*

- 5 (1) So much of any amount which—
- (a) is owed by the debtor to a person who is or has been an employee of the debtor ; and
  - (b) is payable by way of remuneration in respect of the whole or any part of the period of four months next before the relevant date,
- as does not exceed such amount as may be prescribed by order made by the Secretary of State.
- (2) An amount owed by way of accrued holiday remuneration, in respect of any period of employment before the relevant date, to a person whose employment by the debtor has been terminated, whether before, on or after that date.
- (3) So much of any sum owed in respect of money advanced for the purpose as has been applied for the payment of a debt which, if it had not been paid, would have been a debt failing within subparagraph (1) or (2) above.
- 6 So much of any amount which—
- (a) is ordered, whether before or after the relevant date, to be paid by the debtor under the Reserve Forces (Safeguard of Employment) Act 1985 ; and
  - (b) is so ordered in respect of a default made by the debtor before that date in the discharge of his obligations under that Act,
- as does not exceed such amount as may be prescribed by order made by the Secretary of State.

## PART II

### INTERPRETATION OF PART I

#### *General interpretation of Schedule*

- 1 (1) In this Schedule " the debtor "—
- (a) in relation to a winding up, means the company which is being wound up ;  
and
  - (b) in relation to the distribution of a bankrupt's estate, means the bankrupt.
- (2) In relation to a company, the references in this Schedule to the relevant date are references—
- (a) where the company is being wound up by the court and the winding-up order was made immediately upon the discharge of an administration order, to the date of the making of the administration order;
  - (b) in a case not falling within paragraph (a) above where the company is being wound up by the court and had not commenced to be wound up voluntarily before the date of the making of the winding-up order, to the date of the appointment (or first appointment) of a provisional liquidator or, if no such appointment has been made, to the date of the making of the winding-up order ; and
  - (c) in a case not falling within paragraph (a) or (b) above, to the date of the passing of the resolution for the winding up of the company.
- (3) In relation to a bankrupt, the references in this Schedule to the relevant date are references—
- (a) where at the time the bankruptcy order was made, there was an interim receiver of the debtor's estate appointed under section 133 of this Act, to the date on which the interim receiver was first appointed after the presentation of the bankruptcy petition ; and
  - (b) in a case not falling within paragraph (a) above, to the date of the making of the bankruptcy order.

#### *Periods to which value added tax referable*

- 2 For the purposes of paragraph 2(1) of Part I of this Schedule—
- (a) where the whole of the prescribed accounting period to which any value added tax is attributable falls within the period of six months next before the relevant date ( " the relevant period " ), the whole amount of that tax shall be referable to the relevant period ; and
  - (b) in any other case the amount of any value added tax which shall be referable to the relevant period shall be the proportion of the tax which is equal to such proportion (if any) of the accounting reference period in question as falls within the relevant period ;
- and in this paragraph " prescribed " means prescribed by regulations under the Value Added Tax Act 1983.

#### *Amounts payable by way of remuneration*

- 3 (1) For the purposes of paragraph 5 of Part I of this Schedule, a sum is payable by the debtor to a person by way of remuneration in respect of any period if—

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- (a) it is paid as wages or salary (whether payable for time or for piece work or earned wholly or partly by way of commission) in respect of services rendered to the debtor in that period; or
  - (b) it is an amount falling within sub-paragraph (2) below and is payable by the debtor in respect of that period.
- (2) An amount falls within this sub-paragraph if it is—
- (a) a guarantee payment under section 12(1) of the Employment Protection (Consolidation) Act 1978 (employee without work to do for a day or part of a day);
  - (b) remuneration on suspension on medical grounds under section 19 of that Act;
  - (c) any payment for time off under section 27(3) (trade union duties), 31(3) (looking for work, etc.) or 31A(4) (ante-natal care) of that Act;
  - (d) statutory sick pay under Part I of the Social Security and Housing Benefits Act 1982; or
  - (e) remuneration under a protective award made by an industrial tribunal under section 101 of the Employment Protection Act 1975 (redundancy dismissal with compensation).
- (3) For the purposes of paragraph 5 of Part I of this Schedule, holiday remuneration shall be deemed, in the case of a person whose employment has been terminated by or in consequence of his employer going into liquidation or being adjudged bankrupt, to have accrued to that person in respect of any period of employment if, by virtue of that person's contract of employment or of any enactment (including an order or direction made under any enactment), that remuneration would have accrued in respect of that period if that person's employment had continued until he became entitled to be allowed the holiday.
- (4) Without prejudice to the preceding provisions of this paragraph—
- (a) any remuneration payable by the debtor to a person in respect of a period of holiday or of absence from work through sickness or other good cause is deemed to be wages or, as the case may be, salary in respect of services rendered to the debtor in that period; and
  - (b) references in this paragraph to remuneration in respect of a period of holiday include references to any sums which, if they had been paid, would have been treated for the purposes of the enactments relating to social security as earnings in respect of that period.

#### *Orders*

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- (1) An order under paragraph 5 or 6 of Part I of this Schedule may contain such transitional provisions as may appear to the Secretary of State necessary or expedient.
  - (2) An order under the said paragraph 5 or 6 shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.



## SCHEDULE 5

Section 106.

### PROVISIONS CAPABLE OF INCLUSION IN COMPANY INSOLVENCY RULES

#### *Courts*

- 1 Provision for supplementing, in relation to the insolvency or winding up of companies, any provision made by or under section 512 of the 1985 Act (jurisdiction in relation to winding up).
- 2 Provision for regulating the practice and procedure of any court exercising jurisdiction for the purposes of Part II of this Act or the 1985 Act so far as relating to, and to matters connected with or arising out of, the insolvency or winding up of companies, being any provision that could be made by rules of court.

#### *Notices etc.*

- 3 Provision requiring notice of any proceedings in connection with or arising out of the insolvency or winding up of a company to be given or published in the manner prescribed by the rules.
- 4 Provision with respect to the form, manner of serving, contents and proof of any petition, application, order, notice, statement or other document required to be presented, made, given, published or prepared under any enactment or subordinate legislation relating to, or to matters connected with or arising out of, the insolvency or winding up of companies.
- 5 Provision specifying the persons to whom any notice is to be given.

#### *Registration of voluntary arrangements*

- 6 Provision for the registration of compositions or schemes approved under Chapter II of Part II of this Act, including provision for the keeping and inspection of a register.

#### *Provisional liquidator*

- 7 Provision as to the manner in which a provisional liquidator appointed under section 532 of the 1985 Act is to carry out his functions.

#### *Conduct of insolvency*

- 8 Provision with respect to the certification of any person as, and as to the proof that a person is, the liquidator, administrator or administrative receiver of a company.
- 9 The following provision with respect to meetings of a company's creditors, contributories or members—
  - (a) provision as to the manner of summoning a meeting (including provision as to how any power to require a meeting is to be exercised, provision as to the manner of determining the value of any debt or contribution for the purposes of any such power and provision making the exercise of any such power subject to the deposit of a sum sufficient to cover the expenses likely to be incurred in summoning and holding a meeting);

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- (b) provision specifying the time and place at which a meeting may be held and the period of notice required for a meeting;
  - (c) provision as to the procedure to be followed at a meeting (including the manner in which decisions may be reached by a meeting and the manner in which the value of any vote at a meeting is to be determined);
  - (d) provision for requiring a person who is or has been an officer of the company to attend a meeting ;
  - (e) provision creating, in the prescribed circumstances, a presumption that a meeting has been duly summoned and held; and
  - (f) provision as to the manner of proving the decisions of a meeting.
- 10 Provision as to the functions, membership and proceedings of a committee established under section 43, 55, 74 or 75 of this Act or section 482B or 590 of the 1985 Act and the following provision with respect to the establishment of a committee established under section 74 or 75 of this Act or section 590 of the 1985 Act, that is to say—
- (a) provision for resolving differences between a meeting of the company's creditors and a meeting of its contributories or members;
  - (b) provision authorising the establishment of the committee without a meeting of contributories in a case where a company is being wound up on grounds including its inability to pay its debts; and
  - (c) provision modifying the requirements of this Act with respect to the establishment of the committee in a case where a winding-up order has been made immediately upon the discharge of an administration order.
- 11 Provision as to the manner in which any requirement that may be imposed on a person under Part II of this Act or under the 1985 Act by the official receiver, the liquidator, administrator or administrative receiver of a company or a special manager appointed under section 90 of this Act is to be so imposed.
- 12 Provision as to the debts that may be proved in a winding up, as to the manner and conditions of proving a debt and as to the manner and expenses of establishing the value of any debt or security.
- 13 Provision with respect to the manner of the distribution of the property of a company that is being wound up, including provision with respect to unclaimed funds and dividends.
- 14 Provision which, with or without modifications, applies in relation to the winding up of companies any enactment contained in Part III of this Act or in the Bankruptcy (Scotland) Act 1985.

*Financial provisions*

- 15 Provision as to the amount, or manner of determining the amount, payable to the liquidator, administrator or administrative receiver of a company or a special manager appointed under section 90 of this Act, by way of remuneration for the carrying out of functions in connection with or arising out of the insolvency or winding up of a company.
- 16 Provision with respect to the manner in which moneys received by the liquidator of a company in the course of carrying out his functions as such are to be invested or otherwise handled and with respect to the payment of interest on sums which,

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in pursuance of rules made by virtue of this paragraph, have been paid into the Insolvency Services Account.

17 Provision as to the fees, costs, charges and other expenses that may be treated as the expenses of a winding up.

18 Provision as to the fees, costs, charges and other expenses that may be treated as properly incurred by the administrator or administrative receiver of a company.

19 Provision as to the fees, costs, charges and other expenses that may be incurred for any of the purposes of Chapter II of Part II of this Act or in the administration of any composition or scheme approved under that Chapter.

#### *Information and records*

20 Provision requiring registrars and other officers of courts having jurisdiction in England and Wales in relation to, or to matters connected with or arising out of, the insolvency or winding up of companies—

- (a) to keep books and other records with respect to the exercise of that jurisdiction ; and
- (b) to make returns to the Secretary of State of the business of those courts.

21 Provision requiring a creditor, member or contributory or such a committee as is mentioned in paragraph 10 above to be supplied (on payment in prescribed cases of the prescribed fee) with such information and with copies of such documents as may be prescribed.

22 Provision as to the manner in which public examinations under section 68 of this Act and proceedings under section 100 of this Act are to be conducted, as to the circumstances in which records of such examinations or proceedings are to be made available to prescribed persons and as to the costs of such examinations and proceedings.

23 Provision imposing requirements with respect to—

- (a) the preparation and keeping by the liquidator, administrator or administrative receiver of a company, or by the supervisor of a composition or scheme approved under Chapter II of Part II of this Act, of prescribed books, accounts and other records ;
- (b) the production of those books, accounts and records for inspection by prescribed persons ;
- (c) the auditing of accounts kept by the liquidator, administrator or administrative receiver of a company or by the supervisor of such a composition or scheme ; and
- (d) the issue by the administrator or administrative receiver of a company of such a certificate as is mentioned in section 22(3)(b) of the Value Added Tax Act 1983 (refund of tax in cases of bad debts) and the supply of copies thereof to creditors of the company.

24 Provision requiring the person who is the supervisor of a composition or scheme approved under Chapter II of Part II of this Act, when it appears to him that the composition or scheme has been fully implemented and that nothing remains to be done by him under the composition or scheme—

- (a) to give notice of that fact to persons bound by the composition or scheme ; and

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- (b) to report to those persons on the carrying out of the functions conferred on the supervisor of the composition or scheme.
- 25 Provision as to the manner in which the liquidator of a company is to act in relation to the books, papers and other records of the company, including provision authorising their disposal.
- 26 Provision imposing requirements in connection with the carrying out of functions under section 12(5) of this Act (including, in particular, requirements with respect to the making of periodic returns).

