
STATUTORY INSTRUMENTS

2002 No. 1037

The Insolvency Act 1986 (Amendment) Regulations 2002

Amendments to rule-making powers

3.—(1) In section 411(1) (Company insolvency rules) after “of this Act” insert “or the EC Regulation”.

(2) After section 411(2) insert—

“(2A) For the purposes of subsection (2), a reference in Schedule 8 to this Act to doing anything under or for the purposes of a provision of this Act includes a reference to doing anything under or for the purposes of the EC Regulation (in so far as the provision of this Act relates to a matter to which the EC Regulation applies).

(2B) Rules under this section for the purpose of giving effect to the EC Regulation may not create an offence of a kind referred to in paragraph 1(1)(d) of Schedule 2 to the European Communities Act 1972.”.

(3) In section 412(1) (Individual insolvency rules (England and Wales)) after “of this Act” insert “or the EC Regulation”.

(4) After section 412(2) insert—

“(2A) For the purposes of subsection (2), a reference in Schedule 9 to this Act to doing anything under or for the purposes of a provision of this Act includes a reference to doing anything under or for the purposes of the EC Regulation (in so far as the provision of this Act relates to a matter to which the EC Regulation applies).

(2B) Rules under this section for the purpose of giving effect to the EC Regulation may not create an offence of a kind referred to in paragraph 1(1)(d) of Schedule 2 to the European Communities Act 1972.”.

(5) After section 420(1) (Insolvent partnerships) insert—

“(1A) An order under this section may make provision in relation to the EC Regulation.

(1B) But provision made by virtue of this section in relation to the EC Regulation may not create an offence of a kind referred to in paragraph 1(1)(d) of Schedule 2 to the European Communities Act 1972.”.

(6) After section 421(1) (Insolvent estates of deceased persons) insert—

“(1A) An order under this section may make provision in relation to the EC Regulation.

(1B) But provision made by virtue of this section in relation to the EC Regulation may not create an offence of a kind referred to in paragraph 1(1)(d) of Schedule 2 to the European Communities Act 1972.”.