

Status: Point in time view as at 01/01/2003.

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SCHEDULES

SCHEDULE 10

Section 430.

PUNISHMENT OF OFFENCES UNDER THIS ACT

Modifications etc. (not altering text)

- C1** Sch. 10 modified by [Building Societies Act 1986 \(c. 53, SIF 16\)](#), **ss. 54(3)(a)(5)(a)**, 90, 126(3), Sch. 15 (as amended (13.3.2018) by [The Small Business, Enterprise and Employment Act 2015 \(Consequential Amendments, Savings and Transitional Provisions\) Regulations 2018 \(S.I. 2018/208\)](#), regs. 1(3), **2(2)**) Sch. 10 modified (1.2.1993) by [Friendly Societies Act 1992 \(c. 40\)](#), s. 23, **Sch. 10**, Pt. I para.1 (with ss. 7(5), 93(4)); S.I. 1993/16, art. 2, **Sch.3**
 Sch. 10 applied (1.2.1993) by [Friendly Societies Act 1992 \(c. 40\)](#), ss. 21(1), 22, 23, **Sch. 10**, Pt. I para.1 (with ss. 7(5), 93(4)); S.I. 1993/16, art. 2, **Sch.3**
- C2** Sch. 10 applied (with modifications) (1.12.1997) by [1986 c. 53, Sch. 15A](#), para. 1(2) (as inserted by [1997 c. 32, s. 39\(2\), Sch. 6](#)); S.I. 1997/2668, art. 2, **Sch. Pt. I**
 Sch. 10 applied (with modifications) (S.) (6.4.2001 to the extent as mentioned) by [S.S.I. 2001/128](#), reg. 4, Sch. 2, **Sch. 3**
- C3** Sch. 10 applied (with modifications) (17.2.2009 for certain purposes, otherwise 21.2.2009) by [Banking Act 2009 \(c. 1\)](#), **ss. 103**, 263(1)(2) (with s. 247); S.I. 2009/296, **arts. 2, 3**, Sch. para. 2
- C4** Sch. 10 applied (with modifications) (17.2.2009 for certain purposes, otherwise 21.2.2009) by [Banking Act 2009 \(c. 1\)](#), ss. 145, 263(1)(2) (with s. 247); S.I. 2009/296, **arts. 2, 3**, Sch. para. 3 (as amended (13.3.2018) by [The Small Business, Enterprise and Employment Act 2015 \(Consequential Amendments, Savings and Transitional Provisions\) Regulations 2018 \(S.I. 2018/208\)](#), regs. 1(3), **5(5)**)
- C5** Sch. 10 applied (with modifications) (17.2.2009 for certain purposes, otherwise 21.2.2009) by [Banking Act 2009 \(c. 1\)](#), {ss. 145 table 2}, 263(1)(2) (with s. 247); S.I. 2009/296, **arts. 2, 3**, Sch. para. 3

F1

Section of Act creating offence	General nature of offence	Mode of prosecution	Punishment	Daily default fine (where applicable)
[^{F2} 6A(1).	False representation or fraud for purpose of obtaining members' or creditors' approval of proposed voluntary arrangement.	1. On indictment. 2. Summary.	7 years or a fine, or both. 6 months or the statutory maximum, or both.]	
12(2)	Company and others failing to state in	Summary.	One-fifth of the statutory maximum.	

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	correspondence etc. that administrator appointed.			
15(8)	Failure of administrator to register office copy of court order permitting disposal of charged property.	Summary.	One-fifth of the statutory maximum.	One-fiftieth of the statutory maximum.
18(5)	Failure of administrator to register office copy of court order varying or discharging administration order.	Summary.	One-fifth of the statutory maximum.	One-fiftieth of the statutory maximum.
21(3)	Administrator failing to register administration order and give notice of appointment.	Summary.	One-fifth of the statutory maximum.	One-fiftieth of the statutory maximum.
22(6)	Failure to comply with provisions relating to statement of affairs, where administrator appointed.	1.On indictment 2.Summary.	A fine. The statutory maximum.	One-tenth of the statutory maximum.
23(3)	Administrator failing to send out, register and lay before creditors statement of his proposals.	Summary.	One-fifth of the statutory maximum.	One-fiftieth of the statutory maximum.
24(7)	Administrator failing to file court order discharging administration order under s. 24.	Summary.	One-fifth of the statutory maximum.	One-fiftieth of the statutory maximum.

