

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Insolvency Act 1985. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 8.

INSOLVENCY PRACTITIONERS TRIBUNAL

1—4. ^{F1}

Textual Amendments

F1 Sch. 1 paras. 1–4, 5(4), Schs. 3–5, Sch. 6 paras. 5, 6, 9, 15–17, 20–22, 25–44, 48–52, Sch. 7, Sch. 9 paras. 1, 4–24, Sch. 10 repealed by Insolvency Act 1986 (c. 45, SIF 66), s. 438, **Sch. 12**

Supervision by Council on Tribunals

- 5 (1) The ^{M1}Tribunals and Inquiries Act 1971 shall be amended as follows.
- (2) In section 8(2) (concurrence required for removal of members of certain tribunals), after “6A” there shall be inserted “10A”.
- (3) In section 13(1) (appeals from certain tribunals), after “10” there shall be inserted “10A”.
- (4) ^{F2}

Textual Amendments

F2 Sch. 1 paras. 1–4, 5(4), Schs. 3–5, Sch. 6 paras. 5, 6, 9, 15–17, 20–22, 25–44, 48–52, Sch. 7, Sch. 9 paras. 1, 4–24, Sch. 10 repealed by Insolvency Act 1986 (c. 45, SIF 66), s. 438, **Sch. 12**

Marginal Citations

M1 1971 c. 62.

Parliamentary disqualification

- 6 (1) In Part III of Schedule 1 to the ^{M2}House of Commons Disqualification Act 1975 (disqualifying offices), there shall be inserted at the appropriate place the following entry—
- “Any member of the Insolvency Practitioners Tribunal in receipt of remuneration.”
- (2) A corresponding amendment shall be made in Part III of Schedule 1 to the ^{M3}Northern Ireland Assembly Disqualification Act 1975.

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Marginal Citations

- M2** 1975 c. 24.
- M3** 1975 c. 25.

SCHEDULE 2

. . . F3

Textual Amendments

- F3** Sch. 2, Sch. 6 paras. 1, 2, 14, Sch. 9 paras. 2, 3 repealed by [Company Directors Disqualification Act 1986](#) (c. 46, SIF 27), s. 23(2), **Sch. 4**

SCHEDULES 3—5

. . . F4

Textual Amendments

- F4** Sch. 1 paras. 1–4, 5(4), Schs. 3–5, Sch. 6 paras. 5, 6, 9, 15–17, 20–22, 25–44, 48–52, Sch. 7, Sch. 9 paras. 1, 4–24, Sch. 10 repealed by [Insolvency Act 1986](#) (c. 45, SIF 66), s. 438, **Sch. 12**

SCHEDULE 6

Section 109.

AMENDMENTS OF 1985 ACT

Disqualification etc.

1, 2. F5

Textual Amendments

- F5** Sch. 2, Sch. 6 paras. 1, 2, 14, Sch. 9 paras. 2, 3 repealed by [Company Directors Disqualification Act 1986](#) (c. 46, SIF 27), s. 23(2), **Sch. 4**

3 In section 441(1) (inspector’s report to be evidence of opinion of inspectors), at the end there shall be inserted the words “ and, in proceedings on an application under section 13 of the Insolvency Act 1985, as evidence of any fact stated therein ”.

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4 In section 449(1) (non-disclosure, except for certain purposes, of information obtained by Secretary of State), after paragraph (b) there shall be inserted the following paragraph—

“(ba) with a view to the institution of, or otherwise for the purposes of, any proceedings on an application under section 12 or 13 of the Insolvency Act 1985.”.

5, 6. F6

Textual Amendments

F6 Sch. 1 paras. 1–4, 5(4), Schs. 3–5, Sch. 6 paras. 5, 6, 9, 15–17, 20–22, 25–44, 48–52, Sch. 7, Sch. 9 paras. 1, 4–24, Sch. 10 repealed by Insolvency Act 1986 (c. 45, SIF 66), s. 438, **Sch. 12**

7 F7

Textual Amendments

F7 Sch. 6 para. 7 repealed by Company Directors Disqualification Act 1986 (c. 46, SIF 27), s. 23(2), **Sch. 4** and also expressed to be repealed in part (subject to the transitional and saving provisions mentioned in S.I. 1990/355, **art. 5**) by Companies Act 1989 (c. 40, SIF 27), ss. 212, 213(2), **Sch. 24**

Voluntary arrangements

8 In section 153(3) (financial assistance allowed), for the words “section 601 (winding up imminent or in progress)” there shall be substituted the words “Chapter II of Part II of the Insolvency Act 1985”.

Administration orders

9 F8

Textual Amendments

F8 Sch. 1 paras. 1–4, 5(4), Schs. 3–5, Sch. 6 paras. 5, 6, 9, 15–17, 20–22, 25–44, 48–52, Sch. 7, Sch. 9 paras. 1, 4–24, Sch. 10 repealed by Insolvency Act 1986 (c. 45, SIF 66), s. 438, **Sch. 12**

10 In sections 395(1) and 410(2) (certain charges void if not registered), after the word “liquidator” there shall be inserted the words “ or administrator ”.

11 In section 425(1) (power of company to compromise with creditors and members), for the words “, of the liquidator” there shall be substituted the words “ or an administration order being in force in relation to a company, of the liquidator or administrator ”.