*General*

- 27 Provision conferring power on the Secretary of State to make regulations with respect to so much of any matter that may be provided for in the rules as relates to the carrying out of the functions of the liquidator, administrator or administrative receiver of a company.
- 28 Provision conferring a discretion on the court.
- 29 Provision conferring power on the court to make orders for the purpose of securing compliance with obligations imposed by or under section 12(6), 39, 53, 66, 69(2) or 99 of this Act or section 482 of the 1985 Act.
- 30 Provision making non-compliance with any of the rules a criminal offence.
- 31 Provision making different provision for different cases or descriptions of cases, including different provision for different areas.

SCHEDULE 6

Section 109.

AMENDMENTS OF 1985 ACT

*Disqualification etc.*

- 1 (1) Section 295 (disqualification orders: introductory) shall be amended as follows.
- (2) In subsection (1), after the word " liquidator " there shall be inserted the words " administrator " and in that subsection and subsection (3) for the words " sections 296 to 300 " there shall be substituted the words " sections 296 to 299 ".
- (3) In subsection (2), at the end there shall be inserted the words—
- “and where a disqualification order is made against a person who is already subject to such an order the periods specified in those orders shall run concurrently.”
- (4) In subsection (6), for the words " Parts I and II of Schedule 12 have" there shall be substituted the words " Part I of Schedule 12 has ".
- 2 In section 301(1) (register of disqualification orders), for the words " sections 296 to 300" there shall be substituted the words " sections 296 to 299 ".
- 3 In section 441(1) (inspector's report to be evidence of opinion of inspectors), at the end there shall be inserted the words " and, in proceedings on an application under section 13 of the Insolvency Act 1985, as evidence of any fact stated therein ".

- 4 In section 449(1) (non-disclosure, except for certain purposes, of information obtained by Secretary of State), after paragraph (b) there shall be inserted the following paragraph—
- “(ba) with a view to the institution of, or otherwise for the purposes of, any proceedings on an application under section 12 or 13 of the Insolvency Act 1985.”
- 5 In section 507(1) (meaning of " contributory "), after the words " wound up " there shall be inserted the words " (other than a person so liable by virtue of a declaration under section 630 below or section 15 of the Insolvency Act 1985) ".
- 6 (1) For subsection (2) of section 630 (responsibility for company's fraudulent trading) there shall be substituted the following subsection—
- “(2) The court, on the application of the liquidator, may declare that any persons who were knowingly parties to the carrying on of the business in the manner above mentioned are to be liable to make such contributions (if any) to the company's assets as the court thinks proper.”
- (2) In subsection (3) of that section for the words "the official receiver or the liquidator (as the case may be)" there shall be substituted the words " the liquidator ".
- (3) After subsection (5) of that section there shall be inserted the following subsection—
- “(5A) Where the court makes a declaration under subsection (2) above in relation to a person who is a creditor of the company, it may direct that the whole or any part of any debt owed by the company to that person and any interest thereon shall rank in priority after all other debts owed by the company and after any interest on those debts.”
- 7 (1) Section 733 (liability of directors for offences by company under certain provisions) shall be amended as follows.
- (2) In subsection (1), after " 216(3)" there shall be inserted " 295(7) ".
- (3) In subsection (3), for the words "210 or 216(3)" there shall be substituted the words " 210, 216(3) or 295(7) ".

#### *Voluntary arrangements*

- 8 In section 153(3) (financial assistance allowed), for the words " section 601 (winding up imminent or in progress) " there shall be substituted the words " Chapter II of Part II of the Insolvency Act 1985 ".

#### *Administration orders*

- 9 At any time when an administration order is in force, section 225 (alteration of accounting reference period) shall have effect as if subsections (3) and (5) to (7) were omitted.
- 10 In sections 395(1) and 410(2) (certain charges void if not registered), after the word " liquidator " there shall be inserted the words " or administrator ".
- 11 In section 425(1) (power of company to compromise with creditors and members), for the words " , of the liquidator " there shall be substituted the words " or an administration order being in force in relation to a company, of the liquidator or administrator ".

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- 12 In section 426(6) (liability of officer or liquidator of company for default in connection with the circulation of information as to a compromise), after the word " liquidator" there shall be inserted the words " or administrator ".
- 13 In section 478(6) (receiver to be appointed within one month of cessation of appointment of earlier receiver), at the end there shall be inserted the words—  
“and for the purposes of calculating the period of one month under this subsection no account shall be taken of any period during which an administration order under Part II of the Insolvency Act 1985 is in force”.
- 14 In paragraph 4(3) of Part I of Schedule 12 (orders under sections 296 to 299), for the words " liquidator or director " there shall be substituted the words " liquidator, administrator or director ".

*Receivers and managers (England and Wales)*

- 15 (1) Section 196 (payment of debts out of assets subject to a floating charge) shall be amended as follows.
- (2) In subsection (1), after the words " secured by " there shall be inserted the words " a charge which, as created, was ".
- (3) In subsection (2), for the words from " the relevant" to " payments " there shall be substituted the words " section 89 of the Insolvency Act 1985 and Schedule 4 to that Act (read with Schedule 3 to the Social Security Pensions Act 1975) ".
- (4) For subsections (3) and (4) there shall be substituted the following subsection—  
“(3) For the purposes of this section Schedule 4 to the said Act of 1985 and Schedule 3 to the said Act of 1975 shall each have effect as if—  
(a) references to the relevant date were references to the date of the appointment of the receiver or the taking of possession as mentioned in subsection (1) above ; and  
(b) references to the company going into liquidation were references to the appointment of the receiver or the taking of possession as so mentioned.”
- 16 (1) Section 492 (receivers and managers appointed out of court) shall be amended as follows.
- (2) For subsection (1) there shall be substituted the following subsection—  
“(1) A receiver or manager of the property of a company appointed under powers contained in an instrument, or the persons by whom or on whose behalf a receiver or manager has been so appointed, may apply to the court for directions in relation to any particular matter arising in connection with the performance of the functions of the receiver or manager.”
- (3) In subsection (3), after the word "provides)" there shall be inserted the words " and on any contract of employment adopted by him in the performance of those functions ".
- (4) After that subsection there shall be inserted the following subsections—  
“(4) For the purposes of subsection (3)(a) the receiver or manager is not to be taken to have adopted a contract of employment by reason of anything done or omitted to be done within fourteen days after his appointment.

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- (5) Where at any time a receiver or manager so appointed vacates office—
- (a) his remuneration and any expenses properly incurred by him; and
  - (b) any indemnity to which he is entitled out of the assets of the company,
- shall be charged on and paid out of any property of the company which is in his custody or under his control at that time in priority to any charge or other security held by the person by or on whose behalf he was appointed.”
- 17 (1) Section 498 (receivership accounts to be delivered to the registrar) shall be amended as follows.
- (2) In subsection (1), for the words "Except where section 497 applies " there shall be substituted the words " Except in the case of an administrative receiver ".
- (3) In subsection (2), for the words " 6 months ", in the first place where they occur, there shall be substituted the words " 12 months ".
- (4) In subsection (3), for the words " 6 months", in both places where they occur, there shall be substituted the words " 12 or 6 months ".

*Receivers (Scotland)*

- 18 In subsection (3) of section 463 (effect of floating charge on winding up), for the words " section 614(2)" there shall be substituted the words " section 89 of the Insolvency Act 1985 ".
- 19 In subsection (6) of section 464 (ranking of floating charges), for the words " section 614(2) (preferential debts in winding up) " there shall be substituted the words " section 89 of the Insolvency Act 1985 ".
- 20 (1) Section 475 (priority of debts) shall be amended as follows.
- (2) In subsection (2), for the words " the provisions of Part XX relating to preferential payments" there shall be substituted the words " section 89 of the Insolvency Act 1985 and Schedule 4 to that Act (read with Schedule 3 to the Social Security Pensions Act 1975) ".
- (3) For subsections (3) and (4) there shall be substituted the following subsection—
- “(3) For the purposes of this section Schedule 4 to the said Act of 1985 and Schedule 3 to the said Act of 1975 shall each have effect as if—
- (a) references to the relevant date were references to the date of the appointment of the receiver under section 469(6) or 470(5); and
  - (b) references to the company going into liquidation were references to that appointment.”.

21 (1) Section 476(1) (distribution of monies) shall be amended as follows.

(2) After the words " categories of persons " there shall be inserted the words " (which rights shall, except to the extent other-Wise provided in any instrument, have the following order of priority) ".

(3) In paragraph (d), after the word "remuneration" there shall be inserted the words " and any indemnity to which the receiver is entitled out of the property of the company. "

22 (1) Schedule 24 (punishment of offences) shall be amended as follows.

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(2) After the entry relating to section 470(3) there shall be inserted the following entry—

“477(2e)	Failing to send to registrar of companies a certified copy of authorisation to dispose of certain property.	Summary.	One-fifth of the statutory maximum.	One-fiftieth of the statutory maximum.”.
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(3) In the entry relating to section 481(7), for " 481(7)" there shall be substituted " 481(4)".

(4) For the entry relating to section 482(5) there shall be substituted the following entry—

“482(6)	Failure to comply with obligation to submit statement of affairs to receiver.	1. On indictment. 2. Summary.	A fine. The statutory maximum.	One-tenth of the statutory maximum.”.
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#### *Winding up*

23 In section 222(4) (obligation to preserve accounting records), for the words from " direction " onwards there shall be substituted the words " provision contained in rules made under section 106 of the Insolvency Act 1985 ".

24 For subsection (6) of section 461 (application of winding-up rules to petition under Part XVII) there shall be substituted the following subsection—

“(6) The power under section 106 of the Insolvency Act 1985 to make rules shall, so far as it relates to a winding-up petition, apply for the purposes of a petition under this Part”

25 In sections 512(3), 515(5), 518(2), 622(7) and 624(7) (being provisions which refer to regulations under section 664), for the word " regulations " there shall be substituted the word "order ".

26 In section 512(4) (jurisdiction in relation to winding up), for the words " in bankruptcy" there shall be substituted the words " for the purposes of Part III of the Insolvency Act 1985 ".

27 (1) Section 518 (definition of inability to pay debts) shall be amended as follows.

(2) In subsection (1)(a) after the word " demand " there shall be inserted the words " in the prescribed form ".

(3) In subsection (1)(e), for the words from "(and. in determining " onwards there shall be substituted the words " as they fall due ".

(4) After subsection (1) there shall be inserted the following subsection—



“(1A) A company is also deemed unable to pay its debts if it is proved to the satisfaction of the court that the value of the company's assets is less than the amount of its liabilities, taking into account its contingent and prospective liabilities.”

28 In section 519(1) (presentation of application for winding up), after the words " by the company " there shall be inserted the words " or the directors ".

29 In section 525(2) and (3) (restriction on proceedings against a company where winding-up order made or provisional liquidator appointed), after the words " against the company", in each place where they occur, there shall be inserted the words " or its property ".

30 For section 535 (liquidators in Scotland) there shall be substituted the following section—

**“535 Liquidator in Scotland.**

Where a winding-up order is made by the court in Scotland, a liquidator shall be appointed by the court at the time when the order is made.”

31 (1) Section 539 (powers of liquidator) shall be amended as follows.

(2) In subsection (1), for the words " committee of inspection ", there shall be substituted the words " committee established under section 74 or 75 of the Insolvency Act 1985 ".

(3) Paragraph (c) of subsection (1) (power to appoint solicitor) shall be omitted and after subsection (2) there shall be inserted the following subsection—

“(2A) Where the liquidator (not being the official receiver), in exercise of the powers conferred on him by this Act-

(a) disposes of any property of the company to a person who is connected with the company (within the meaning of Part II of the Insolvency Act 1985); or

(b) employs a solicitor to assist him in the carrying out of his functions, he shall, if there is for the time being a committee established under section 74 or 75 of that Act, give notice to the committee of that exercise of his powers.”

(4) In subsection (4), for the words "committee of inspection" there shall be substituted the words " committee established under section 74 or 75 of the Insolvency Act 1985 ".

32 In section 552(3) (debts due from contributory), after the words " in full" there shall be inserted the words " (together with interest at the rate applicable under section 93 of the Insolvency Act 1985) ".

33 In section 562 (attendance at company meetings (Scotland)), for the words " committee of inspection " there shall be substituted the words " committee established under section 75 of the Insolvency Act 1985

34 In section 567(2) (delegation of powers to liquidator (England and Wales)), for the words " committee of inspection " there shall be substituted the words " committee established under section 74 of the Insolvency Act 1985 ".

