

SCHEDULE 1

MINOR AND CONSEQUENTIAL AMENDMENTS

Insolvency Rules 1986

- 12.**—(1) The Insolvency Rules 1986(1) are amended in accordance with this paragraph.
- (2) In rule 4.214 (witness unfit for examination)—
- (a) in paragraph (1)—
 - (i) omit the words “mental disorder or”, and
 - (ii) before “is suffering” insert “is a person who lacks capacity within the meaning of the Mental Capacity Act 2005 (c.9) or”, and
 - (b) in paragraph (3)(a), for the words “patient within the meaning of the Mental Health Act 1983” substitute “person who lacks capacity within the meaning of the Mental Capacity Act 2005”.
- (3) In rule 6.174 (bankrupt unfit for examination)—
- (a) in paragraph (1) –
 - (i) omit the words “mental disorder or”, and
 - (ii) before “is suffering” insert “is a person who lacks capacity within the meaning of the Mental Capacity Act 2005 or”, and
 - (b) in paragraph (3)(a), for the words “patient within the meaning of the Mental Health Act 1983”, substitute “person who lacks capacity within the meaning of the Mental Capacity Act 2005”.
- (4) In the heading to Part 7 of Chapter 7, for “Persons Incapable of Managing their Affairs”, substitute “Persons who Lack Capacity to Manage their Affairs”.
- (5) In rule 7.43 (introductory)—
- (a) in paragraph (1), for “is incapable of managing and administering his property and affairs”, substitute “lacks capacity within the meaning of the Mental Capacity Act 2005 to manage and administer his property and affairs”; and
 - (b) in paragraph (1)(a), for “mental disorder within the meaning of the Mental Health Act 1983”, substitute “lacking capacity within the meaning of the Mental Capacity Act 2005”.
- (6) In paragraph 4.64 of Part 4 of Schedule 4, Forms Index (companies winding up)—
- (a) after the words “person who”, insert “lacks capacity to manage and administer his property and affairs or”; and
 - (b) for the words “mental disorder or”, substitute “a”.
- (7) In paragraph 6.57 of Part 6 of Schedule 4, Forms Index (bankruptcy)—
- (a) after the words “bankrupt who”, insert “lacks capacity to manage and administer his property and affairs or”; and
 - (b) for the words “mental disorder or”, substitute “a”.
- (8) For form 4.64 in Schedule 4 (forms), substitute the form in Schedule 2 (Part 1).
- (9) For form 6.57 in Schedule 4 (forms), substitute the form in Schedule 2 (Part 2).

(1) S.I. 1986/1925, amended by S.I. 1987/1919; there are other amending instruments but none are relevant.