12 In section 426(6) liability of officer or liquidator of company for default in connection with the circulation of information as to a compromise), after the word “liquidator” there shall be inserted the words “ or administrator ”.

13 In section 478(6) (receiver to be appointed within one month of cessation of appointment of earlier receiver), at the end there shall be inserted the words—

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“and for the purposes of calculating the period of one month under this subsection no account shall be taken of any period during which an administration order under Part II of the Insolvency Act 1985 is in force”.

14 F9

Textual Amendments

F9 Sch. 2, Sch. 6 paras. 1, 2, 14, Sch. 9 paras. 2, 3 repealed by [Company Directors Disqualification Act 1986 \(c. 46, SIF 27\)](#), s. 23(2), **Sch. 4**

15—17. F10

Textual Amendments

F10 Sch. 1 paras. 1–4, 5(4), Schs. 3–5, Sch. 6 paras. 5, 6, 9, 15–17, 20–22, 25–44, 48–52, Sch. 7, Sch. 9 paras. 1, 4–24, Sch. 10 repealed by [Insolvency Act 1986 \(c. 45, SIF 66\)](#), s. 438, **Sch. 12**

Receivers (Scotland)

18 In subsection (3) of section 463 (effect of floating charge on winding up), for the words “section 614(2)” there shall be substituted the words “ section 89 of the Insolvency Act 1985 ”.

19 In subsection (6) of section 464 (ranking of floating charges), for the words “section 614(2) (preferential debts in winding up)” there shall be substituted the words “ section 89 of the Insolvency Act 1985 ”.

20—22. F11

Textual Amendments

F11 Sch. 1 paras. 1–4, 5(4), Schs. 3–5, Sch. 6 paras. 5, 6, 9, 15–17, 20–22, 25–44, 48–52, Sch. 7, Sch. 9 paras. 1, 4–24, Sch. 10 repealed by [Insolvency Act 1986 \(c. 45, SIF 66\)](#), s. 438, **Sch. 12**

Winding up

23 F12

Textual Amendments

F12 Sch. 6 paras. 23, 45 repealed by [Companies Act 1989 \(c. 40, SIF 27\)](#), **ss. 212, 213(2)** Sch. 24

24 For subsection (6) of section 461 (application of winding-up rules to petition under Part XVI) there shall be substituted the following subsection—

“(6) The power under section 106 of the Insolvency Act 1985 to make rules shall, so far as it relates to a winding-up petition, apply for the purposes of a petition under this Part.”

25—44. F13

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Textual Amendments

F13 Sch. 1 paras. 1–4, 5(4), Schs. 3–5, Sch. 6 paras. 5, 6, 9, 15–17, 20–22, 25–44, 48–52, Sch. 7, Sch. 9 paras. 1, 4–24, Sch. 10 repealed by Insolvency Act 1986 (c. 45, SIF 66), s. 438, **Sch. 12**

45 **F14**

Textual Amendments

F14 Sch. 6 paras. 23, 45 repealed by Companies Act 1989 (c. 40, SIF 27), **ss. 212, 213(2)** Sch. 24

46 For subsection (2) of section 657 (effect of Crown disclaimer) there shall be substituted the following subsection—

“(2) As regards property in England and Wales, subsections (3) and (5) to (7) of section 91 of the Insolvency Act 1985 and section 92 of that Act shall apply as if the property had been disclaimed by the liquidator under the said section 91 immediately before the dissolution of the company.”

47 For subsection (1) of section 658 (application of section 620) there shall be substituted the following subsection—

“(1) Subsection (7) of section 91 of the Insolvency Act 1985 shall apply to land in England and Wales which by operation of law vests subject to a rentcharge in the Crown or any other person on the dissolution of a company as it applies to land so vesting on a disclaimer under that section.”

48—52. **F15**

Textual Amendments

F15 Sch. 1 paras. 1–4, 5(4), Schs. 3–5, Sch. 6 paras. 5, 6, 9, 15–17, 20–22, 25–44, 48–52, Sch. 7, Sch. 9 paras. 1, 4–24, Sch. 10 repealed by Insolvency Act 1986 (c. 45, SIF 66), s. 438, **Sch. 12**

SCHEDULE 7

. . . **F16**

Textual Amendments

F16 Sch. 1 paras. 1–4, 5(4), Schs. 3–5, Sch. 6 paras. 5, 6, 9, 15–17, 20–22, 25–44, 48–52, Sch. 7, Sch. 9 paras. 1, 4–24, Sch. 10 repealed by Insolvency Act 1986 (c. 45, SIF 66), s. 438, **Sch. 12**

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SCHEDULE 8

Section 235.

CONSEQUENTIAL AMENDMENTS

The^{M4} Bills of Sale Act (1878) Amendment Act 1882

Marginal Citations

M4 1882 c. 43.

- 1 In section 11 of the Bills of Sale Act (1878) Amendment Act 1882 (local registration of bills of sale), for the words “the London bankruptcy district as defined by the Bankruptcy Act 1869” and the words “the said London bankruptcy district” there shall be substituted, in each case, the words “the London insolvency district”.

The^{M5} Deeds of Arrangement Act 1914

Marginal Citations

M5 1914 c. 47.