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- 35 In section 577 (statutory declaration that the company is able to pay its debts in full), in subsections (1) and (4) after the words " in full", and in subsection (5) after the word " debts ", there shall be inserted the words " (together with interest at the rate applicable under section 93 of the Insolvency Act 1985) ".
- 36 In section 584(1) (general company meeting at each year's end), for the words " section 586 " there shall be substituted the words " section 83(7) of the Insolvency Act 1985 ".
- 37 (1) In subsection (1) of section 589 (appointment of liquidator), for the words " section 588 " there shall be substituted the words " section 85 of the Insolvency Act 1985 ".
- (2) For subsection (2) of that section there shall be substituted the following subsection—
- “(2) The liquidator shall be the person nominated by the creditors or, where no person has been so nominated, the person (if any) nominated by the company.”
- 38 (1) Section 590 (appointment of committee of inspection) shall be amended as follows.
- (2) For subsection (1) there shall be substituted the following subsection—
- “(1) The creditors at the meeting to be held under section 85 of the Insolvency Act 1985 or at any subsequent meeting may, if they think fit, appoint a committee of not more than 5 persons to exercise the functions conferred on it by or under this Act or Part U of that Act.”
- (3) In subsection (3), for the words " committee of inspection " there shall be substituted the words " committee established under this section ".
- (4) In subsection (5), for the words " committees of inspection " there shall be substituted the words " such committees ".
- 39 In section 591(2) (remuneration of liquidator: cesser of director's powers), for the words " committee of inspection " there shall be substituted the words " committee established under section 590 ".
- 40 In section 593 (application of section 582 to creditors' voluntary winding up), for the words " committee of inspection " there shall be substituted the words " committee established under section 590 ".
- 41 (1) In subsection (1) of section 598 (powers and duties of liquidator in voluntary winding up), for the words " committee of inspection " there shall be substituted the words " committee established under section 590 ".
- (2) After subsection (4) of that section there shall be inserted the following subsection—
- “(4A) Where the liquidator in exercise of the powers conferred on him by this Act disposes of any property of the company to a person who is connected with the company (within the meaning of Part IT of the Insolvency Act 1985), he shall, if there is for the time being a committee established under section 590 above, give notice to the committee of that exercise of his powers.”
- 42 After subsection (1) of section 625 (transactions in fraud of creditors) there shall be inserted the following subsection—
- “(1A) A person shall not be guilty of an offence under this section—

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- (a) by reason of conduct constituting an offence under subsection (1) (a) above which occurred more than five years before the commencement of the winding up ; or
  - (b) if he proves that, at the time of the conduct constituting the offence, he had no intent to defraud the creditors of the company.”
- 43 In section 626(1)(d) (failure to inform liquidator that false debt has been proved), for the words " for the period of a month to inform the liquidator of it" there shall be substituted the words " to inform the liquidator as soon as practicable ".
- 44 In section 632 (prosecution of delinquent officers and members of company), after subsection (2) there shall be inserted the following subsection—

“(2A) If in the case of a winding up by the court in England and Wales it appears to the liquidator, not being the official receiver, that any past or present officer of the company, or any member of it, has been guilty of an offence in relation to the company for which he is criminally liable, the liquidator shall report the matter to the official receiver.”
- 45 In section 651(1) (power of court, within two years of dissolution of company, to declare dissolution void), for the words " 2 years " there shall be substituted the words " 12 years ".
- 46 For subsection (2) of section 657 (effect of Crown disclaimer) there shall be substituted the following subsection—

“(2) As regards property in England and Wales, subsections (3) and (5) to (7) of section 91 of the Insolvency Act 1985 and section 92 of that Act shall apply as if the property had been disclaimed by the liquidator under the said section 91 immediately before the dissolution of the company.”
- 47 For subsection (1) of section 658 (application of section 620) there shall be substituted the following subsection—

“(1) Subsection (7) of section 91 of the Insolvency Act 1985 shall apply to land in England and Wales which by operation of law vests subject to a rentcharge in the Crown or any other person on the dissolution of a company as it applies to land so vesting on a disclaimer under that section.”
- 48 In section 659(2) (which refers to the costs of a winding up), for the word " costs " there shall be substituted the word " expenses ".
- 49 (1) In subsection (1) of section 664 (power to alter monetary limits), for the words " regulations in a " there shall be substituted the words " order made by ".
- (2) For subsection (2) of that section there shall be substituted the following subsections—

“(2) An order under this section may contain such transitional provisions as may appear to the Secretary of State necessary or expedient.

(3) No order under this section increasing or reducing any of the money sums for the time specified in section 512(2), 515(3) or 518(1)(a) shall be made unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.

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- (4) A statutory instrument containing an order under this section, other than an order to which subsection (3) above applies, shall be subject to annulment in pursuance of a resolution of either House of Parliament.”
- 50 In section 667((1)(a)) (inability of unregistered company to pay debts), after the word " demand " there shall be inserted the words " in the prescribed form ".
- 51 In section 668(6) (inability of unregistered company to pay its debts assumed if demand not complied with within 10 days), for the words "10 days" there shall be substituted the words " 3 weeks ".
- 52 (1) In section 669 (inability of unregistered company to pay debts), at the end of paragraph (d) there shall be inserted the words " as they fall due ".
- (2) That section, as amended by sub-paragraph (1) above, shall be re-numbered as subsection (1) of that section and after that provision as so renumbered there shall be inserted the following subsection—
- “(2) An unregistered company is also deemed unable to pay its debts if it is proved to the satisfaction of the court that the value of the company's assets is less than the amount of its liabilities, taking into account its contingent and prospective liabilities.”

## SCHEDULE 7

Section 207.

### PROVISIONS CAPABLE OF INCLUSION IN INDIVIDUAL INSOLVENCY RULES

#### *Courts*

- 1 Provision with respect to the arrangement and disposition of the business under Part III of this Act of courts having jurisdiction for the purpose of that Part, including provision for the allocation of proceedings under that Part to particular courts and for the transfer of such proceedings from one court to another.
- 2 Provision for enabling a registrar in bankruptcy of the High Court or a registrar of a county court having jurisdiction for the purposes of Part III of this Act to exercise such of the jurisdiction conferred for those purposes on the High Court or, as the case may be, that county court as may be prescribed.
- 3 Provision for regulating the practice and procedure of any court exercising jurisdiction for the purposes of Part III of this Act. being any provision that could be made by rules of court.
- 4 Provision conferring rights of audience, in courts exercising jurisdiction for the purposes of Part III of this Act, on the official receiver and on solicitors.

#### *Notices etc.*

- 5 Provision requiring notice of any proceedings under Part III of this Act or of any matter relating to or arising out of a proposal under Chapter I of that Part or a bankruptcy to be given or published in the prescribed manner.
- 6 Provision with respect to the form, manner of serving, contents and proof of any petition, application, order, notice, statement, or other document required to be

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presented, made, given, published or prepared under any enactment contained in, or subordinate legislation made under, Part III of this Act (including provision requiring prescribed matters to be verified by affidavit).

- 7 Provision specifying the persons to whom any notice under Part III of this Act is to be given.

*Registration of voluntary arrangements*

- 8 Provision for the registration of compositions or schemes approved under Chapter I of Part III of this Act, including provision for the keeping and inspection of a register.

*Interim receiver*

- 9 Provision as to the manner in which an interim receiver appointed under section 133 of this Act is to carry out his functions, including any such provision as is specified in relation to the trustee of a bankrupt's estate in paragraph 21 or 27 below.

*Receiver or manager*

- 10 Provision as to the manner in which the official receiver is to carry out his functions as receiver or manager of a bankrupt's estate under section 134 of this Act, including any such provision as is specified in relation to the trustee of a bankrupt's estate in paragraph 21 or 27 below.

*Administration of individual insolvency*

- 11 Provision with respect to the certification of the appointment of any person as trustee of a bankrupt's estate and as to the proof of that appointment.

- 12 The following provision with respect to meetings of creditors—
- (a) provision as to the manner of summoning a meeting (including provision as to how any power to require a meeting is to be exercised, provision as to the manner of determining the value of any debt for the purposes of any such power and provision making the exercise of any such power subject to the deposit of a sum sufficient to cover the expenses likely to be incurred in summoning and holding a meeting);
  - (b) provision specifying the time and place at which a meeting may be held and the period of notice required for a meeting ;
  - (c) provision as to the procedure to be followed at such a meeting (including the manner in which decisions may be reached by a meeting and the manner in which the value of any vote at a meeting is to be determined);
  - (d) provision for requiring a bankrupt or debtor to attend a meeting ;
  - (e) provision creating, in the prescribed circumstances, a presumption that a meeting has been duly summoned and held ; and
  - (f) provision as to the manner of proving the decisions of a meeting.

- 13 Provision as to the functions, membership and proceedings of a committee established under section 148 of this Act.

- 14 Provision as to the manner in which any requirement that may be imposed on a person under Part III of this Act by the official receiver, the trustee of a bankrupt's estate or a special manager appointed under section 198 of this Act is to be so

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imposed and, in the case of any requirement imposed under section 152(3) of this Act, provision conferring power on the court to make orders for the purpose of securing compliance with that requirement.

15 Provision as to the manner in which any requirement imposed by virtue of section 156(3) of this Act is to take effect.

16 Provision as to the terms and conditions that may be included in a charge under section 159 of this Act.

17 Provision as to the debts that may be proved in any bankruptcy, as to the manner and conditions of proving a debt and as to the manner and expenses of establishing the value of any debt or security.

18 Provision with respect to the manner of the distribution of a bankrupt's estate, including provision with respect to unclaimed funds and dividends.

19 Provision modifying the application of Part III of this Act in relation to a debtor or bankrupt who has died.

#### *Financial provisions*

20 Provision as to the amount, or manner of determining the amount, payable to an interim receiver, the trustee of a bankrupt's estate or a special manager appointed under section 198 of this Act by way of remuneration for the performance of functions in connection with or arising out of the bankruptcy of any person.

21 Provision with respect to the manner in which moneys received by the trustee of a bankrupt's estate in the course of carrying out his functions as such are to be handled.

22 Provision as to the fees, costs, charges and other expenses that may be treated as the expenses of a bankruptcy.

23 Provision as to the fees, costs, charges and other expenses that may be incurred for any of the purposes of Chapter I of Part III of this Act or in the administration of any composition or scheme approved under that Chapter.

#### *Information and records*

24 Provision requiring registrars and other officers of courts having jurisdiction for the purposes of Part III of this Act-

(a) to keep books and other records with respect to the exercise of that jurisdiction and of jurisdiction under the Deeds of Arrangement Act 1914 ;  
and

(b) to make returns to the Secretary of State of the business of those courts.

25 Provision requiring a creditor or a committee established under section 148 of this Act to be supplied (on payment in prescribed cases of the prescribed fee) with such information and with copies of such documents as may be prescribed.

26 Provision as to the manner in which public examinations under section 137 of this Act and proceedings under section 196 of this Act are to be conducted, as to the circumstances in which records of such examinations and proceedings are to be made available to prescribed persons and as to the costs of such examinations and proceedings.

27 Provision imposing requirements with respect to—

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- (a) the preparation and keeping by the trustee of a bankrupt's estate, or the supervisor of a composition or scheme approved under Chapter I of Part III of this Act, of prescribed books, accounts and other records ;
  - (b) the production of those books, accounts and records for inspection by prescribed persons ; and
  - (c) the auditing of accounts kept by the trustee of a bankrupt's estate or the supervisor of such a composition or scheme.
- 28 Provision requiring the person who is the supervisor of a composition or scheme approved under Chapter I of Part III of this Act, when it appears to him that the composition or scheme has been fully implemented and that nothing remains to be done by him under the composition or scheme—
- (a) to give notice of that fact to persons bound by the composition or scheme ; and
  - (b) to report to those persons on the carrying out of the functions conferred on the supervisor of the composition or scheme.
- 29 Provision as to the manner in which the trustee of a bankrupt's estate is to act in relation to the books, papers and other records of the bankrupt, including provision authorising their disposal.