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27(6)	Administrator failing to file court order discharging administration order under s. 27.	Summary.	One-fifth of the statutory maximum.	One-fiftieth of the statutory maximum.
30	Body corporate acting as receiver.	1.On indictment 2.Summary.	A fine. The statutory maximum.	
31	Undischarged bankrupt acting as receiver or manager.	1.On indictment 2.Summary.	2 years or a fine, or both. 6 months or the statutory maximum, or both.	
38(5)	Receiver failing to deliver accounts to registrar.	Summary.	One-fifth of the statutory maximum.	One-fiftieth of the statutory maximum.
39(2)	Company and others failing to state in correspondence that receiver appointed.	Summary.	One-fifth of the statutory maximum.	
43(6)	Administrative receiver failing to file office copy of order permitting disposal of charged property.	Summary.	One-fifth of the statutory maximum.	One-fiftieth of the statutory maximum.
45(5)	Administrative receiver failing to file notice of vacation of office.	Summary.	One-fifth of the statutory maximum.	One-fiftieth of the statutory maximum.
46(4)	Administrative receiver failing to give notice of his appointment.	Summary.	One-fifth of the statutory maximum.	One-fiftieth of the statutory maximum.
47(6)	Failure to comply with provisions relating to statement of affairs, where administrative	1.On indictment 2.Summary.	A fine. The statutory maximum.	One-tenth of the statutory maximum.

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	receiver appointed.			
48(8)	Administrative receiver failing to comply with requirements as to his report.	Summary.	One-fifth of the statutory maximum.	One-fiftieth of the statutory maximum.
51(4)	Body corporate or Scottish firm acting as receiver.	1.On indictment 2.Summary.	A fine. The statutory maximum.	
51(5)	Undischarged bankrupt acting as receiver (Scotland).	1.On indictment 2.Summary.	2 years or a fine, or both. 6 months or the statutory maximum, or both.	
53(2)	Failing to deliver to registrar copy of instrument of appointment of receiver.	Summary.	One-fifth of the statutory maximum.	One-fiftieth of the statutory maximum.
54(3)	Failing to deliver to registrar the court's interlocutor appointing receiver.	Summary.	One-fifth of the statutory maximum.	One-fiftieth of the statutory maximum.
61(7)	Receiver failing to send to registrar certified copy of court order authorising disposal of charged property.	Summary.	One-fifth of the statutory maximum.	One-fiftieth of the statutory maximum.
62(5)	Failing to give notice to registrar of cessation or removal of receiver.	Summary.	One-fifth of the statutory maximum.	One-fiftieth of the statutory maximum.
64(2)	Company and others failing to state on correspondence etc. that receiver appointed.	Summary.	One-fifth of the statutory maximum.	
65(4)	Receiver failing to send or	Summary.	One-fifth of the statutory maximum.	One-fiftieth of the statutory maximum.

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	publish notice of his appointment.			
66(6)	Failing to comply with provisions concerning statement of affairs, where receiver appointed.	1.On indictment 2.Summary.	A fine. The statutory maximum.	One-tenth of the statutory maximum.
67(8)	Receiver failing to comply with requirements as to his report.	Summary.	One-fifth of the statutory maximum.	One-fiftieth of the statutory maximum.
85(2)	Company failing to give notice in Gazette of resolution for voluntary winding up.	Summary.	One-fifth of the statutory maximum.	One-fiftieth of the statutory maximum.
89(4)	Director making statutory declaration of company's solvency without reasonable grounds for his opinion.	1.On indictment 2.Summary.	2 years or a fine, or both. 6 months or the statutory maximum.	
89(6)	Declaration under section 89 not delivered to registrar within prescribed time.	Summary.	One-fifth of the statutory maximum.	One-fiftieth of the statutory maximum.
93(3)	Liquidator failing to summon general meeting of company at each year's end.	Summary.	One-fifth of the statutory maximum.	
94(4)	Liquidator failing to send a registrar a copy of account of winding up and return of final meeting.	Summary.	One-fifth of the statutory maximum.	One-fiftieth of the statutory maximum.
94(6)	Liquidator failing to call final meeting.	Summary.	One-fifth of the statutory maximum.	

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95(8)	Liquidator failing to comply with s. 95, where company insolvent.	Summary.	The statutory maximum.	
98(6)	Company failing to comply with s. 98 in respect of summoning and giving notice of creditors' meeting.	1.On indictment 2.Summary.	A fine. The statutory maximum.	
99(3)	Directors failing to attend and lay statement in prescribed form before creditors' meeting.	1.On indictment 2.Summary.	A fine. The statutory maximum.	
105(3)	Liquidator failing to summon company general meeting and creditors' meeting at each year's end.	Summary.	One-fifth of the statutory maximum.	
106(4)	Liquidator failing to send to registrar account of winding up and return of final meetings.	Summary.	One-fifth of the statutory maximum.	One-fiftieth of the statutory maximum.
106(6)	Liquidator failing to call final meeting of company or creditors.	Summary.	One-fifth of the statutory maximum.	
109(2)	Liquidator failing to publish notice of his appointment.	Summary.	One-fifth of the statutory maximum.	One-fiftieth of the statutory maximum.
114(4)	Directors exercising powers in breach of s. 114, where no liquidator.	Summary.	The statutory maximum.	
131(7)	Failing to comply with requirements as	1.On indictment 2.Summary.	A fine. The statutory maximum.	One-tenth of the statutory maximum.