- 2 (1) The Deeds of Arrangement Act 1914 shall be amended as follows.
- (2) In subsections (1) and (4) of section 3 (extension by court having jurisdiction in bankruptcy of period for assent and registration), for the words “in bankruptcy in” there shall be substituted the words “for the purposes of Part III of the Insolvency Act 1985 in relation to”.
- (3) In section 11 (security of trustee)—
- (a) in subsection (1), for the words “in bankruptcy in” and the words “London bankruptcy district” there shall be substituted, respectively, the words “for the purposes of Part III of the Insolvency Act 1985 in relation to” and the words “London insolvency district”; and
 - (b) in subsection (2), for the words “in bankruptcy in” there shall be substituted the words “for the purposes of Part III of the Insolvency Act 1985 in relation to”.
- (4) In section 13(2) (default in transmission of accounts to Secretary of State), for the words from “and the judge” onwards there shall be substituted the words “and, in addition, shall be guilty of contempt of court and liable to be punished accordingly”.
- (5) In section 14 (transmission of accounts to creditors), for the words from “the High Court” onwards there shall be substituted the words “he shall be guilty of contempt of court and liable to be punished accordingly”.
- (6) In section 15(1) (audit of accounts in accordance with the^{M6} Bankruptcy Act 1914), for the words “all the provisions of the Bankruptcy Act 1914” there shall be substituted the words “any rules made under section 207 of the Insolvency Act 1985”.
- (7) In section 16 (payment of undistributed moneys into court), for the words “in bankruptcy in” there shall be substituted the words “for the purposes of Part III of the Insolvency Act 1985 in relation to”.

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- (8) In section 19(1) (provisions for protection of trustees under void deeds), for the words “receiving order” there shall be substituted the words “bankruptcy order”.
- (9) In section 23 (courts in which applications for enforcement of trusts to be made), for the words “in bankruptcy in” there shall be substituted the words “for the purposes of Part III of the Insolvency Act 1985 in relation to”.
- (10) In section 30(1) (interpretation), for the words “the Bankruptcy Act 1914” there shall be substituted the words “the Insolvency Act 1985”.

Marginal Citations

M6 1914 c. 59.

The ^{M7}Settled Land Act 1925

Marginal Citations

M7 1925 c. 18.

- 3 In section 103 of the Settled Land Act 1925 (legal estate in settled land not to vest in trustee in bankruptcy of estate owner), for the words from the beginning to “an” there shall be substituted the words “For the purposes of determining, where the estate owner of any settled land is bankrupt, whether the legal estate in the settled land is comprised in, or is capable of being claimed for, the bankrupt’s estate, the legal estate in the settled land shall be deemed not to vest in the”.

The ^{M8}Law of Property Act 1925

Marginal Citations

M8 1925 c. 20.

- 4 In section 52(2)(b) of the Law of Property Act 1925 (exceptions from requirement that conveyances are to be by deed), for the words “section fifty-four of the ^{M9}Bankruptcy Act 1914” there shall be substituted the words “section 91 or 161 of the Insolvency Act 1985”.

Marginal Citations

M9 1914 c. 59.

The ^{M10}Land Registration Act 1925

Marginal Citations

M10 1925 c. 21.

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- 5 (1) The Land Registration Act 1925 shall be amended as follows.
- (2) In section 42 (transmissions on bankruptcy of proprietor)—
 - (a) in subsection (1), for the words “part of the property of the bankrupt divisible amongst his creditors” there shall be substituted the words “comprised in the bankrupt’s estate”; and
 - (b) in subsection (2), for the words “section fifty-four of the Bankruptcy Act 1914” there shall be substituted the words “section 161 of the Insolvency Act 1985”.
- (3) In section 61 (protection of creditors prior to registration of trustee in bankruptcy)—
 - (a) in subsection (3), for the words “receiving order in bankruptcy” there shall be substituted the words “bankruptcy order”;
 - (b) in subsection (6)—
 - (i) for the words from “, notwithstanding” to “the disposition,” there shall be substituted the words “, notwithstanding that the person making the disposition is adjudged bankrupt,”; and
 - (ii) for the words “an available act of bankruptcy or of the receiving order or” there shall be substituted the words “the bankruptcy petition or the”;
 - (c) in subsection (7), for the words “a receiving order” there shall be substituted the words “a bankruptcy order”;
 - (d) F17
- (4) In section 62 (rules made as to certain details)—
 - (a) in paragraph (a), after the word “debtor”, in each place where it occurs, there shall be inserted the words “or bankrupt” and for the words “receiving order” there shall be substituted the words “bankruptcy order”; and
 - (b) in paragraph (b), for the words “receiving order” there shall be substituted the words “bankruptcy order”.
- (5) F17

Textual Amendments
 F17 Sch. 8 para. 5(3)(d)(5)(6) repealed by Land Registration Act 1988 (c. 3, SIF 98:2), s. 2, Sch.

The ^{M11}Agricultural Credits Act 1928

Marginal Citations
 M11 1928 c. 43.

- 6 In section 7 of the Agricultural Credits Act 1928 (effect of floating charge), in paragraph (a)(i) of the proviso, for the words “receiving order in bankruptcy” there shall be substituted the words “bankruptcy order”.

The Third Parties (Rights against Insurers) Act 1930

- 7 (1) The Third Parties (Rights against Insurers) Act 1930 shall be amended as follows.

