
STATUTORY INSTRUMENTS

2003 No. 2096

The Enterprise Act 2002 (Insolvency) Order 2003

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Enterprise Act 2002 (Insolvency) Order 2003 and shall come into force on 15th September 2003.

(2) In this Order “the Act” means the Enterprise Act 2002.

Amendments to Schedule 16 to the Act

2.—(1) Schedule 16 to the Act (Schedule B1 to the Insolvency Act 1986⁽¹⁾) is amended as follows.

(2) At the end of paragraph 12 (administration application) add—

“(5) Sub-paragraph (1) is without prejudice to section 7(4)(b).”.

(3) In paragraph 43 (moratorium on other legal process) after sub-paragraph (6) insert—

“(6A) An administrative receiver of the company may not be appointed.”.

(4) In paragraph 87(2)(b) (resignation of administrator) for “person who appointed him” substitute “holder of the floating charge by virtue of which the appointment was made”.

(5) In paragraph 89(2)(b) (administrator ceasing to be qualified) for “person who appointed him” substitute “holder of the floating charge by virtue of which the appointment was made”.

Amendment to Schedule 19 to the Act

3. In paragraph 4(1) of Schedule 19 to the Act (duration of bankruptcy: transitional provisions) after “A pre-commencement bankrupt is” insert “, subject to sub-paragraphs (2) and (3),”.

Consequential amendments to primary legislation

4. Subject to Article 6, the amendments to the primary legislation set out in Part 1 of the Schedule to this Order shall have effect.

Consequential amendments to secondary legislation

5. Subject to Article 6, the amendments to the secondary legislation set out in Part 2 of the Schedule to this Order shall have effect.

Transitional provisions

6. Nothing in Articles 4 or 5 or the Schedule to this Order shall apply in any case where a petition for an administration order was presented before the date mentioned in Article 1(1).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

8th August 2003

Nigel Griffiths,
Parliamentary Under-Secretary of State for
Small Business and Enterprise,
Department of Trade and Industry