
STATUTORY INSTRUMENTS

2005 No. 3181

The Proceeds of Crime Act 2002 (External Requests and Orders) Order 2005

PART 1

GENERAL PROVISIONS

Insolvency practitioners: interpretation

- 4.—(1) This article applies for the purposes of article 3.
- (2) A person acts as an insolvency practitioner if he so acts within the meaning given by section 388 of the 1986 Act or Article 3 of the 1989 Order; but this is subject to paragraphs (3) to (5).
- (3) The expression “person acting as an insolvency practitioner” includes the official receiver acting as receiver or manager of the property concerned.
- (4) In applying section 388 of the 1986 Act under paragraph (2) above—
- (a) the reference in section 388(2)(a) to a permanent or interim trustee in sequestration must be taken to include a reference to a trustee in sequestration;
 - (b) section 388(5) (which includes provision that nothing in the section applies to anything done by the official receiver or the Accountant in Bankruptcy) must be ignored.
- (5) In applying Article 3 of the 1989 Order under paragraph (2) above, paragraph (5) (which includes provision that nothing in the Article applies to anything done by the official receiver) must be ignored.
- (6) The following sub-paragraphs apply to references to Acts or Orders—
- (a) the 1913 Act is the Bankruptcy (Scotland) Act 1913(1);
 - (b) the 1914 Act is the Bankruptcy Act 1914(2);
 - (c) the 1985 Act is the Bankruptcy (Scotland) Act 1985(3);
 - (d) the 1986 Act is the Insolvency Act 1986(4);
 - (e) the 1989 Order is the Insolvency (Northern Ireland) Order 1989(5).
- (7) An award of sequestration is made on the date of sequestration within the meaning of section 12(4) of the 1985 Act.

(1) 1913 c. 20.
(2) 1914 c. 59.
(3) 1985 c. 66.
(4) 1986 c. 45.
(5) S.I. 1989/(N.I. 19).