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(2) In section 1 (rights of third parties against insurers on bankruptcy etc. of the insured)

- (a) in subsection (1)(b), after the words “winding-up order” there shall be inserted the words “or an administration order” and at the end there shall be inserted the words “or of a composition or scheme proposed for the purposes of Chapter II of Part II of the Insolvency Act 1985 being approved under that Chapter”;
- (b) in subsection (2), for the words from “an order is made” to “law of bankruptcy” there shall be substituted the words “the estate of any person falls to be administered in accordance with an order under section 228 of the Insolvency Act 1985” and for the words “the said Act” there shall be substituted the words “any such order”;
- (c) in subsection (3), for the words from “making of an order” to “his estate” there shall be substituted the words “estate of any person falling to be administered in accordance with an order under section 228 of the Insolvency Act 1985”.

(3) In section 2 (duty to give necessary information to third parties)—

- (a) in subsection (1)—
 - (i) for the words from “an order being made” to “estate of any person” there shall be substituted the words “the estate of any person falling to be administered in accordance with an order under section 228 of the Insolvency Act 1985”;
 - (ii) after the words “winding-up order” there shall be inserted the words “or an administration order”, and
 - (iii) after the word “liquidator” there shall be inserted the word “administrator”;

and

- (b) after that subsection there shall be inserted the following subsection—

“(1A) The reference in subsection (1) of this section to a trustee includes a reference to the supervisor of a composition or scheme proposed for the purposes of, and approved under, Chapter II of Part II or Chapter I of Part III of the Insolvency Act 1985.”

(4) In section 3 (settlement between insurers and insured)—

- (a) after the words “winding-up order” there shall be inserted the words “or an administration order”;
- (b) after the words “or winding up” there shall be inserted the words “or the day of the making of the administration order”; and
- (c) after the word “commencement”, in the second place where it occurs, there shall be inserted the words “or day”.

(5) In section 4(b) (application to Scotland), for the words from “an order” to “law of bankruptcy” there shall be substituted the words “an estate falling to be administered in accordance with an order under section 228 of the Insolvency Act 1985”.

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Textual Amendments

F18 Sch. 8 para. 8 repealed by Finance Act 1987 (c. 16, SIF 99:6), s. 72, Sch. 16 Pt. XI

9

F19

Textual Amendments

F19 Sch. 8 paras. 9, 30 repealed by Agricultural Holdings Act 1986 (c. 5, SIF 2:3), ss. 99(1), 101(1), Sch. 13 para. 3, Sch. 15 Pt. I

The ^{M12}Arbitration Act 1950

Marginal Citations

M12 1950 c. 27.

10

In section 3(2) of the Arbitration Act 1950 (application to court with consent of committee of inspection in certain cases where party to arbitration agreement adjudged bankrupt), for the words “committee of inspection” there shall be substituted the words “committee established under section 148 of the Insolvency Act 1985”.

The ^{M13}Administration of Justice Act 1956

Marginal Citations

M13 1956 c. 46.

11

In section 40 of the Administration of Justice Act 1956 (effect of registration of judgments of courts outside England and Wales)—

- (a) the words “the Bankruptcy Act 1914” shall be omitted; and
- (b) for the words “those Acts” there shall be substituted the words “the said Act of 1869”.

The ^{M14}Licensing Act 1964

Marginal Citations

M14 1964 c. 26.

12

- (1) The Licensing Act 1964 shall be amended as follows.
- (2) For paragraph (c) of section 8(1) (justices’ licence to be transferred to trustee of licensee in the case of a bankruptcy or composition or scheme), there shall be substituted the following paragraph—
- “(c) where the holder of the licence has been adjudged bankrupt, or a composition or scheme proposed by the holder of the licence has been

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approved under Chapter I of Part III of the Insolvency Act 1985, or a trustee has been appointed under a deed of arrangement within the meaning of the Deeds of Arrangement Act 1914 for the benefit of the creditors of the holder of the licence, to the trustee of the bankrupt's estate or under the deed or the supervisor of the composition or scheme or the new tenant or occupier of the premises;"

- (3) For subsection (5) of section 10 (protection orders where licensee dies or is adjudged bankrupt etc.) there shall be substituted the following subsection—

“(5) Where the holder of a justices' licence has died or has been adjudged bankrupt, or a composition or scheme proposed by the holder of a justices' licence has been approved under Chapter I of Part III of the Insolvency Act 1985, or a trustee has been appointed under a deed of arrangement within the meaning of the Deeds of Arrangement Act 1914 for the benefit of the creditors of the holder of a justices' licence, the personal representatives or the person who is for the time being the trustee of the bankrupt's estate or under the deed or the supervisor of the composition or scheme shall be in the same position as regards carrying on business under the licence as a person to whom a protection order has been validly granted on the date of the death, or, as the case may be, the date on which he became trustee or supervisor.”

The ^{M15}Law of Property (Joint Tenants) Act 1964

Marginal Citations

M15 1964 c. 63.

- 13 In paragraph (b) of the proviso to section 1(1) of the Law of Property (Joint Tenants) Act 1964 (assumptions on sale of land by survivor of joint tenants), for the words “a receiving order in bankruptcy” there shall be substituted the words “a bankruptcy order”.

The ^{M16}General Rate Act 1967

Marginal Citations

M16 1967 c. 9.

- 14 For subsection (2) of section 90 of the General Rate Act 1967 (period of disqualification for membership of local valuation panel by reason of bankruptcy) there shall be substituted the following subsection—

“(2) A disqualification attaching to a person by reason of subsection (1)(a) of this section shall cease—
(a) unless the bankruptcy order made against that person is previously annulled, on his discharge from bankruptcy; and
(b) if the bankruptcy order is so annulled, on the date of the annulment.”

