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## SCHEDULES

### SCHEDULE 2

#### CRIMINAL BANKRUPTCY ORDERS

#### PART III

#### FUNCTIONS OF OFFICIAL PETITIONER

##### *General*

- 14 The functions of the Official Petitioner are as follows—
- (a) to consider whether, in a case in which a criminal bankruptcy order is made, it is in the public interest that he should himself present a criminal bankruptcy petition;
  - (b) to present a criminal bankruptcy petition in any such case where he determines it is in the public interest for him to do so ;
  - (c) to make payments, in such cases as he may determine, towards expenses incurred by other persons in connection with proceedings pursuant to a criminal bankruptcy petition or a criminal bankruptcy administration petition ;
  - (d) to exercise, so far as he considers it to be in the public interest to do so, any of the powers conferred on him by this Schedule.

##### *Presentation of criminal bankruptcy petition by Official Petitioner*

- 15 (1) The Official Petitioner may present a criminal bankruptcy petition, and a receiving order may be made on that petition.
- (2) Section 4 of the Act of 1914, as modified by paragraph 5(2) above, shall apply to a criminal bankruptcy petition presented by the Official Petitioner as it applies to a petition presented by a creditor, but the High Court may allow the petition to be presented later than required by subsection (1)(c) of that section.
- (3) A criminal bankruptcy petition presented by the Official Petitioner shall be served in the manner prescribed by rules made under the Act of 1914.
- (4) Section 5(2), (3) and (7) of the Act of 1914 (making of receiving order on, and withdrawal of, creditor's petition) shall apply also in relation to a criminal bankruptcy petition presented by the Official Petitioner but as if any reference to the debt of the petitioning creditor were a reference to any criminal bankruptcy debt within the meaning of this Schedule ; and paragraph 6 above shall have effect in relation to section 5(2) and (3) as they apply by virtue of this paragraph.

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*Presentation of criminal bankruptcy administration petition by Official Petitioner*

- 16 (1) The Official Petitioner may present a petition under section 130 of the Act of 1914 in any case in which a creditor could do so by virtue of this Schedule, and an order may be made under that section on that petition.
- (2) Section 130(2) shall have effect in relation to a petition presented by the Official Petitioner as if the reference to the petitioner's debt were a reference to any criminal bankruptcy debt within the meaning of this Schedule.

*Participation of Official Petitioner in proceedings brought by virtue of this Schedule (whether by the Official Petitioner or by a creditor)*

- 17 (1) In the case of proceedings pursuant to a criminal bankruptcy petition or a criminal bankruptcy administration petition, the Official Petitioner shall be entitled—
- (a) to attend any meeting of creditors and, before the meeting, to receive any notice or other document required to be sent before such a meeting to any creditor ;
  - (b) to be a member of any committee of inspection appointed under section 20 of the Act of 1914, but not so as to count towards the number of members mentioned in subsection (2) or (9), or to be subject to removal under subsection (7), of that section ;
  - (c) to be a party to any such proceedings before any court.
- (2) In the case of proceedings pursuant to a criminal bankruptcy petition or a criminal bankruptcy administration petition, the provisions mentioned in sub-paragraph (3) below shall have effect as if any reference to a creditor, or to a creditor who has proved or tendered a proof, included a reference to the Official Petitioner.
- (3) The provisions of the Act of 1914 referred to in sub-paragraph (2) above are sections 10 (appointment of special manager), 14(2) and (4) (debtor's statement of affairs), 15(4) and (8) (public examination of debtor), 16(5), (6) and (8) (compositions and schemes of arrangement), 26(7) (discharge of bankrupt), 37 (relation back of trustee's title), 74(1)(e) (report to creditors of debtor's proposal), 80 (appeal to court against act or decision of trustee), and 130(8) (effect of notice of creditor's petition under that section).
- (4) Any functions of the Official Petitioner under or by virtue of this Act may be discharged on his behalf by any person acting with his authority.