#### *General*

- 30 Provision conferring power on the Secretary of State to make regulations with respect to so much of any matter that may be provided for in the rules as relates to the carrying out of the functions of an interim receiver appointed under section 133 of this Act, of the official receiver while acting as a receiver or manager under section 134 of this Act or of a trustee of a bankrupt's estate.
- 31 Provision conferring a discretion on the court.
- 32 Provision making non-compliance with any of the rules a criminal offence.
- 33 Provision making different provision for different cases, including different provision for different areas.

### SCHEDULE 8

Section 235.

#### CONSEQUENTIAL AMENDMENTS

##### *The Bills of Sale Act (1878) Amendment Act 1882*

- 1 In section 11 of the Bills of Sale Act (1878) Amendment Act 1882 (local registration of bills of sale), for the words " the London bankruptcy district as defined by the Bankruptcy Act 1869 " and the words " the said London bankruptcy district " there shall be substituted, in each case, the words " the London insolvency district " .

##### *The Deeds of Arrangement Act 1914*

- 2 (1) The Deeds of Arrangement Act 1914 shall be amended as follows.
- (2) In subsections (1) and (4) of section 3 (extension by court having jurisdiction in bankruptcy of period for assent and registration), for the words " in bankruptcy in "

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there shall be substituted the words " for the purposes of Part III of the Insolvency Act 1985 in relation to ".

- (3) In section 11 (security of trustee)—
- (a) in subsection (1), for the words " in bankruptcy in " and the words " London bankruptcy district" there shall be substituted, respectively, the words " for the purposes of Part III of the Insolvency Act 1985 in relation to " and the words " London insolvency district" ; and
  - (b) in subsection (2), for the words " in bankruptcy in " there shall be substituted the words " for the purposes of Part III of the Insolvency Act 1985 in relation to ".
- (4) In section 13(2) (default in transmission of accounts to Secretary of State), for the words from " and the judge " onwards there shall be substituted the words " and, in addition, shall be guilty of contempt of court and liable to be punished accordingly ".
- (5) In section 14 (transmission of accounts to creditors), for the words from "the High Court" onwards there shall be substituted the words " he shall be guilty of contempt of court and liable to be punished accordingly ".
- (6) In section 15(1) (audit of accounts in accordance with the Bankruptcy Act 1914), for the words " all the provisions of the Bankruptcy Act 1914" there shall be substituted the words " any rules made under section 207 of the Insolvency Act 1985 ".
- (7) In section 16 (payment of undistributed moneys into court), for the words " in bankruptcy in " there shall be substituted the words " for the purposes of Part III of the Insolvency Act 1985 in relation to ".
- (8) In section 19(1) (provisions for protection of trustees under void deeds), for the words " receiving order" there shall be substituted the words " bankruptcy order ".
- (9) In section 23 (courts in which applications for enforcement of trusts to be made), for the words " in bankruptcy in " there shall be substituted the words " for the purposes of Part III of the Insolvency Act 1985 in relation to ".
- (10) In section 30(1) (interpretation), for the words " the Bankruptcy Act 1914 " there shall be substituted the words " the Insolvency Act 1985 ".

#### *The Settled Land Act 1925*

- 3 In section 103 of the Settled Land Act 1925 (legal estate in settled land not to vest in trustee in bankruptcy of estate owner), for the words from the beginning to " an " there shall be substituted the words " For the purposes of determining, where the estate owner of any settled land is bankrupt, whether the legal estate in the settled land is comprised in, or is capable of being claimed for, the bankrupt's estate, the legal estate in the settled land shall be deemed not to vest in the ".

#### *The Law of Property Act 1925*

- 4 In section 52(2)(b) of the Law of Property Act 1925 (exceptions from requirement that conveyances are to be by deed), for the words " section fifty-four of the Bankruptcy Act 1914 " there shall be substituted the words " section 91 or 161 of the Insolvency Act 1985 ".



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*Status: This is the original version (as it was originally enacted).*

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*The Land Registration Act 1925*

- 5 (1) The Land Registration Act 1925 shall be amended as follows.
- (2) In section 42 (transmissions on bankruptcy of proprietor)—
- (a) in subsection (1), for the words "part of the property of the bankrupt divisible amongst his creditors" there shall be substituted the words " comprised in the bankrupt's estate " ; and
  - (b) in subsection (2), for the words " section fifty-four of the Bankruptcy Act 1914 " there shall be substituted the words " section 161 of the Insolvency Act 1985 ".
- (3) In section 61 (protection of creditors prior to registration of trustee in bankruptcy)—
- (a) in subsection (3), for the words " receiving order in bankruptcy" there shall be substituted the words " bankruptcy order ";
  - (b) in subsection (6)—
    - (i) for the words from " , notwithstanding " to " the disposition," there shall be substituted the words " , notwithstanding that the person making the disposition is adjudged bankrupt, " ; and
    - (ii) for the words " an available act of bankruptcy or of the receiving order or " there shall be substituted the words " the bankruptcy petition or the ";
  - (c) in subsection (7), for the words " a receiving order" there shall be substituted the words " a bankruptcy order ";
  - (d) in subsection (10), for the words "receiving order" there shall be substituted the words " bankruptcy order ";
- (4) In section 62 (rules made as to certain details)—
- (a) in paragraph (a), after the word "debtor", in each place where it occurs, there shall be inserted the words " or bankrupt " and for the words " receiving order " there shall be substituted the words " bankruptcy order " ; and
  - (b) in paragraph (b), for the words " receiving order" there shall be substituted the words " bankruptcy order ".
- (5) In section 112 (general provision as to inspection of register and other documents), for the words " section 112A " there shall be substituted the words " sections 112A and 112AA ".
- (6) In section 112A(1) (inspection in connection with criminal proceedings), for the words " a chief officer of police or an official receiver" there shall be substituted the words " or a chief officer of police

*The Agricultural Credits Act 1928*

- 6 In section 7 of the Agricultural Credits Act 1928 (effect of floating charge), in paragraph (a)(i) of the proviso, for the words " receiving order in bankruptcy " there shall be substituted the words " bankruptcy order ".

*The Third Parties (Rights against Insurers) Act 1930*

- 7 (1) The Third Parties (Rights against Insurers) Act 1930 shall be amended as follows.
- (2) In section 1 (rights of third parties against insurers on bankruptcy etc. of the insured)
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- (a) in subsection (1)(b), after the words "winding-up order" there shall be inserted the words " or an administration order " and at the end there shall be inserted the words " or of a composition or scheme proposed for the purposes of Chapter II of Part II of the Insolvency Act 1985 being approved under that Chapter ";
  - (b) in subsection (2), for the words from " an order is made " to " law of bankruptcy " there shall be substituted the words " the estate of any person falls to be administered in accordance with an order under section 228 of the Insolvency Act 1985 " and for the words " the said Act" there shall be substituted the words " any such order ";
  - (c) in subsection (3), for the words from " making of an order " to " his estate " there shall be substituted the words " estate of any person falling to be administered in accordance with an order under section 228 of the Insolvency Act 1985 ".
- (3) In section 2 (duty to give necessary information to third parties)—
- (a) in subsection (1)—
    - (i) for the words from " an order being made" to " estate of any person" there shall be substituted the words " the estate of any person falling to be administered in accordance with an order under section 228 of the Insolvency Act 1985 ";
    - (ii) after the words "winding-up order" there shall be inserted the words " or an administration order " , and
    - (iii) after the word " liquidator " there shall be inserted the word " administrator, ";

and
  - (b) after that subsection there shall be inserted the following subsection—
 

“(1A) The reference in subsection (1) of this section to a trustee includes a reference to the supervisor of a composition or scheme proposed for the purposes of, and approved under, Chapter II of Part II or Chapter I of Part III of the Insolvency Act 1985.”
- (4) In section 3 (settlement between insurers and insured)—
- (a) after the words " winding-up order " there shall be inserted the words " or an administration order ";
  - (b) after the words " or winding up " there shall be inserted the words " or the day of the making of the administration order " ; and
  - (c) after the word " commencement", in the second place where it occurs, there shall be inserted the words " or day ".
- (5) In section 4(b) (application to Scotland), for the words from " an order" to " law of bankruptcy " there shall be substituted the words " an estate falling to be administered in accordance with an order under section 228 of the Insolvency Act 1985 ".

*The Exchange Control Act 1947*

- 8 In paragraphs 6, 7(4) and 8(4) of Schedule 4 to the Exchange Control Act 1947 (under which a bankruptcy petition may be presented with respect to a debt notwithstanding that the permission of the Treasury is required for its payment), for the words " subsection (1) of section four of the Bankruptcy Act 1914 " there shall be substituted the words " section 120 of the Insolvency Act 1985 ".

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*Status: This is the original version (as it was originally enacted).*

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*The Agricultural Holdings Act 1948*

- 9 In section 68(6) of the Agricultural Holdings Act 1948 (definition of insolvency), in paragraph (a), for the word " become " there shall be substituted the words " been adjudged ".

*The Arbitration Act 1950*

- 10 In section 3(2) of the Arbitration Act 1950 (application to court with consent of committee of inspection in certain cases where party to arbitration agreement adjudged bankrupt), for the words "committee of inspection" there shall be substituted the words " committee established under section 148 of the Insolvency Act 1985 ".

*The Administration of Justice Act 1956*

- 11 In section 40 of the Administration of Justice Act 1956 (effect of registration of judgments of courts outside England and Wales)—
- (a) the words " the Bankruptcy Act 1914" shall be omitted, and
  - (b) for the words " those Acts " there shall be substituted the words " the said Act of 1869 ".

*The Licensing Act 1964*

- 12 (1) The Licensing Act 1964 shall be amended as follows.
- (2) For paragraph (c) of section 8(1) (justices' licence to be transferred to trustee of licensee in the case of a bankruptcy or composition or scheme), there shall be substituted the following paragraph—
- “(c) where the holder of the licence has been adjudged bankrupt, or a composition or scheme proposed by the holder of the licence has been approved under Chapter I of Part III of the Insolvency Act 1985, or a trustee has been appointed under a deed of arrangement within the meaning of the Deeds of Arrangement Act 1914 for the benefit of the creditors of the holder of the licence, to the trustee of the bankrupt's estate or under the deed or the supervisor of the composition or scheme or the new tenant or occupier of the premises;”.
- (3) For subsection (5) of section 10 (protection orders where licensee dies or is adjudged bankrupt etc.) there shall be substituted the following subsection—
- “(5) Where the holder of a justices' licence has died or has been adjudged bankrupt, or a composition or scheme proposed by the holder of a justices' licence has been approved under Chapter I of Part III of the Insolvency Act 1985, or a trustee has been appointed under a deed of arrangement within the meaning of the Deeds of Arrangement Act 1914 for the benefit of the creditors of the holder of a justices' licence, the personal representatives or the person who is for the time being the trustee of the bankrupt's estate or under the deed or the supervisor of the composition or scheme shall be in the same position as regards carrying on business under the licence as a person to whom a protection order had been validly granted on the date of the death, or, as the case may be, the date on which he became trustee or supervisor.”

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*Status: This is the original version (as it was originally enacted).*

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*The Law of Property (Joint Tenants) Act 1964*

- 13 In paragraph (b) of the proviso to section 1(1) of the Law of Property (Joint Tenants) Act 1964 (assumptions on sale of land by survivor of joint tenants), for the words "a receiving order in bankruptcy" there shall be substituted the words "a bankruptcy order".

*The General Rate Act 1967*

- 14 For subsection (2) of section 90 of the General Rate Act 1967 (period of disqualification for membership of local valuation panel by reason of bankruptcy) there shall be substituted the following subsection—

“(2) A disqualification attaching to a person by reason of subsection (1)(a) of this section shall cease—

(a) unless the bankruptcy order made against that person is previously annulled, on his discharge from bankruptcy ; and

(b) if the bankruptcy order is so annulled, on the date of the annulment”

*The Medicines Act 1968*

- 15 In section 72(4) of the Medicines Act 1968 (which specifies the persons who may carry on the business of a pharmacist in the case of his death or disability), at the end there shall be inserted the words—

“; and in paragraph (b) above the reference to a trustee appointed under a composition, scheme or deed of arrangement includes a reference to the supervisor of a composition or scheme proposed for the purposes of, and approved under, Chapter I of Part III of the Insolvency Act 1985.”