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The ^{M17}Medicines Act 1968

Marginal Citations

M17 1968 c. 67.

- 15 In section 72(4) of the Medicines Act 1968 (which specifies the persons who may carry on the business of a pharmacist in the case of his death or disability), at the end there shall be inserted the words—

“; and in paragraph (b) above the reference to a trustee appointed under a composition, scheme or deed of arrangement includes a reference to the supervisor of a composition or scheme proposed for the purposes of, and approved under, Chapter I of Part III of the Insolvency Act 1985.”

The ^{M18}Transport Act 1968

Marginal Citations

M18 1968 c. 73.

- 16 In section 86 of the Transport Act 1968 (transferability of operators’ licences), for the words “bankruptcy or liquidation of” there shall be substituted the words “or bankruptcy of the holder or, in the case of a company, of the holder going into liquidation, of an administration order being made in relation to”.

The ^{M19}Insolvency Services (Accounting and Investment) Act 1970

Marginal Citations

M19 1970 c. 8.

- 17 In section 4 of the Insolvency Services (Accounting and Investment) Act 1970 (payment of interest under section 660(5) of the 1985 Act), for the words from “section 660(5)” to “1948” there shall be substituted the words “rules made by virtue of paragraph 16 of schedule 5 to the Insolvency Act 1985.”

The ^{M20}Conveyancing and Feudal Reform (Scotland) Act 1970

Marginal Citations

M20 1970 c. 35.

- 18 In schedule 3 to the Conveyancing and Feudal Reform (Scotland) Act 1970 (the standard conditions of a security), in standard condition 9(2)(b), for the words from “or an order” to “1925” there shall be substituted the words “or his estate falls to be administered in accordance with an order under section 228 of the Insolvency Act 1985”.

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The ^{M21}Superannuation Act 1972

Marginal Citations

M21 1972 c. 11.

- 19 In section 5(2) of the Superannuation Act 1972 (rule that benefit is unassignable not to affect powers of court under section 51(2) of the ^{M22}Bankruptcy Act 1914)—
- (a) for the words “section 51(2) of the Bankruptcy Act 1914” there shall be substituted the words “section 156 of the Insolvency Act 1985”; and
 - (b) for the words “the said section 51(2)” there shall be substituted the words “section 51(2) of the Bankruptcy Act 1914 or the said section 156”.

Marginal Citations

M22 1914 c. 59.

The ^{M23}Road Traffic Act 1972

Marginal Citations

M23 1972 c. 20.

- 20 In section 150 of the Road Traffic Act 1972 (bankruptcy of insured or secured persons not to affect claims by third parties)—
- (a) for paragraph (b) of subsection (1) there shall be substituted the following paragraph—
- “(b) the said person dies and his estate falls to be administered in accordance with an order under section 228 of the Insolvency Act 1985,”;
- (b) in paragraph (c) of that subsection, after the words “winding-up order” there shall be inserted the words “or an administration order”;
 - (c) in subsection (2), for the words from “an order’s being made” to “include” there shall be substituted the words “a person’s estate falling to be administered in accordance with an order under section 228 of the Insolvency Act 1985 shall have effect as”.

The ^{M24}Land Charges Act 1972

Marginal Citations

M24 1972 c. 61.

- 21 (1) The Land Charges Act 1972 shall be amended as follows.
- (2) In section 5(8) (unregistered bankruptcy petition not to bind purchaser in good faith, for money or money’s worth without notice of an available act of bankruptcy) the words “without notice of an available act of bankruptcy” shall be omitted.
 - (3) In section 6 (the register of writs and orders affecting land)—

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- (a) for paragraph (c) of subsection (1) there shall be substituted the following paragraph—
 - “(c) any bankruptcy order, whether or not the bankrupt’s estate is known to include land.”;
 - (b) in subsection (3), for the words “receiving order in bankruptcy” there shall be substituted the words “bankruptcy order”;
 - (c) for subsection (5) there shall be substituted the following subsection—
 - “(5) Subject to subsection (6) below, the title of a trustee in bankruptcy shall be void as against a purchaser of a legal estate in good faith for money or money’s worth unless the bankruptcy order is for the time being registered under this section.”; and
 - (d) in subsection (6), the words “without notice of an available act of bankruptcy” shall be omitted.
- (4) In section 16(2) (general rules)—
- (a) for the words “general rules under section 132 of the ^{M25}Bankruptcy Act 1914 for carrying into effect the objects of that Act” there shall be substituted the words “rules under section 207 of the Insolvency Act 1985”;
 - (b) for the words “a receiving order in bankruptcy” there shall be substituted the words “a bankruptcy order”; and
 - (c) for the words “by that Act” there shall be substituted the words “by Part III of that Act”.

Marginal Citations

M25 1914 c. 59.

The ^{M26}Local Government Act 1972

Marginal Citations

M26 1972 c. 70.

- 22 For subsection (1) of section 81 of the Local Government Act 1972 (period of disqualification for membership of local authority by reason of bankruptcy) there shall be substituted the following subsection—

- “(1) Where a person is disqualified under section 80 above by reason of having been adjudged bankrupt, the disqualification shall cease—
 - (a) unless the bankruptcy order made against that person is previously annulled, on his discharge from bankruptcy; and
 - (b) if the bankruptcy order is so annulled, on the date of the annulment.”