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	to statement of affairs, where liquidator appointed.				
164	Giving, offering etc. corrupt inducement affecting appointment of liquidator.	1.On indictment 2.Summary.	A fine. The statutory maximum.		
166(7)	Liquidator failing to comply with requirements of s. 166 in creditors' voluntary winding up.	Summary.	The statutory maximum.		
188(2)	Default in compliance with s. 188 as to notification that company being wound up.	Summary.	One-fifth of the statutory maximum.		
192(2)	Liquidator failing to notify registrar as to progress of winding up.	Summary.	One-fifth of the statutory maximum.	One-fiftieth of the statutory maximum.	
201(4)	Failing to deliver to registrar office copy of court order deferring dissolution.	Summary.	One-fifth of the statutory maximum.	One-fiftieth of the statutory maximum.	
203(6)	Failing to deliver to registrar copy of directions or result of appeal under s. 203.	Summary.	One-fifth of the statutory maximum.	One-fiftieth of the statutory maximum.	
204(7)	Liquidator failing to deliver to registrar copy of court order for early dissolution.	Summary.	One-fifth of the statutory maximum.	One-fiftieth of the statutory maximum.	
204(8)	Failing to deliver to registrar copy of court order deferring early dissolution.	Summary.	One-fifth of the statutory maximum.	One-fiftieth of the statutory maximum.	

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205(7)	Failing to deliver to registrar copy of Secretary of State's directions or court order deferring dissolution.	Summary.	One-fifth of the statutory maximum.	One-fiftieth of the statutory maximum.
206(1)	Fraud etc. in anticipation of winding up.	1.On indictment 2.Summary.	7 years or a fine, or both. 6 months or the statutory maximum, or both.	
206(2)	Privity to fraud in anticipation of winding up; fraud, or privity to fraud, after commencement of winding up.	1.On indictment 2.Summary.	7 years or a fine, or both. 6 months or the statutory maximum, or both.	
206(5)	Knowingly taking in pawn or pledge, or otherwise receiving, company property.	1.On indictment 2.Summary.	7 years or a fine, or both. 6 months or the statutory maximum, or both.	
207	Officer of company entering into transaction in fraud of company's creditors.	1.On indictment 2.Summary.	2 years or a fine, or both. 6 months or the statutory maximum, or both.	
208	Officer of company misconducting himself in course of winding up.	1.On indictment 2.Summary.	7 years or a fine, or both. 6 months or the statutory maximum, or both.	
209	Officer or contributory destroying, falsifying, etc. company's books.	1.On indictment 2.Summary.	7 years or a fine, or both. 6 months or the statutory maximum, or both.	
210	Officer of company making material omission from statement relating to	1.On indictment 2.Summary.	7 years or a fine, or both. 6 months or the statutory maximum, or both.	

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	company's affairs.			
211	False representation or fraud for purpose of obtaining creditors' consent to an agreement in connection with winding up.	1.On indictment 2.Summary.	7 years or a fine, or both. 6 months or the statutory maximum, or both.	
216(4)	Contravening restrictions on re-use of name of company in insolvent liquidation.	1.On indictment 2.Summary.	2 years or a fine, or both. 6 months or the statutory maximum, or both.	
235(5)	Failing to co-operate with office-holder.	1.On indictment 2.Summary.	A fine. The statutory maximum	One-tenth of the statutory maximum.
[^{F3} 262A(1).	False representation or fraud for purpose of obtaining creditors' approval of proposed voluntary arrangement.	1.On indictment 2.Summary.	7 years or a fine, or both. 6 months or the statutory maximum, or both.]	
353(1)	Bankrupt failing to disclose property or disposals to official receiver or trustee.	1.On indictment 2.Summary.	7 years or a fine, or both. 6 months or the statutory maximum, or both.	
354(1)	Bankrupt failing to deliver property to, or concealing property from, official receiver or trustee.	1.On indictment 2.Summary.	7 years or a fine, or both. 6 months or the statutory maximum, or both.	
354(2)	Bankrupt removing property which he is required to deliver to official receiver or trustee.	1.On indictment 2.Summary.	7 years or a fine, or both. 6 months or the statutory maximum, or both.	