*The Transport Act 1968*

- 16 In section 86 of the Transport Act 1968 (transferability of operators' licences), for the words "bankruptcy or liquidation of" there shall be substituted the words "or bankruptcy of the holder or, in the case of a company, of the holder going into liquidation, of an administration order being made in relation to”“.

*The Insolvency Services (Accounting and Investment) Act 1970*

- 17 In section 4 of the Insolvency Services (Accounting and Investment) Act 1970 (payment of interest under section 660(5) of the 1985 Act), for the words from "section 660(5)" to "1948 " there shall be substituted the words " rules made by virtue of paragraph 16 of Schedule 5 to the Insolvency Act 1985. "

*The Conveyancing and Feudal Reform (Scotland) Act 1970*

- 18 In Schedule 3 to the Conveyancing and Feudal Reform (Scotland) Act 1970 (the Standard conditions of a security), in standard condition 9(2)(b), for the words from "or an order" to "1925" there shall be substituted the words " or his estate falls to be administered in accordance with an order under section 228 of the Insolvency Act 1985 ".

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*Status: This is the original version (as it was originally enacted).*

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*The Superannuation Act 1972*

- 19 In section 5(2) of the Superannuation Act 1972 (rule that benefit is unassignable not to select powers of court under section 51(2) of the Bankruptcy Act 1914)—
- (a) for the words "section 51(2) of the Bankruptcy Act 1914" there shall be substituted the words "section 156 of the Insolvency Act 1985"; and
  - (b) for the words "the said section 51(2)" there shall be substituted the words "section 51(2) of the Bankruptcy Act 1914 or the said section 156".

*The Road Traffic Act 1972*

- 20 In section 150 of the Road Traffic Act 1972 (bankruptcy of insured or secured persons not to affect claims by third parties)—
- (a) for paragraph (b) of subsection (1) there shall be substituted the following paragraph—
    - “(b) the said person dies and his estate falls to be administered in accordance with an order under section 228 of the Insolvency Act 1985.”
  - (b) in paragraph (c) of that subsection, after the words "winding-up order" there shall be inserted the words "or an administration order";
  - (c) in subsection (2), for the words from "an order's being made" to "include" there shall be substituted the words "a person's estate falling to be administered in accordance with an order under section 228 of the Insolvency Act 1985 shall have effect as".

*The Land Charges Act 1972*

- 21 (1) The Land Charges Act 1972 shall be amended as follows.
- (2) in section 5(8) (unregistered bankruptcy petition not to bind purchaser in good faith, for money or money's worth without notice of an available act of bankruptcy) the words "without notice of an available act of bankruptcy" shall be omitted.
  - (3) In section 6 (the register of writs and orders affecting land)—
    - (a) for paragraph (c) of subsection (1) there shall be substituted the following paragraph—
      - “(c) any bankruptcy order, whether or not the bankrupt's estate is known to include land.”;
    - (b) in subsection (3), for the words "receiving order in bankruptcy" there shall be substituted the words "bankruptcy order";
    - (c) for subsection (5) there shall be substituted the following subsection—
      - “(5) Subject to subsection (6) below, the title of a trustee in bankruptcy shall be void as against a purchaser of a legal estate in good faith for money or money's worth unless the bankruptcy order is for the time being registered under this section.”; and
    - (d) in subsection (6), the words "without notice of an available act of bankruptcy" shall be omitted.
  - (4) In section 16(2) (general rules)—
    - (a) for the words "general rules under section 132 of the Bankruptcy Act 1914 for carrying into effect the objects of that Act" there shall be substituted the words "rules under section 207 of the Insolvency Act 1985";

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- (b) for the words " a receiving order in bankruptcy " there shall be substituted the words " a bankruptcy order " ; and
- (c) for the words " by that Act" there shall be substituted the words " by Part III of that Act " .

*The Local Government Act 1972*

- 22 For subsection (1) of section 81 of the Local Government Act 1972 (period of disqualification for membership of local authority by reason of bankruptcy) there shall be substituted the following subsection—

- “(1) Where a person is disqualified under section 80 above by reason of having been adjudged bankrupt, the disqualification shall cease—
- (a) unless the bankruptcy order made against that person is previously annulled, on his discharge from bankruptcy ; and
  - (b) if the bankruptcy order is so annulled, on the date of the annulment.”

*The Matrimonial Causes Act 1973*

- 23 In section 39 of the Matrimonial Causes Act 1973 (settlement etc. made in compliance with a property adjustment order may be avoided on bankruptcy of settlor), for the words from " a settlement of" onwards there shall be substituted the words " a transaction in respect of which an order may be made under section 174 of the Insolvency Act 1985 (transactions at an undervalue and preferences) " .

*The Powers of Criminal Courts Act 1973*

- 24 In section 39(3)(d) of the Powers of Criminal Courts Act 1973 (criminal bankruptcy orders against convicted persons), for the words from the beginning to " being " there shall be substituted the words " for the purposes of section 174(10) of the Insolvency Act 1985 " .

*The Solicitors Act 1974*

- 25 In section 12(1)(0) of the Solicitors Act 1974 (application for a practising certificate by a person who has been adjudged bankrupt and has obtained his discharge), for the words " and having obtained his discharge " there shall be substituted the words " and discharged " .

*The Social Security Pensions Act 1975*

- 26 (1) In section 58 of the Social Security Pensions Act 1975 (under which Schedule 3 to that Act has effect for giving priority in bankruptcy etc. to certain debts) after the word " effect" there shall be inserted the words " for the purposes of Schedule 4 to the Insolvency Act 1985 (preferential debts) " ; and Schedule 3 to the said Act of 1975 shall be amended as follows.
- (2) In each of paragraphs 1, 2(1) and 3(1), for the words from the beginning to " included " there shall be substituted the words " This Schedule applies to " .
  - (3) In the said paragraphs 1 and 2(1), for the words "date of the relevant event" there shall be substituted the words " relevant date " and, in the said paragraph 3(1), for

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the words " the occurrence of the relevant event" there shall be substituted the words " a person going into liquidation or being adjudged bankrupt ".

- (4) In paragraph 2(2), for the words " in a case where the relevant event took place on or after the day of the passing of the Social Security Act 1985 " there shall be substituted the words " in any other case ".
- (5) In paragraph 4, for the words from " event'," to " that Act" there shall be substituted the words " date' has the same meaning as in Schedule 4 to the Insolvency Act 1985 ".

*The Recess Elections Act 1975*

- 27 In section 1(2) of the Recess Elections Act 1975 (which defines certain expressions used in that Act), in the definition of " certificate of vacancy", for the words from "the relevant bankruptcy enactment" to the end of paragraph (b) there shall be substituted the words " section 214(6)(a) of the Insolvency Act 1985 ".

*The Insolvency Act 1976*

- 28 For paragraph (a) of section 3(3) of the Insolvency Act 1976 (payment of sums received under the Bankruptcy Act 1914 to be paid into the Insolvency Services Account) there shall be substituted the following paragraph—  
“(a) under Part II or HI of the Insolvency Act 1985 ; or”.

*The Land Drainage Act 1976*

- 29 In paragraph 8 of Schedule 1 to the Land Drainage Act 1976 (disqualification for membership of land drainage committees), for sub-paragraph (2) there shall be substituted the following subparagraph—  
“(2) Where a person is disqualified under sub-paragraph (1) above by reason of having been adjudged bankrupt, the disqualification shall cease—  
(a) unless the bankruptcy order made against that person is previously annulled, on his discharge from bankruptcy ; and  
(b) if the bankruptcy order is so annulled, on the date of the annulment.”

*The Agricultural Holdings (Notices to Quit) Act 1977*

- 30 In section 12(1A) of the Agricultural Holdings (Notices to Quit) Act 1977 (meaning of " insolvent"), for paragraph (a) there shall be substituted the following paragraph—  
“(a) he has been adjudged bankrupt or has made a composition or arrangement with his creditors ; or”.

*The Employment Protection (Consolidation) Act 1978*

- 31 (1) The Employment Protection (Consolidation) Act 1978 shall be amended as follows.  
(2) In section 106 (which provides for the payment of money out of the Redundancy Fund where an employer is insolvent)—  
(a) in subsection (5), for paragraphs (a) and (b) there shall be substituted the following paragraphs—

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- “(a) he has been adjudged bankrupt or has made a composition or arrangement with his creditors;
    - (b) he has died and his estate falls to be administered in accordance with an order under section 228 of the Insolvency Act 1985 ; or”;
  - (b) in paragraph (c) of that subsection and in paragraph (c) of subsection (6), after the words "winding-up order" there shall be inserted the words "or an administration order" and at the end there shall be inserted the words "or a composition or scheme proposed for the purposes of Chapter II of Part II of the Insolvency Act 1985 is approved under that Chapter".
- (3) In section 123 (payment of unpaid contributions to occupational pension scheme)—
  - (a) in subsection (4), for the words "section 121(2)" there shall be substituted the words "section 122(4)";
  - (b) in subsection (6)—
    - (i) after the words "a liquidator" there shall be inserted the words "an administrator" ; and
    - (ii) for the words from "' liquidator \* and " onwards there shall be substituted the words "' trustee', in relation to a composition or arrangement, includes the supervisor of a composition or scheme proposed for the purposes of, and approved under, Chapter II of Part II or Chapter I of Part III of the Insolvency Act 1985. "
- (4) In section 125 (transfer to Secretary of State of rights and remedies), for paragraph (a) of subsection (2) there shall be substituted the following paragraph—
  - “(a) sections 89, 166 and 181 of, and Schedule 4 to, the Insolvency Act 1985 and any rules under that Act applying the said section 181 to the winding up of a company; and”.
- (5) In section 127 (interpretation of sections 122 to 126)—
  - (a) for paragraphs (a) and (b) of subsection (1) there shall be substituted the following paragraphs—
    - “(a) he has been adjudged bankrupt or has made a composition or arrangement with his creditors ;
    - (b) he has died and his estate falls to be administered in accordance with an order under section 228 of the Insolvency Act 1985 ; or”;
  - (b) in paragraph (c) of that subsection and in paragraph (c) of subsection (2), after the words "winding-up order" there shall be inserted the words "or an administration order" and at the end there shall be inserted the words "or a composition or scheme proposed for the purposes of Chapter II of Part II of the Insolvency Act 1985 is approved under that Chapter".

#### *The Banking Act 1979*

- 32 (1) The Banking Act 1979 shall be amended as follows.
- (2) In section 6 (grounds for revocation of recognition or licence), in subsection (3)(d), for the words "a receiving order" there shall be substituted the words "a bankruptcy order".
- (3) In section 28 (payments to depositors when institution becomes insolvent)—



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- (a) in subsection (3) (meaning of " insolvent" in relation to a body corporate), after paragraph (b) there shall be inserted the words "or
    - (c) on the holding of a creditors' meeting summoned under section 83 of the Insolvency Act 1985 (effect of insolvency on members' voluntary winding up) ;"
  - (b) in subsection (4)(b) (meaning of " insolvent" in relation to a partnership), for the words " receiving order " there shall be substituted the words " bankruptcy order ";
  - (c) in subsection (6) (rights of Deposit Protection Board)—
    - (i) for sub-paragraph (ii) of paragraph (b) there shall be substituted the following sub-paragraph—
      - “(ii) to be a member of any committee established under section 148 of the Insolvency Act 1985;”;
    - (ii) for sub-paragraph (iv) of that paragraph there shall be substituted the following sub-paragraph—
      - “(iv) to be a member of a committee established for the purposes of Part XX or Part XXI of the Companies Act 1985 under section 590 of that Act or under section 74 or 75 of the Insolvency Act 1985 or of a committee of inspection appointed for the purposes of Part V or Part IX of the Companies Act (Northern Ireland) 1960”;
    - (iii) in the words after the said sub-paragraph (iv), for the words " committee of inspection " there shall be substituted the words " such a committee as is mentioned in paragraph (b)(ii) or (iv) above ";
  - (d) in paragraph (b) of subsection (7) (which refers to the person in whom property is vested where an adjudication of bankruptcy is annulled under section 21(2) of the Bankruptcy Act 1914), for the words from " subsection (2)" to the end of the paragraph there shall be substituted the words " section 116(4) of the Insolvency Act 1985, to any person in whom the property of the firm is vested under section 129(4) of that Act; or ".
- (4) In section 31(7) (which refers to rules under section 663 of the Companies Act 1985 and to rules under section 132 of the Bankruptcy Act 1914)—
- (a) in paragraph (a) (England and Wales), for the words from " section 663 " to " 1914 " there shall be substituted the words " sections 106 and 207 of the Insolvency Act 1985 " ; and
  - (b) in paragraph (b) (Scotland), for the words " section 663 of the Companies Act 1985 " there shall be substituted the words " the said section 106 ".

