



Insolvency Act 1976

1976 CHAPTER 60

11 Power to replace administration order by receiving order

- (1) Where a person fails to make any payment which he is required to make by virtue of an administration order, the appropriate court may, if it thinks fit, revoke the administration order and make a receiving order against that person.
- (2) In subsection (1) above " the appropriate court" means—
 - (a) if the court administering the estate of the person in question under the administration order has bankruptcy jurisdiction, that court; and
 - (b) in any other case, a court having bankruptcy jurisdiction, being a court to which the matter is referred by the court mentioned in paragraph (a) above;and the powers of the High Court under this section may be exercised by the registrars in bankruptcy of that court.
- (3) Any fee payable in respect of the making of a receiving order under this section shall be a first charge on any money which has been paid into court under the administration order and not distributed at the time when that order is revoked.
- (4) The making of a receiving order under this section shall not affect any payment to a creditor made under the administration order before it is revoked.
- (5) Where a receiving order is made under this section against any person, he shall be deemed to have committed an act of bankruptcy at the time when the order is made and the provisions of the Bankruptcy Act 1914, except Part VII, shall apply as if for references to the presentation of a petition by or against a person there were substituted references to the making of such a receiving order.
- (6) In sections 37(2), 44(3), 154(1) paragraph (15), 157(3) and 158(5) of the said Act of 1914 (modification of provisions where receiving order is made against a judgment debtor under section 107 of that Act) references to a receiving order under section 107 shall include references to a receiving order under this section.
- (7) In this section " administration order" means an order under Part VII of the County Courts Act 1959 ; and for the purposes of section 132 of the said Act of 1914 (power to make rules) this section shall be treated as if contained in that Act.