

SCHEDULE 2

Consequential amendments to subordinate legislation

PART 1

The Administration of Insolvent Estates of Deceased Persons Order 1986

2.—(1) The Administration of Insolvent Estates of Deceased Persons Order 1986⁽¹⁾ is amended as follows.

(2) In article 3(1) before “presentation of a bankruptcy petition” insert “the making of a bankruptcy application or”.

(3) In article 4(1) for “adjudged” substitute “made”.

(4) In article 5—

(a) before paragraph (1) insert—

“(A1) If a debtor dies after making a bankruptcy application, the proceedings will continue as if the deceased debtor were alive, with the modifications specified in Schedule 2 to this Order.”;

(b) in paragraph (1) after “If a debtor” omit “by or”.

(5) In the heading to Schedule 1 before “PRESENTATION OF A BANKRUPTCY PETITION” insert “MAKING OF A BANKRUPTCY APPLICATION OR”.

(6) In the table in Part 1 of Schedule 1 (general modifications of provisions of the Act) in the first column headed “Reference in provision of the Act specified in Part 2 of this Schedule”—

(a) for “adjudged” substitute “made”;

(b) for “a debtor’s petition” substitute “a bankruptcy application”.

(7) Part 2 of Schedule 1 (provisions of the Act not included in Part 3 of this Schedule)⁽²⁾ is amended as follows—

(a) in paragraph 1 omit sub-paragraph (c);

(b) for paragraph 6 substitute—

“6. Section 272 as if for subsection (1) there were substituted the following—

“(1) A petition by the personal representative of a deceased debtor for an insolvency administration order in Form 6 set out in Schedule 3 to the Administration of Insolvent Estates of Deceased Persons Order 1986 may be presented to the court only on the grounds that the estate of a deceased debtor is insolvent.””

(c) in paragraph 18 omit “, except section 297(4),”;

(d) for paragraph 27 substitute—

“27. Section 341 with the modification that in subsection (1)(a) for the words from “day of the making” to “made bankrupt” there shall be substituted the words “date of death of the deceased debtor”;

(e) for paragraph 29(b) substitute—

“(b) in subsection (2), for the words from “the making” to “initial period” there shall be substituted the words “the date of death of the deceased debtor”.

(1) S.I. 1986/1999.

(2) Schedule 1 was amended by S.I. 2002/1309.

Status: This is the original version (as it was originally made).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

(8) Schedule 2 (death of debtor after presentation of a bankruptcy petition) is amended as follows—

- (a) in the heading to Schedule 2 before “PRESENTATION OF A BANKRUPTCY PETITION” insert “MAKING OF A BANKRUPTCY APPLICATION OR”;
- (b) in paragraph 1(1) for “debtor’s petition” substitute “bankruptcy application”;
- (c) in paragraph 2 before “the presentation of a bankruptcy petition” insert “the making of a bankruptcy application, or (as the case may be)”.