*The Estate Agents Act 1979*

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In section 23(2) of the Estate Agents Act 1979 (prohibition on bankrupts engaging in estate agency work to cease on discharge), for paragraph (b) there shall be substituted the following paragraph—

“(b) he is discharged from bankruptcy.”

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*Status: This is the original version (as it was originally enacted).*

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*The Public Passenger Vehicles Act 1981*

- 34 In section 19(3)(a) of the Public Passenger Vehicles Act 1981 (holder of PSV operator's licence to give notice of bankruptcy etc.), after the word " estate " there shall be inserted the words " or the making of an administration order under Chapter III of Part II of the Insolvency Act 1985 in relation to the holder " .

*The Supreme Court Act 1981*

- 35 In section 40A of the Supreme Court Act 1981 (which relates to the deduction of the administrative and clerical expenses of garnishees), for the words " section 40 of the Bankruptcy Act 1914 " there shall be substituted the words " section 179 of the Insolvency Act 1985 " .

*The Civil Jurisdiction and Judgments Act 1982*

- 36 After paragraph (b) of section 18(3) of the Civil Jurisdiction and Judgments Act 1982 (judgments to which provisions relating to the enforcement of judgments within the United Kingdom do not apply), there shall be inserted the following paragraph—
- “(ba) a judgment given in the exercise of jurisdiction in relation to insolvency law, within the meaning of section 213 of the Insolvency Act 1985 ;”.

*The Insurance Companies Act 1982*

- 37 (1) The Insurance Companies Act 1982 shall be amended as follows.
- (2) In section 55(5) (creditors' meetings etc. in winding up of company with long-term business), for the words " subsections (1) to (3) of section 540 " there shall be substituted the words " subsection (3) of section 540 " .
- (3) In section 56 (continuation of long term business of insurance companies in liquidation)—
- (a) in subsection (4), for the words "Section 556(3) of the Companies Act " and for the words " section 556 of the Companies Act " there shall be substituted, respectively, the words " Section 90(5) of the Insolvency Act 1985 " and the words " section 90 of the said Act of 1985 " ;
- (b) in subsection (7), for the words " committee of inspection " there shall be substituted the words " a specified committee " .
- (4) In section 59 (winding-up rules)—
- (a) in subsection (1), for the words " section 663 of the Companies Act" there shall be substituted the words " section 106 of the Insolvency Act 1985 " ; and
- (b) in subsection (2), for the words " section 663 of the Companies Act" and the words " section 614 of, and Schedule 19 to, the Companies Act" there shall be substituted, respectively, the words " section 106 of the Insolvency Act 1985 " and the words " section 89 of, and Schedule 4 to, the Insolvency Act 1985 " .

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*Status: This is the original version (as it was originally enacted).*

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*The County Courts Act 1984*

- 38 (1) The County Courts Act 1984 shall be amended as follows.
- (2) In section 98(3) (protection of registrar selling goods under execution), for the words " sections 40 and 41 of the Bankruptcy Act 1914 " there shall be substituted the words " section 179 of the Insolvency Act 1985 ".
- (3) In section 102(8) (claims for rent where goods seized in execution), for the words "section 35 of the Bankruptcy Act 1914" there shall be substituted the words " section 179 of the Insolvency Act 1985 ".
- (4) In section 109(2) (which relates to the deduction of the administrative and clerical expenses of garnishees), for the words " section 40 of the Bankruptcy Act 1914 " there shall be substituted the words " section 179 of the Insolvency Act 1985 "

*The Housing Act 1985*

- 39 (1) The Housing Act 1985 shall be amended as follows.
- (2) In paragraph 3(4) of Schedule 18 (suspension of condition as to residence), for the words "is administered in bankruptcy under section 130 of the Bankruptcy Act 1914 " there shall be substituted the words " falls to be administered in accordance with an order under section 228 of the Insolvency Act 1985 ".
- (3) In paragraph 5(3) of that Schedule (conditions affecting house purchased by means of advance), for the words " being administered in bankruptcy under section 130 of the Bankruptcy Act 1914 " there shall be substituted the words " falling to be administered in accordance with an order under section 228 of the Insolvency Act 1985 ".

*The Administration of Justice Act 1985*

- 40 In section 16(1)(g) of the Administration of Justice Act 1985 (conditional licences), for the words " and having obtained his discharge " there shall be substituted the words " and discharged ".

SCHEDULE 9

Section 235.

TRANSITIONAL PROVISIONS AND SAVINGS

**PART I**

INSOLVENCY PRACTITIONERS

- 1 Where an individual began to act as insolvency practitioner in relation to any person before the coming into force of section 2 of this Act, nothing in subsection (2) or (3) of that section shall prevent that individual from being qualified to act as an insolvency practitioner in relation to that person.

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*Status: This is the original version (as it was originally enacted).*

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## PART II

### COMPANY INSOLVENCY ETC

#### *Disqualification etc.*

- 2 Where—
- (a) an application is made under section 12 of this Act by virtue of paragraph (a) of subsection (7) of that section ; and
  - (b) the company in question went into liquidation before the coming into force of that section,
- the court shall not make an order under that section unless it could have made a disqualification order under section 300 of the 1985 Act as it had effect immediately before the coming into force of the said section 12.
- 3 An application shall not be made under section 13 of this Act in relation to a report made or information or documents obtained before the coming into force of that section.
- 4 The court shall not make a declaration under section 15 of this Act in any case where the time mentioned in subsection (2) of that section was before the coming into force of that section.
- 5 Section 17 of this Act shall not apply where the relevant company (within the meaning of that section) went into liquidation before the coming into force of that section.

#### *Administration orders*

- 6 (1) Where any right to appoint an administrative receiver of a company is conferred by any debentures or floating charge created before the coming into force of Chapter III of Part II of this Act, the conditions precedent to the exercise of that right shall be deemed to include the presentation of a petition applying for an administration order to be made in relation to the company.
- (2) In this paragraph " administrative receiver " has the same meaning as in Part II of this Act.

#### *Receivers and managers (England and Wales)*

- 7 (1) Subject to sub-paragraph (2) below, where any provision of Chapter IV or VII of Part II of this Act or an amendment specified in paragraphs 15 to 17 of Schedule 6 to this Act comes into force, that provision or amendment shall not apply in relation to any receiver or manager of a company's property who was appointed before the coming into force of that provision or amendment and, in relation to any such receiver or manager who was so appointed, the 1985 Act shall have effect without such of the repeals made by this Act as come into force at the same time as that provision or amendment.
- (2) Sub-paragraph (1) above shall be without prejudice to the power conferred by this Act under which rules under section 106 of this Act may make transitional provision in connection with the coming into force of those rules; and such provision may apply those rules in relation to the receiver or manager of a company's property

notwithstanding that the receiver or manager was appointed before the coming into force of the rules or of the said section 106.

*Receivers (Scotland)*

- 8 (1) Subject to sub-paragraph (2) below, where any provision of Chapter V or VII of Part II of this Act or any amendment made by paragraphs 18 to 22 of Schedule 6 to this Act comes into force, that provision or amendment shall not apply in relation to any receiver appointed under section 467 of the 1985 Act before the coming into force of that provision or amendment.
- (2) Sub-paragraph (2) above shall be without prejudice to the power conferred by this Act under which rules under section 106 of this Act may make transitional provision in connection with the coming into force of those rules; and such provision may apply those rules in relation to a receiver appointed under section 467 of the 1985 Act notwithstanding that the receiver was appointed before the coming into force of the rules or of the said section 106.

*Winding up etc.*

- 9 (1) Subject to sub-paragraphs (2) to (8) and paragraph 10 below, where any provision of Chapter VI or VII of Part II of this Act (except section 88) or any amendment specified in any of paragraphs 23 to 52 of Schedule 6 to this Act comes into force, that provision or amendment shall not apply in relation to any winding up which has commenced or is treated as having commenced before the coming into force of that provision or amendment; and, in relation to any such winding up, the 1985 Act shall have effect without such of the repeals made by this Act as come into force at the same time as that provision or amendment.
- (2) Where a Winding up by the court in England and Wales has commenced or is treated as having commenced before the coming into force of section 66 of this Act, the official receiver or (on appeal from a refusal by the official receiver) the court may, at any time after the coming into force of that section—
- (a) release any person from an obligation imposed on him by or under section 528 of the 1985 Act (statements of affairs); or
- (b) extend the period specified in subsection (6) of the said section 528 ;
- and, accordingly, after the coming into force of the said section 66, subsection (6) of the said section 528 shall have effect in relation to a winding up to which this sub-paragraph applies with the omission of the words from " or within " onwards.
- (3) Where a winding up by the court in England and Wales has commenced or is treated as having commenced before the coming into force of section 70 of this Act, the official receiver may at any time when he is liquidator of the company apply to the Secretary of State for the appointment of a person as liquidator in place of the official receiver; and on any such application the Secretary of State shall either make an appointment or decline to make one.
- (4) Where a winding up by the court in England and Wales has commenced or is treated as having commenced before the coming into force of section 80 of this Act and, at the time of the coming into force of that section, the liquidator of that company has not made an application under section 545 of the 1985 Act (release of liquidators), then—

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- (a) except where the Secretary of State otherwise directs, section 78(1) and (2) and 79(8) of this Act shall apply, and the said section 545 shall not apply, in relation to any liquidator of that company who holds office on or at any time after the day on which the said section 80 comes into force and is not the official receiver ;
  - (b) section 78(3) of this Act shall apply in relation to the carrying out at any time after the coming into force of the said section 80 by any liquidator of the company of any of his functions ; and
  - (c) a liquidator in relation to whom section 79(8) of this Act has effect by virtue of this paragraph shall have his release with effect from the time specified in section 80(4)(d) of this Act.
- (5) Subsection (6) of section 80 of this Act shall have effect for the purposes of sub-paragraph (4)(c) above as it has effect for the purposes of that section but as if the reference to section 19 of this Act were a reference to section 631 of the 1985 Act.
- (6) The repeals in Part II of Schedule 10 to this Act of references to a winding up under the supervision of the court shall not affect the operation of the enactments in which the references are contained in relation to any case in which an order under section 606 of that Act was made before the coming into force of section 88 of this Act
- (7) The preceding provisions of this paragraph shall be without prejudice to the power conferred by this Act under which rules under section 106 of this Act may make transitional provision in connection with the coming into force of those rules; and such provision may apply those rules in relation to a winding up notwithstanding that the winding up commenced or is treated as having commenced before the coming into force of the rules or of the said section 106.
- (8) Where a winding up has commenced or is treated as having commenced before the coming into force of sub-paragraph (3) of paragraph 31 of Schedule 6 to this Act, the liquidator may nevertheless employ a solicitor to assist him in the carrying out of his functions without the permission of the committee of inspection; but if he does so employ a solicitor he shall inform the committee of inspection that he has done so.

*Setting aside preferences and other transactions*

- 10 (1) Where a provision of Chapter VII of Part II of this Act applies in relation to a winding up or in relation to a case in which an administration order has been made, a preference given, floating charge created or other transaction entered into before the coming into force of that provision shall not be set aside under that provision except to the extent that it could have been set aside under the law in force immediately before the coming into force of that provision, assuming for this purpose that any relevant administration order had been a winding-up order.
- (2) The references in sub-paragraph (1) above to setting aside a preference, floating charge or other transaction include references to the making of any order which varies or reverses any effect of a preference, floating charge or other transaction.