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The ^{M27}Matrimonial Causes Act 1973

Marginal Citations

M27 1973 c. 18.

23 In section 39 of the Matrimonial Causes Act 1973 (settlement etc. made in compliance with a property adjustment order may be avoided on bankruptcy of settlor), for the words from “a settlement of” onwards there shall be substituted the words “a transaction in respect of which an order may be made under section 174 of the Insolvency Act 1985 (transactions at an undervalue and preferences)”.

24 **F20**

Textual Amendments

F20 Sch. 8 para. 24 repealed by Criminal Justice Act 1988 (c. 33, SIF 39:1), ss. 123, 170, Sch. 8 para. 16, Sch. 16

The ^{M28}Solicitors Act 1974

Marginal Citations

M28 1974 c. 47.

25 In section 12(1)(i) of the Solicitors Act 1974 (application for a practising certificate by a person who has been adjudged bankrupt and has obtained his discharge), for the words “and having obtained his discharge” there shall be substituted the words “and discharged”.

The ^{M29}Social Security Pensions Act 1975

Marginal Citations

M29 1975 c. 60.

26 (1) In section 58 of the Social Security Pensions Act 1975 (under which schedule 3 to that Act has effect for giving priority in bankruptcy etc. to certain debts) after the word “effect” there shall be inserted the words “for the purposes of schedule 4 to the Insolvency Act 1985 (preferential debts)”; and schedule 3 to the said Act of 1975 shall be amended as follows.

(2) In each of paragraphs 1, 2(1) and 3(1), for the words from the beginning to “included” there shall be substituted the words “This schedule applies to”.

(3) In the said paragraphs 1 and 2(1), for the words “date of the relevant event” there shall be substituted the words “relevant date” and, in the said paragraph 3(1), for the words “the occurrence of the relevant event” there shall be substituted the words “a person going into liquidation or being adjudged bankrupt”.

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Changes to legislation: There are currently no known outstanding effects for the Insolvency Act 1985. (See end of Document for details)

- (4) In paragraph 2(2), for the words “in a case where the relevant event took place on or after the day of the passing of the ^{M30}Social Security Act 1985” there shall be substituted the words “in any other case”.
- (5) In paragraph 4, for the words from “event’,” to “that Act” there shall be substituted the words “date’ has the same meaning as in schedule 4 to the Insolvency Act 1985”.

Marginal Citations

M30 1985 c. 53.

The ^{M31}Recess Elections Act 1975

Marginal Citations

M31 1975 c. 66.

- 27 In section 1(2) of the Recess Elections Act 1975 (which defines certain expressions used in that Act), in the definition of “certificate of vacancy” for the words from “the relevant bankruptcy enactment” to the end of paragraph (b) there shall be substituted the words “section 214(6)(a) of the Insolvency Act 1985”.

The ^{M32}Insolvency Act 1976

Marginal Citations

M32 1976 c. 60.

- 28 For paragraph (a) of section 3(3) of the Insolvency Act 1976 (payment of sums received under the ^{M33}Bankruptcy Act 1914 to be paid into the Insolvency Services Account) there shall be substituted the following paragraph—
“(a) under Part II or III of the Insolvency Act 1985; or”.

Marginal Citations

M33 1914 c. 59.

The ^{M34}Land Drainage Act 1976

Marginal Citations

M34 1976 c. 70.

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Insolvency Act 1985. (See end of Document for details)

29 In paragraph 8 of schedule 1 to the Land Drainage Act 1976 (disqualification for membership of land drainage committees), for sub-paragraph (2) there shall be substituted the following sub-paragraph—

- “(2) Where a person is disqualified under sub-paragraph (1) above by reason of having been adjudged bankrupt, the disqualification shall cease—
- (a) unless the bankruptcy order made against that person is previously annulled, on his discharge from bankruptcy; and
 - (b) if the bankruptcy order is so annulled, on the date of the annulment.”

30 F21

Textual Amendments

F21 Sch. 8 paras. 9, 30 repealed by Agricultural Holdings Act 1986 (c. 5, SIF 2:3), ss. 99(1), 101(1), Sch. 13 para. 3, **Sch. 15 Pt. I**

The ^{M35}Employment Protection (Consolidation) Act 1978

Marginal Citations

M35 1978 c. 44.

31 (1) The Employment Protection (Consolidation) Act 1978 shall be amended as follows.

(2) In section 106 (which provides for the payment of money out of the Redundancy Fund where an employer is insolvent)—

(a) in subsection (5), for paragraphs (a) and (b) there shall be substituted the following paragraphs—

“(a) he has been adjudged bankrupt or has made a composition or arrangement with his creditors;

(b) he has died and his estate falls to be administered in accordance with an order under section 228 of the Insolvency Act 1985; or”;

(b) in paragraph (c) of that subsection and in paragraph (c) of subsection (6), after the words “winding-up order” there shall be inserted the words “or an administration order” and at the end there shall be inserted the words “or a composition or scheme proposed for the purposes of Chapter II of Part II of the Insolvency Act 1985 is approved under that Chapter”.

(3) In section 123 (payment of unpaid contributions to occupational pension scheme)—

(a) in subsection (4), for the words “section 121(2)” there shall be substituted the words “section 122(4)”;

(b) in subsection (6)—

(i) after the words “a liquidator” there shall be inserted the words “an administrator”; and

(ii) for the words from “‘liquidator’ and” onwards there shall be substituted the words “‘trustee’, in relation to a composition or

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arrangement, includes the supervisor of a composition or scheme proposed for the purposes of, and approved under, Chapter II of Part II or Chapter I of Part III of the Insolvency Act 1985.”

