
STATUTORY INSTRUMENTS

2005 No. 1516

The Insolvent Partnerships (Amendment) Order 2005

Amendments to Schedule 1 to the Insolvent Partnerships Order 1994

6.—(1) Schedule 1 to the 1994 Order (modified provisions of Part 1 of, and Schedule A1 to, the Act (company voluntary arrangements) as applied by Article 4) is amended as follows.

(2) In modified section 1 (those who may propose an arrangement)—

- (a) in subsection (1) for “for which an administration order is in force” substitute “which is in administration”;
- (b) in subsection (3)(a) for “an administration order is in force in relation to the partnership” substitute, “the partnership is in administration”;
- (c) omit modified subsection (4).

(3) In modified section 5 (effect of approval)—

- (a) in subsection (3) for “an administration order” substitute “is in administration”;
- (b) in subsection (3)(a)(ii) for “discharge the administration order” substitute “provide for the appointment of the administrator to cease to have effect”.

(4) In modified section 6 (challenge of decisions) in subsection (2)(d) for “an administration order or” substitute “is in administration or an”.

(5) In modified paragraph 3 of Schedule A1—

- (a) in sub-paragraph (3)(a) for “£2.8” substitute “£5.6”; and
- (b) in sub-paragraph (3)(b) for “£1.4” substitute “£2.8”.

(6) In modified paragraph 4(1)(a) of Schedule A1 for “an administration order is in force in relation to the insolvent partnership” substitute “the partnership is in administration”.

(7) For modified paragraph 12(1)(d) of Schedule A1 substitute—

- “(d) no administration application may be made in respect of the partnership,
- (da) no administrator of the partnership may be appointed under paragraph 14 or 22 of Schedule B1.”.

(8) For modified paragraph 40(7) of Schedule A1 substitute—

“(7) Sub-paragraph (8) applies where—

- (a) the appointment of an administrator has effect in relation to the insolvent partnership and the appointment took effect before the moratorium came into force, or
- (b) the insolvent partnership is being wound up as an unregistered company or an order by virtue of article 11 of the Insolvent Partnerships Order 1994 has been made, in pursuance of a petition presented before the moratorium came into force.

(8) No application for an order under this paragraph may be made by a creditor or member of the insolvent partnership; but such an application may be made instead by the administrator (or as the case may be) the liquidator.”.