## PART III

### INDIVIDUAL INSOLVENCY

#### *Bankruptcy: general*

- 11 (1) Subject to the following provisions of this Part of this Schedule, the provisions of Part III of this Act shall not apply in relation to any case in which a petition in bankruptcy was presented, or a receiving order or adjudication in bankruptcy was made, before the bankruptcy commencement date.
- (2) In relation to any such case as is mentioned in sub-paragraph (1) above, the enactments mentioned in Schedule 8 to this Act (so far as they relate to bankruptcy) and the enactments mentioned in Parts III and IV of Schedule 10 to this Act (so far as they so relate) shall have effect without the amendments and repeals specified in those Schedules.
- (3) Where any subordinate legislation made under any enactment referred to in sub-paragraph (2) above is in force immediately before the bankruptcy commencement date, that subordinate legislation shall continue to have effect on and after that date in relation to any such case as is mentioned in sub-paragraph (1) above.
- 12 (1) In relation to any such case as is mentioned in paragraph 11(1) above the references in any enactment or subordinate legislation to a petition, order or other matter which is provided for under the Bankruptcy Act 1914 and corresponds to a petition, order or other matter provided for under Part III of this Act shall continue on and after the bankruptcy commencement date to have effect as references to the petition, order or matter provided for by the said Act of 1914; but, save as aforesaid, those references shall have effect on and after that date as references to the petition, order or matter provided for by Part III of this Act
- (2) Without prejudice to sub-paragraph (1) above, in determining for the purposes of section 126 of this Act or paragraph 14 below whether any person was an undischarged bankrupt at a time before the bankruptcy commencement date, an adjudication in bankruptcy and an annulment of a bankruptcy under the Bankruptcy Act 1914 shall be taken into account in the same way, respectively, as a bankruptcy order under Part III of this Act and the annulment under section 129 of this Act of such an order.
- 13 Transactions entered into before the bankruptcy commencement date shall have effect on and after that date as if references to acts of bankruptcy in the provisions for giving effect to those transactions continued to be references to acts of bankruptcy within the meaning of the Bankruptcy Act 1914, but as if such acts included failure to comply with a demand served under section 120(3) of this Act.

#### *Discharge from old bankruptcy*

- 14 (1) Where a person—
- (a) was adjudged bankrupt before the bankruptcy commencement date or is adjudged bankrupt on or after that date on a petition presented before that date; and
- (b) that person was not an undischarged bankrupt at any time in the period of fifteen years ending with the adjudication,

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that person shall be deemed (if not previously discharged) to be discharged from his bankruptcy for the purposes of the Bankruptcy Act 1914 at the end of the discharge period.

- (2) Subject to sub-paragraph (3) below, the discharge period for the purposes of this paragraph is—
- (a) in the case of a person adjudged bankrupt before the bankruptcy commencement date, the period of three years beginning with that date ; and
  - (b) in the case of a person who is adjudged bankrupt after that date on a petition presented before that date, the period of three years beginning with the date of the adjudication.
- (3) Where the court exercising jurisdiction in relation to a bankruptcy to which this paragraph applies is satisfied, on the application of the official receiver, that the bankrupt has failed, or is failing, to comply with any of his obligations under the Bankruptcy Act 1914, any rates made under that Act or any such rules as are mentioned in paragraph 22(1) below, the court may order that the discharge period shall cease to run for such period, or until the fulfilment of such conditions (including a condition requiring the court to be satisfied as to any matter) as may be specified in the order.

*Appointment of trustee by Secretary of State*

- 15       Where a person was adjudged bankrupt before the bankruptcy commencement date or is adjudged bankrupt on or after that date on a petition presented before mat date, the official receiver may at any time when he is the trustee of the bankrupt's estate apply to the Secretary of State for the appointment of a person as trustee instead of the official receiver; and on any such application the Secretary of State shall either make an appointment or decline to make one.

*Release of trustee in old bankruptcy*

- 16       (1) Where a person was adjudged bankrupt before the bankruptcy commencement date or is adjudged bankrupt on or after that date on a petition presented before that date, and (in the former case) at that date the trustee of the bankrupt's estate has not made an application under section 93 of the Bankruptcy Act 1914 (release of trustee), then—
- (a) except where the Secretary of State otherwise directs, sections 145(8), 151 and 168(1) and (2) of this Act shall apply, and the said section 93 shall not apply, in relation to any trustee of the bankrupt's estate who holds office on or at any time after the bankruptcy commencement date and is not the official receiver;
  - (b) section 168(4) of this Act shall apply in relation to the carrying out at any time after the bankruptcy commencement date by the trustee of the bankrupt's estate of any of his functions ; and
  - (c) a trustee in relation to whom section 145(8) of this Act has effect by virtue of this paragraph shall have his release with effect from the time specified in section 146(3)(d) of this Act.
- (2) Subsection (5) of section 146 of this Act shall have effect for the purposes of sub-paragraph (1)(c) above as it has effect for the purposes of that section.



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- (3) In the application of subsection (2) of section 168 of this Act in relation to a case by virtue of this paragraph, the reference in that subsection to section 167(1) of this Act shall have effect as a reference to section 67 of the Bankruptcy Act 1914.

*Power to employ solicitor*

- 17 Where a person was adjudged bankrupt before the bankruptcy commencement date or is adjudged bankrupt on or after that date on a petition presented before that date, the trustee of that person's estate may employ a solicitor to assist him in the carrying out of his functions without the permission of the committee of inspection; but, if he does so employ a solicitor, he shall inform the committee of inspection that he has done so.

*Copyright*

- 18 Where a person who is adjudged bankrupt on a petition presented after the bankruptcy commencement date is liable, by virtue of a transaction entered into before that date, to pay royalties or a share of the profits to any person in respect of any copyright or interest in copyright comprised in the bankrupt's estate, section 60 of the Bankruptcy Act 1914 (limitation on trustee's powers in relation to copyright) shall apply in relation to the trustee of that estate as it applies in relation to a trustee in bankruptcy under the said Act of 1914.

*Second bankruptcy*

- 19 (1) Section 170 of this Act shall apply with the following modifications where the earlier bankruptcy (within the meaning of that section) is a bankruptcy in relation to which the Bankruptcy Act 1914 applies instead of Part III of this Act, that is to say—
- (a) references to property vested in the existing trustee under section 154(3) of this Act shall have effect as references to such property vested in that trustee as was acquired by or devolved on the bankrupt after the commencement (within the meaning of the said Act of 1914) of the earlier bankruptcy; and
  - (b) references to an order under section 156 of this Act shall have effect as references to an order under section 51 of the said Act of 1914.
- (2) Section 39 of the said Act of 1914 (second bankruptcy) shall not apply where a person who is an undischarged bankrupt under that Act is adjudged bankrupt under this Act.

*Setting aside preferences and other transactions*

- 20 (1) A preference given, assignment made or other transaction entered into before the bankruptcy commencement date shall not be set aside under any of sections 174 to 177 of this Act except to the extent that it could have been set aside under the law in force immediately before that date.
- (2) References in sub-paragraph (1) above to setting aside a preference, assignment or other transaction include references to the making of any order which varies or reverses any effect of a preference, assignment or other transaction.

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*Status: This is the original version (as it was originally enacted).*

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*Bankruptcy offences*

- 21 (1) Where a bankruptcy order is made under Part III of this Act on or after the bankruptcy commencement date, a person shall not be guilty of an offence under Chapter VII of Part III of this Act in respect of anything done before that date but, notwithstanding the repeal by this Act of the Bankruptcy Act 1914, shall be guilty of an offence under that Act in respect of anything done before that date which would have been an offence under that Act if the making of the bankruptcy order had been the making of a receiving order under that Act.
- (2) Subsection (6) of section 183 of this Act shall apply (instead of sections 157(2), 158(2), 161 and 165 of the Bankruptcy Act 1914) in relation to proceedings for an offence under that Act which are instituted (whether by virtue of sub-paragraph (1) above or otherwise) after the bankruptcy commencement date.

*Power to make rules*

- 22 (1) The preceding provisions of this Part of this Schedule shall be without prejudice to the power conferred by this Act under which rules under section 207 of this Act may make transitional provision in connection with the coming into force of those rules ; and such provision may apply those rules in relation to a bankruptcy notwithstanding that it arose from a petition presented before either the coming into force of the rules or the bankruptcy commencement date.
- (2) Rules under the said section 207 may provide for such notices served before the bankruptcy commencement date as may be prescribed to be treated for the purposes of Part III of this Act as demands served under section 120(3) of this Act.

*The bankruptcy commencement date*

- 23 In this Part of this Schedule " the bankruptcy commencement date " means the date appointed under section 236 of this Act for the coming into force of Part III of this Act.

**PART IV**

MISCELLANEOUS

- 24 (1) A transaction entered into before the coming into force of section 212 of this Act, shall not be set aside under that section except to the extent that it could have been set aside under the law in force immediately before that date.
- (2) References in sub-paragraph (1) above to setting aside a transaction include references to the making of any order which varies or reverses any effect of a transaction.

*Status: This is the original version (as it was originally enacted).*

## SCHEDULE 10

Section 235.

### REPEALS

#### PART I

##### REPEALS CONSEQUENTIAL ON PART I

Chapter	Short Title	Extent of Repeal
<a href="#">1985 c. 6.</a>	The Companies Act 1985.	In section 302(1), the words "or liquidator". Section 467(3) to (5). In section 470(2), the words "on such terms as to caution as it may think fit". Section 544. Section 634. In Schedule 24, the entries relating to sections 467(4) and (5) and 634.

#### PART II

##### REPEALS CONSEQUENTIAL ON PART II

Chapter	Short Title	Extent of Repeal
<a href="#">37 &amp; 38 Vict, c. 42.</a>	The Building Societies Act 1874.	In section 32, the words "under the supervision of the court".
<a href="#">6 &amp; 7 Eliz. 2 c. 45.</a>	The Prevention of Fraud (Investments) Act 1958.	In section 4, in subsections (2)(b) and (4)(a), the words "or under the supervision of".
<a href="#">1975 c. 75.</a>	The Policyholders Protection Act 1975.	In section 5(2), the words "or subject to the supervision of".
<a href="#">1982 c. 50.</a>	The Insurance Companies Act 1982.	In section 57(1), the words "or under the supervision of".
<a href="#">1985 c. 6.</a>	The Companies Act 1985.	Section 178(7). Section 300. In section 471(1), paragraph (e). In section 473(2), the words "Subject to subsection (1)".