- (4) F22
- (5) In section 127 (interpretation of sections 122 to 126)—
- (a) for paragraphs (a) and (b) of subsection (1) there shall be substituted the following paragraphs—
 - “(a) he has been adjudged bankrupt or has made a composition or arrangement with his creditors;
 - (b) he has died and his estate falls to be administered in accordance with an order under section 228 of the Insolvency Act 1985; or”;
 - (b) in paragraph (c) of that subsection and in paragraph (c) of subsection (2), after the words “winding-up order” there shall be inserted the words “or an administration order” and at the end there shall be inserted the words “or a composition or scheme proposed for the purposes of Chapter II of Part II of the Insolvency Act 1985 is approved under that Chapter”.

Textual Amendments

F22 Sch. 8 para. 31(4) repealed by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 29(4), **Sch. 7 Pt. II**

The Banking Act 1979

- 32 (1) The Banking Act 1979 shall be amended as follows.
- (2) In section 6 (grounds for revocation of recognition or licence), in subsection (3)(d), for the words “a receiving order” there shall be substituted the words “a bankruptcy order”.
 - (3) In section 28 (payments to depositors when institution becomes insolvent)—
 - (a) in subsection (3) (meaning of “insolvent” in relation to a body corporate), after paragraph (b) there shall be inserted the words “or
 - (c) on the holding of a creditors’ meeting summoned under section 83 of the Insolvency Act 1985 (effect of insolvency on members’ voluntary winding up);”
 - (b) in subsection (4)(b) (meaning of “insolvent” in relation to a partnership), for the words “receiving order” there shall be substituted the words “bankruptcy order”;
 - (c) in subsection (6) (rights of Deposit Protection Board)—
 - (i) for sub-paragraph (ii) of paragraph (b) there shall be substituted the following sub-paragraph—

“(ii) to be a member of any committee established under section 148 of the Insolvency Act 1985;”;
 - (ii) for sub-paragraph (iv) of that paragraph there shall be substituted the following sub-paragraph—

“(iv) to be a member of a committee established for the purposes of Part XX or Part XXI of

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the Companies Act 1985 under section 590 of that Act or under section 74 or 75 of the Insolvency Act 1985 or of a committee of inspection appointed for the purposes of Part V or Part IX of the Companies Act (Northern Ireland) 1960”;

- (iii) in the words after the said sub-paragraph (iv), for the words “committee of inspection” there shall be substituted the words “such a committee as is mentioned in paragraph (b)(ii) or (iv) above”;
- (d) in paragraph (b) of subsection (7) (which refers to the person in whom property is vested where an adjudication of bankruptcy is annulled under section 21(2) of the ^{M36}Bankruptcy Act 1914), for the words from “subsection (2)” to the end of the paragraph there shall be substituted the words “section 116(4) of the Insolvency Act 1985, to any person in whom the property of the firm is vested under section 129(4) of that Act; or”.
- (4) In section 31(7) (which refers to rules under section 663 of the Companies Act 1985 and to rules under section 132 of the Bankruptcy Act 1914)—
- (a) in paragraph (a) (England and Wales), for the words from “section 663” to “1914” there shall be substituted the words “sections 106 and 207 of the Insolvency Act 1985”; and
- (b) in paragraph (b) (Scotland), for the words “section 663 of the Companies Act 1985” there shall be substituted the words “the said section 106”.

Marginal Citations

M36 1914 c. 59.

The ^{M37}Estate Agents Act 1979

Marginal Citations

M37 1979 c. 38.

- 33 In section 23(2) of the Estate Agents Act 1979 (prohibition on bankrupts engaging in estate agency work to cease on discharge), for paragraph (b) there shall be substituted the following paragraph—
- “(b) he is discharged from bankruptcy.”

The ^{M38}Public Passenger Vehicles Act 1981

Marginal Citations

M38 1981 c. 14.

- 34 In section 19(3) of the Public Passenger Vehicles Act 1981 (holder of PSV operator’s licence to give notice of bankruptcy etc.), after the word “estate” there shall be inserted the words “or the making of an administration order under Chapter III of Part II of the Insolvency Act 1985 in relation to the holder”.

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Insolvency Act 1985. (See end of Document for details)

The ^{M39}Supreme Court Act 1981

Marginal Citations

M39 1981 c. 54.

- 35 In section 40A of the Supreme Court Act 1981 (which relates to the deduction of the administrative and clerical expenses of garnishees), for the words “section 40 of the Bankruptcy Act 1914” there shall be substituted the words “section 179 of the Insolvency Act 1985”.

The ^{M40}Civil Jurisdiction and Judgments Act 1982

Marginal Citations

M40 1982 c. 27.

- 36 After paragraph (b) of section 18(3) of the Civil Jurisdiction and Judgments Act 1982 (judgments to which provisions relating to the enforcement of judgments within the United Kingdom do not apply), there shall be inserted the following paragraph—
- “(ba) a judgment given in the exercise of jurisdiction in relation to insolvency law, within the meaning of section 213 of the Insolvency Act 1985;”.

The ^{M41}Insurance Companies Act 1982

Marginal Citations

M41 1982 c. 50.

