

1987 No. 1959

**INSOLVENCY
COMPANIES
INDIVIDUALS, ENGLAND & WALES**

The Insolvency (Amendment) Regulations 1987

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|-------------------------------|---------------------------|
| <i>Made</i> - - - - | <i>12th November 1987</i> |
| <i>Laid before Parliament</i> | <i>25th November 1987</i> |
| <i>Coming into force</i> | <i>11th January 1988</i> |

The Secretary of State, in exercise of the powers conferred on him by Rule 12.1 of the Insolvency Rules 1986(a), hereby makes the following Regulations:—

Citation and Commencement

1. These Regulations may be cited as the Insolvency (Amendment) Regulations 1987 and shall come into force on 11th January 1988, and that date shall be referred to in these Regulations as “the commencement date”.

Interpretation

2.—(1) In these Regulations references to “the principal Regulations” are to the Insolvency Regulations 1986(b) and a Regulation or Schedule or Form referred to by number means the Rule or Schedule or Form so numbered in the principal Regulations.

(2) These Regulations shall be read and construed as one with the principal Regulations.

Application

3.—(1) Subject to paragraph (2), the principal Regulations have effect in relation to insolvency proceedings to which the principal Regulations apply by virtue of Regulation 2(5) with the amendments set out in the Schedule to these Regulations.

(2) The principal Regulations as so amended apply to all such proceedings on and after the commencement date, whether or not those proceedings were commenced before or after the commencement date.

12th November 1987

Francis Maude
Parliamentary Under-Secretary of State,
Department of Trade and Industry

Amendment of Regulation 2

1. In paragraph (1) of Regulation 2 –
 - (a) before the words “creditors’ committee” there shall be inserted the words “bank” means any authorised institution in England and Wales within the meaning of the Banking Act 1987;’;
 - (b) for the words “local bank” means any recognised bank in England and Wales within the meaning of the Banking Act 1979(a) there shall be substituted the words “local bank” means any bank’; and
 - (c) before the words “responsible insolvency practitioner” there shall be inserted the words “payment instrument” means cheque or payable order;’.

Amendment of Regulation 5

2. In paragraph (4) of Regulation 5 for the words “cheques, money orders or payable orders” there shall be substituted the words “payment instruments”.

Insertion of Regulation 10A

3. After Regulation 10 there shall be inserted the following regulation:–
“Retention and delivery of records

10A.—(1) All records kept by a responsible insolvency practitioner under Regulations 8 and 9 and any such records received by him from a predecessor in that office shall be retained by him for a period of 6 years following his vacation of that office, unless he delivers them to another responsible insolvency practitioner who succeeds him in office.

(2) Where a responsible insolvency practitioner is succeeded in office by another responsible insolvency practitioner, the records referred to in paragraph (1) above shall be delivered to that successor forthwith following his appointment, unless the winding up or bankruptcy, as the case may be, is for practical purposes complete and the successor is the official receiver, in which case the records are only to be delivered to the official receiver if the latter so requests.”.

Amendment of Regulation 15

4. (1) In paragraph (1) of Regulation 15 for the words “payable order on H.M Paymaster General” there shall be substituted the words “payment instruments”.
- (2) In paragraph (2) of Regulation 15:–
 - (a) for the words “payable order” there shall be substituted the words “payment instrument”; and
 - (b) for the word “debts” there shall be substituted the word “debt”.
- (3) In paragraph (3) of Regulation 15 for the words “payable order” there shall be substituted the words “payment instruments”.
- (4) In paragraph (5) of Regulation 15 after the word “invalid” there shall be inserted the words “and any cheques which have not been delivered”.
- (5) In paragraph (7) of Regulation 15 there shall be inserted at the end the words “and any cheques which have not been delivered after endorsing them with the word “cancelled”.”

Amendment of Regulation 20

5. For Tables 1 and 2 in paragraph (3) of Regulation 20 there shall be substituted the following:–

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“Table 1

| <i>Grade or Status of Official</i> | <i>Total hourly rate £</i> |
|------------------------------------|--------------------------------|
| Official Receiver | 35 |
| Deputy Official Receiver | 29 |
| Senior Examiner | 24 |
| Senior Executive Officer | 22 |
| Examiner (D) | 22 |
| Higher Executive Officer | 19 |
| Examiner (E) | 17 |
| Executive Officer | 16 |
| Administrative Officer | 13 |
| Administrative Assistant | 11 |

Table 2

| <i>Grade or Status of Official</i> | <i>Total hourly rate £</i> |
|------------------------------------|--------------------------------|
| Official Receiver | 24 |
| Deputy Official Receiver | 20 |
| Senior Examiner | 20 |
| Examiner (D) | 18 |
| Senior Executive Officer | 17 |
| Higher Executive Officer | 15 |
| Examiner (E) | 14 |
| Executive Officer | 13 |
| Administrative Officer | 10 |
| Administrative Assistant | 8”. |

Insertion of Regulation 28A

6. After Regulation 28 there shall be inserted the following regulation:—

“Retention and delivery of records

28A.—(1) All records kept by a liquidator under Regulations 26 and 27 and any such records received by him from a predecessor in such office shall be retained by him for a period of 6 years following his vacation of that office, unless he delivers them to another liquidator who succeeds him in office.

(2) Where a liquidator is succeeded in office by another liquidator the records referred to in paragraph (1) above shall be delivered to that successor forthwith following his appointment.”.

Amendment of the Schedule

7. In the Schedule to the principal Regulations in Form 2 for the words “payable orders” in both places where they occur there shall be substituted the words “payment instruments”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Insolvency Regulations 1986 (S.I. 1986/1994), which regulate matters which are of an administrative and not of a judicial character in the conduct of company and individual insolvency proceedings. In particular they:—

- (a) permit the issuing of cheques in addition to payable orders from the Insolvency Services Account in relation to windings up by the court and bankruptcies;
- (b) alter the rates for remuneration payable to the official receiver in certain cases;
- (c) impose obligations as regards the length of time insolvency practitioners must keep records of insolvency cases;
- (d) effect amendments consequential upon the enactment of the Banking Act 1987.

These Regulations apply to all insolvency proceedings to which the Insolvency Regulations 1986 apply on and after 11th January 1988, whether or not those proceedings were commenced before, on or after that date.

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