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Chapter	Short Title	Extent of Repeal
		<p>In section 477(2), the words from "But that authorisation " onwards.</p> <p>Sections 495 to 497.</p> <p>In section 501(1), paragraph (c) and the word " or" immediately preceding it</p> <p>In section 502(1), the words " costs, charges and " .</p> <p>In section 503(2)(c), the words " costs, charges and " .</p> <p>In section 504(1)(b), the words " costs, charges and " .</p> <p>In section 511(2)(c), the words " costs and " .</p> <p>In section 512(3), the words from " but no " onwards.</p> <p>In section 515(5), the words from " but no " onwards.</p> <p>In section 518(2), the words from " but no " onwards.</p> <p>In section 519, subsection (5) and, in subsection (7), the words " or subject to supervision " and the words " or winding up subject to supervision " .</p> <p>Sections 526 to 531.</p> <p>Sections 533 and 534.</p> <p>Section 536.</p> <p>Section 539(1)(e)</p> <p>In section 540, subsections (1) and (2).</p> <p>Sections 541 to 543.</p> <p>Sections 545 to 548.</p> <p>Section 551.</p> <p>In section 553(1), the words " costs, charges and " .</p> <p>Section 556.</p>

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Chapter	Short Title	Extent of Repeal
		<p>In section 560, the words " costs, charges and " .</p> <p>Section 561.</p> <p>Sections 563 and 564.</p> <p>In section 565, the words " or of avoiding examination respecting the company's affairs" .</p> <p>Section 568.</p> <p>In section 571(5), the words " or subject to the supervision of " .</p> <p>In section 580(1), the words " and may fix the remuneration to be paid to him or them." .</p> <p>In section 582(7), the words " or subject to the supervision of" .</p> <p>Section 583.</p> <p>Section 586.</p> <p>Section 588.</p> <p>Section 590(4).</p> <p>Section 591(1).</p> <p>Section 598(5).</p> <p>Section 601.</p> <p>In section 604, the words " costs, charges and " .</p> <p>Chapter IV of Part XX.</p> <p>Sections 611 to 615.</p> <p>Sections 616 to 618.</p> <p>Section 619, except subsection (4).</p> <p>Section 620.</p> <p>In section 622(7), the words from " but no " onwards.</p> <p>In section 625(1), the words " with intent to defraud creditors of the company " and the words " with that intent" .</p>

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Chapter	Short Title	Extent of Repeal
		<p>In section 626(1), the words " or under the supervision of".</p> <p>In section 628(1), the words " or under the supervision of".</p> <p>In section 629(1), the words " or under the supervision of".</p> <p>Section 631.</p> <p>In section 632(1), the words " or subject to the supervision of".</p> <p>In section 637(1), the words " or under supervision of".</p> <p>Section 640.</p> <p>Section 642.</p> <p>Sections 660 to 663.</p> <p>In section 664(1), the words "section 542(4)" and the words " and paragraph 12 of Schedule 19 ".</p> <p>In section 666(4), the words " or subject to supervision ".</p> <p>In section 671(1), the words " costs and ".</p> <p>In section 744, the definition of " general rules " and in the definition of " prescribed" the words "under section 663 ".</p> <p>In Schedule 12, Part II and paragraphs 15 and 16.</p> <p>In Schedule 16, in Part I, the second paragraph and in Part II, in the third paragraph, the words " 536 ", the words "or 609" and the words from " or appointing " onwards, in the fourth paragraph the letter " (c)" and the fifth and seventh paragraphs.</p> <p>Schedules 17 to 19.</p> <p>Part I of Schedule 20.</p> <p>In Schedule 24 the entries relating to sections 495(7), 496(6), 497(7), 528(7),</p>

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Chapter	Short Title	Extent of Repeal
1985 c. 9.	The Companies Consolidation (Consequential Provisions) Act 1985.	568(3), 583(2), 588(5) and 640(4). In Schedule 2, the entries relating to section 4 of the Insolvency Services (Accounting and Investment) Act 1970, section 122(7) of the Employment Protection (Consolidation) Act 1978, sections 28(6) and 31 of the Banking Act 1979 and sections 55(5), 56(4) and 59 of the Insurance Companies Act 1982.

### PART III

#### REPEALS RELATING TO BANKRUPTCY

Chapter	Short title	Extent of repeal
57 & 58 Vict. c. 60.	The Merchant Shipping Act 1894.	Section 36.
4 & 5 Geo. 5. c. 47.	The Deeds of Arrangement Act 1914.	Section 19(2). In section 24, subsections (1) and (2) and in subsection (3), the words " an act of bankruptcy or " Section 27.
4 & 5 Geo. 5. c. 59.	The Bankruptcy Act 1914.	The whole Act, except sections 121 to 123.
15 & 16 Geo. 5. c. 20.	The Law of Property Act 1925.	In section 110, in subsection (1) the words "committing an act of bankruptcy or" and the words " act of bankruptcy or" and, in subsection (2), the words from " and " onwards.
15 & 16 Geo. 5. c. 21.	The Land Registration Act 1925.	In section 61, subsection (2) and in subsection (8), the words from "which" onwards. In section 62(c), the words " the receiving order is rescinded or "

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Chapter	Short title	Extent of repeal
15 & 16 Geo.5. c. 23.	The Administration of Estates Act 1925.	Section 34(1). Part I of Schedule 1.
16 & 17 Geo.5. c. 7.	The Bankruptcy (Amendment) Act 1926.	The whole Act.
18 & 19 Geo. 5. c. 43.	The Agricultural Credits Act 1928.	Section 8(4).
10 & 11 Geo. 6. c. 14.	The Exchange Control Act 1947.	In Schedule 4, the proviso to paragraph 3.
10 & 11 Geo. 6. c. 47.	The Companies Act 1947.	Sections 91 and 92. Section 99. Section 115. Section 121. Section 123.
11 & 12 Geo. 6. c. 39.	The Industrial Assurance and Friendly Societies Act 1948.	In section 2(4), the words from " where the receiving order " to " made after the passing of this Act".
11 & 12 Geo. 6. c. 63.	The Agricultural Holdings Act 1948.	In section 68(6)(a), the words "or a receiving order has been made against him ".
15 & 16 Geo. 6 & 1 Eliz. 2. c. 33.	The Finance Act 1952.	Section 30(1), (4) and (5).
4 & 5 Eliz. 2. c. 46.	The Administration of Justice Act 1956.	Section 36(4). In section 40, the words " the Bankruptcy Act 1914 ".
1965 c. 25.	The Finance Act 1965.	In Schedule 10, paragraph 15(1).
1968 c. 60.	The Theft Act 1968.	In Part III of Schedule 2, the entry relating to the Bankruptcy Act 1914.
1969 c. 48.	The Post Office Act 1969.	Paragraph 23 of Schedule 4.
1970 c. 10.	The Income and Corporation Taxes Act 1970.	In Part II of the Table in paragraph 11 of Schedule 15, the entry relating to the Finance Act 1952.
1972 c. 61.	The Land Charges Act 1972.	In section 5, in subsection (8), the words "without notice of an available act of bankruptcy" and subsection (9).



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Chapter	Short title	Extent of repeal
1973 c. 62.	The Powers of Criminal Courts Act 1973.	In section 6(6), the words "without notice of an available act of bankruptcy". Section 39(5). Schedule 2.
1974 c. 39.	The Consumer Credit Act 1974.	In Part I of Schedule 4, paragraph 6.
1974 c. 47.	The Solicitors Act 1974.	In section 12(1)(h), the words " or while a receiving order in bankruptcy is in force against him". Section 13A(2)(b).
1975 c. 18.	The Social Security Act (Consequential Provisions) Act 1975.	In Part I of Schedule 2, paragraphs 2 and 3.
1975 c. 60.	The Social Security Pensions Act 1975.	In Schedule 4, paragraph 2.
1975 c. 66.	The Recess Elections Act 1975.	Section 5(6).
1976 c. 60.	The Insolvency Act 1976.	Section 4. Section 5(1) and (2). Sections 6 to 8. Section 11. In section 12(1), the words " and section 11 above ". Section 14(3).
1979 c. 53.	The Charging Orders Act 1979.	Section 4.
1979 c. 54.	The Sale of Goods Act 1979.	In section 61(4), the words from " whether he has committed " onwards.
1981 c. 38.	The British Telecommunications Act 1981.	Paragraph 19 of Schedule 4.
1981 c. 54.	The Supreme Court Act 1981.	In Schedule 5, the entry relating to the Bankruptcy Act 1914.
1981 c. 65.	The Trustee Savings Banks Act 1981.	In Schedule 6, the entry relating to the Bankruptcy Act 1914.

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Chapter	Short title	Extent of repeal
1983 c. 19.	The Matrimonial Homes Act 1983.	Section 2(7).
1984 c. 28.	The County Courts Act 1984.	In Part V of Schedule 2, paragraph 19.
1985 c. 6.	The Companies Act 1985.	In section 630(6), the words from " and where " onwards.
1985 c. 68.	The Housing Act 1985.	Section 121(2)(b).
1985 c. 61.	The Administration of Justice Act 1985.	In section 16(1)(f), the words " or while a receiving order in bankruptcy is in force against him ". Section 17(2)(b).

#### PART IV

##### OTHER REPEALS

Chapter	Short title	Extent of repeal
20 & 21 Vict, c. 45.	The Irish Bankrupt and Insolvent Act 1857.	Sections 73 to 75.  In section; 269, the words " in the United Kingdom, or in any of the dominions of Her Majesty, ", the words from " within the times" to " United Kingdom, " (in the second; place where it occurs) and the words from " , and, as regards " onwards.  In section 305, the words " either in Ireland or Great Britain " and the words from " provided " onwards.  In section 312, the words " , in England, Scotland, or Ireland, ".  In section 320, the words " , either in Ireland, England, or Scotland, ".  In section 370, the words " in the United Kingdom of Great Britain and Ireland " .

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Chapter	Short title	Extent of repeal
34 & 35 Vict, c 50.	The Bankruptcy Disqualification Act 1871.	In section 410, the words " , except where the same are expressly mentioned " „ The whole Act.
35 & 36 Vict, c. 58.	The Bankruptcy (Ireland) Amendment Act 1872.	In section 2, the words " , except in so far as same is expressly provided,". Sections 40 to 42. In section 65, the words " in force in any part of the United Kingdom, or in any part of the dominions of Her Majesty,". In section 121(7), the words " in force in any part of the United Kingdom or in any of the dominions of Her Majesty,".
46 & 47 Vict, c. 52.	The Bankruptcy Act 1883.	In section 32, in subsection (1) paragraphs (a), (b) and (e), in subsection (2), the words from "with" to "appeal" and subsection (3). Section 33(1). In section 34 the words from " guardian " to " vestry ".
53 & 54 Vict, c. 71.	The Bankruptcy Act 1890.	Section 9.
4 & 5 Geo. 5. c. 59.	The Bankruptcy Act 1914.	Sections 121 to 123.
15 & 16 Geo.5. c. 20.	The Law of Property Act 1925.	Section 172.
15 & 16 Geo. 5. c. 21.	The Land Registration Act 1925.	Section 112A(4).
1973 c. 62.	The Powers of Criminal Courts Act 1973.	Section 41.
1975 c. 14.	The Social Security Act 1975.	Section 152(4). Section 153. Schedule 18.
1975 c. 45.	The Finance (No. 2) Act 1975.	In section 71(6), the words " section 30 of the Finance Act 1952 ".

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Chapter	Short title	Extent of repeal
1975 c. 66.	The Recess Elections Act 1975.	In section 1(2), the definition of " the relevant bankruptcy enactment" and the word " and " immediately preceding it.
1976 c. 24.	The Development Land Tax Act 1976.	Section 42.
1976 c. 60.	The Insolvency Act 1976.	Sections 1 and 2. Section 10. Schedule 1.
1977 c. 45.	The Criminal Law Act 1977.	Section 38(5).
1978 c. 44.	The Employment Protection (Consolidation) Act 1978.	Section 121. In section 125(2), paragraph (c) and the word "and" immediately preceding it.
1979 c. 37.	The Banking Act 1979.	In section 19(2)(b), the word " or ".
1980 c. 42.	The Employment Act 1980.	In Schedule 1, paragraph 15.
1981 c. 63.	The Betting and Gaming Duties Act 1981.	Section 30.
1982 c. 24.	The Social Security and Housing Benefits Act 1982.	In Schedule 2, paragraph 12.
1982 c. 27.	The Civil Jurisdiction and Judgments Act 1982.	In section 18(3)(c), subparagraphs (i) and (ii).
1982 c. 46.	The Employment Act 1982.	In Schedule 3, paragraph 3.
1983 c. 53.	The Car Tax Act 1983.	In Schedule 1, paragraph 4.
1983 c. 55.	The Value Added Tax Act 1983.	In Schedule 7, paragraph 12.
1985 c. 6.	The Companies Act 1985.	Section 570. In section 665 the words " and any partnership (whether limited or not)" and paragraphs (c) and (d). Section 666(7).
1985 c. 9.	The Companies Consolidation (Consequential Provisions) Act 1985.	In Schedule 2, the entries relating to the Social Security Act 1975, to sections 2 and 10(1) of, and Schedule 1 to, the Insolvency Act 1976, to the Employment Protection (Consolidation) Act 1978 and

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Chapter	Short title	Extent of repeal
1985 c. 17.	The Reserve Forces (Safeguard of Employment) Act 1985.	to sections 18 and 19(8)(a) of the Banking Act 1979. Section 13.
<b><i>Northern Ireland Legislation</i></b>		
1960 c. 22.	The Companies Act (Northern Ireland) 1960.	Section 246.