

Status: Point in time view as at 01/06/1998. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Companies Act 1989, Paragraph 11. (See end of Document for details)

SCHEDULES

SCHEDULE 22

FINANCIAL MARKETS AND INSOLVENCY: PROVISIONS APPLYING TO PRE-COMMENCEMENT CASES

Market charges

- 11 (1) Sections 10(1)(b) and 11(3)(c) of the ^{M1}Insolvency Act 1986 (no enforcement of security while petition for administration order pending or order in force) do not apply to a market charge.
- (2) Section 11(2) of that Act (receiver to vacate office when so required by administrator) does not apply to a receiver appointed under a market charge.
- (3) Section 15(1) and (2) of that Act (administrator's power to deal with charged property) do not apply to a market charge.
- (4) Sections 127 and 284 of that Act (avoidance of property dispositions effected after commencement of winding up or presentation of bankruptcy petition) do not apply to—
- (a) a disposition of property as a result of which the property becomes subject to a market charge, or any transaction pursuant to which that disposition is made, or
- (b) any disposition of property made in enforcing a market charge.
- (5) However, if a person (other than the chargee under the market charge) who is a party to a disposition mentioned in sub-paragraph (4)(a) knows at the time of the disposition that a petition has been presented for the winding up or bankruptcy of the party making the disposition, the value of any profit or benefit to him arising from the disposition is recoverable from him by the relevant office-holder unless the court directs otherwise.
- (6) Any sum recoverable by virtue of sub-paragraph (5) has the same priority, in the event of the insolvency of the person from whom it is due, as if it were secured by a fixed charge.

Commencement Information

I1 Sch. 22 wholly in force at 25.4.1991 see s. 215 and [S.I. 1991/878, art. 2, Sch.](#)

Marginal Citations

M1 1986 c. 45.

Status:

Point in time view as at 01/06/1998. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Companies Act 1989, Paragraph 11.