- 37 (1) The Insurance Companies Act 1982 shall be amended as follows.
- (2) In section 55(5) (creditors’ meetings etc. in winding up of company with long-term business), for the words “subsections (1) to (3) of section 540” there shall be substituted the words “subsection (3) of section 540”.
- (3) In section 56 (continuation of long term business of insurance companies in liquidation)—
- (a) in subsection (4), for the words “Section 556(3) of the Companies Act” and for the words “section 556 of the Companies Act” there shall be substituted, respectively, the words “Section 90(5) of the Insolvency Act 1985” and the words “section 90 of the said Act of 1985”;
- (b) in subsection (7), for the words “committee of inspection” there shall be substituted the words “a specified committee”.
- (4) In section 59 (winding-up rules)—
- (a) in subsection (1), for the words “section 663 of the Companies Act” there shall be substituted the words “section 106 of the Insolvency Act 1985”; and
- (b) in subsection (2), for the words “section 663 of the Companies Act” and the words “section 614 of, and schedule 19 to, the Companies Act” there shall

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be substituted, respectively, the words “section 106 of the Insolvency Act 1985” and the words “section 89 of, and schedule 4 to, the Insolvency Act 1985”.

The ^{M42}County Courts Act 1984

Marginal Citations

M42 1984 c. 28.

- 38 (1) The County Courts Act 1984 shall be amended as follows.
- (2) In section 98(3) (protection of registrar selling goods under execution), for the words “sections 40 and 41 of the ^{M43}Bankruptcy Act 1914” there shall be substituted the words “section 179 of the Insolvency Act 1985”.
- (3) In section 102(8) (claims for rent where goods seized in execution), for the words “section 35 of the Bankruptcy Act 1914” there shall be substituted the words “section 179 of the Insolvency Act 1985”.
- (4) In section 109(2) (which relates to the deduction of the administrative and clerical expenses of garnishees), for the words “section 40 of the Bankruptcy Act 1914” there shall be substituted the words “section 179 of the Insolvency Act 1985”.

Marginal Citations

M43 1914 c. 59.

The Housing Act 1985

- 39 (1) The Housing Act 1985 shall be amended as follows.
- (2) In paragraph 3(4) of schedule 18 (suspension of condition as to residence), for the words “is administered in bankruptcy under section 130 of the Bankruptcy Act 1914” there shall be substituted the words “falls to be administered in accordance with an order under section 228 of the Insolvency Act 1985”.
- (3) In paragraph 5(3) of that schedule (conditions affecting house purchased by means of advance), for the words “being administered in bankruptcy under section 130 of the Bankruptcy Act 1914” there shall be substituted the words “falling to be administered in accordance with an order under section 228 of the Insolvency Act 1985”.

The ^{M44}Administration of Justice Act 1985

Marginal Citations

M44 1985 c. 61.

Status: Point in time view as at 01/02/1991.
Changes to legislation: There are currently no known outstanding effects for the Insolvency Act 1985. (See end of Document for details)

40 In section 16(1)(g) of the Administration of Justice Act 1985 (conditional licences), for the words “and having obtained his discharge” there shall be substituted the words “and discharged”.

SCHEDULE 9

Section 235.

TRANSITIONAL PROVISIONS AND SAVINGS

PART I

1 F23

Textual Amendments

F23 Sch. 1 paras. 1–4, 5(4), Schs. 3–5, Sch. 6 paras. 5, 6, 9, 15–17, 20–22, 25–44, 48–52, Sch. 7, Sch. 9 paras. 1, 4–24, Sch. 10 repealed by Insolvency Act 1986 (c. 45, SIF 66), s. 438, **Sch. 12**

PART II

2, 3. F24

Textual Amendments

F24 Sch. 2, Sch. 6 paras. 1, 2, 14, Sch. 9 paras. 2, 3 repealed by Company Directors Disqualification Act 1986 (c. 46, SIF 27), s. 23(2), **Sch. 4**

4–10. F25

Textual Amendments

F25 Sch. 1 paras. 1–4, 5(4), Schs. 3–5, Sch. 6 paras. 5, 6, 9, 15–17, 20–22, 25–44, 48–52, Sch. 7, Sch. 9 paras. 1, 4–24, Sch. 10 repealed by Insolvency Act 1986 (c. 45, SIF 66), s. 438, **Sch. 12**

PARTS III AND IV

11–24. F26

Textual Amendments

F26 Sch. 1 paras. 1–4, 5(4), Schs. 3–5, Sch. 6 paras. 5, 6, 9, 15–17, 20–22, 25–44, 48–52, Sch. 7, Sch. 9 paras. 1, 4–24, Sch. 10 repealed by Insolvency Act 1986 (c. 45, SIF 66), s. 438, **Sch. 12**

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Insolvency Act 1985. (See end of Document for details)

SCHEDULE 10

F27

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Textual Amendments

F27 Sch. 1 paras. 1–4, 5(4), Schs. 3–5, Sch. 6 paras. 5, 6, 9, 15–17, 20–22, 25–44, 48–52, Sch. 7, Sch. 9 paras. 1, 4–24, Sch. 10 repealed by Insolvency Act 1986 (c. 45, SIF 66), s. 438, **Sch. 12**

Status:

Point in time view as at 01/02/1991.

Changes to legislation:

There are currently no known outstanding effects for the Insolvency Act 1985.