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354(3)	Bankrupt failing to account for loss of substantial part of property.	1.On indictment 2.Summary.	2years or a fine, or both. 6 months or the statutory maximum, or both.
355(1)	Bankrupt failing to deliver books, papers and records to official receiver or trustee.	1.On indictment 2.Summary.	7 years or a fine, or both. 6 months or the statutory maximum, or both.
355(2)	Bankrupt concealing, destroying etc. books, papers or records, or making false entries in them.	1.On indictment 2.Summary.	7 years or a fine, or both. 6 months or the statutory maximum, or both.
355(3)	Bankrupt disposing of, or altering, books, papers or records relating to his estate or affairs.	1.On indictment 2.Summary.	7 years or a fine, or both. 6 months or the statutory maximum, or both.
356(1)	Bankrupt making material omission in statement relating to his affairs.	1.On indictment 2.Summary.	7 years or a fine, or both. 6 months or the statutory maximum, or both.
356(2)	Bankrupt making false statement, or failing to inform trustee, where false debt proved.	1.On indictment 2.Summary.	7 ears or a fine, or both. 6 months or the statutory maximum, or both.
357	Bankrupt fraudulently disposing of property.	1.On indictment 2.Summary.	2 years or a fine, or both. 6 months or the statutory maximum, or both.
358	Bankrupt absconding with property he is required to deliver to official receiver or trustee.	1.On indictment 2.Summary.	2 years or a fine, or both. 6 months or the statutory maximum, or both.

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359(1)	Bankrupt disposing of property obtained on credit and not paid for.	1.On indictment 2.Summary.	7 years or a fine, or both. 6 months or the statutory maximum, or both.
359(2)	Obtaining property in respect of which money is owed by a bankrupt.	1.On indictment 2.Summary.	7 years or a fine, or both. 6 months or the statutory maximum, or both.
360(1)	Bankrupt obtaining credit or engaging in business without disclosing his status or name in which he was made bankrupt.	1.On indictment 2.Summary.	2 years or a fine, or both. 6 months or the statutory maximum, or both.
360(3)	Person made bankrupt in Scotland or Northern Ireland obtaining credit, etc. in England and Wales.	1.On indictment 2.Summary.	2 years or a fine, or both. 6 months or the statutory maximum, or both.
361(1)	Bankrupt failing to keep proper accounting records.	1.On indictment 2.Summary.	2 years or a fine, or both. 6 months or the statutory maximum, or both.
362	Bankrupt increasing extent of insolvency by gambling.	1.On indictment 2.Summary.	2 years or a fine, or both. 6 months or the statutory maximum, or both.
389	Acting as insolvency practitioner when not qualified.	1.On indictment 2.Summary.	2 years or a fine, or both. 6 months or the statutory maximum, or both.
429(5)	Contravening s. 429 in respect of disabilities imposed by county court on revocation of administration order.	1.On indictment 2.Summary.	2 years or a fine, or both. 6 months or the statutory maximum, or both.

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[^{F4} Sch. A1, para. 9(2) .	Directors failing to notify nominee of beginning of moratorium.	1.On indictment 2.Summary.	2 years or a fine, or both. 6 months or the statutory maximum, or both.]
[^{F4} Sch. A1, para. 10(3).	Nominee failing to advertise or notify beginning of moratorium.	Summary.	One-fifth of the statutory maximum.]
[^{F4} Sch. A1, para. 11(2).	Nominee failing to advertise or notify end of moratorium.	Summary.	One-fifth of the statutory maximum.]
[^{F4} Sch. A1, para. 16(2).	Company and officers failing to state in correspondence etc. that moratorium in force.	Summary.	One-fifth of the statutory maximum.]
[^{F4} Sch. A1, para. 17(3)(a).	Company obtaining credit without disclosing existence of moratorium.	1.On indictment 2.Summary.	A fine. The statutory maximum.]
[^{F4} Sch. A1, para. 17(3)(b).	Obtaining credit for company without disclosing existence of moratorium.	1.On indictment 2.Summary.	2 years or a fine, or both. 6 months or the statutory maximum, or both.]
[^{F4} Sch. A1, para. 18(3)(a).	Company disposing of property otherwise than in ordinary way of business.	1.On indictment 2.Summary.	A fine. The statutory maximum.]
[^{F4} Sch. A1, para. 18(3)(b).	Authorising or permitting disposal of company property.	1.On indictment 2.Summary.	2 years or a fine, or both. 6 months or the statutory maximum, or both.]
[^{F4} Sch. A1, para. 19(3)(a).	Company making payments in respect of liabilities existing before	1.On indictment 2.Summary.	A fine. The statutory maximum.]

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	beginning of moratorium.		
[^{F4} Sch. A1, para. 19(3)(b).	Authorising or permitting such a payment.	1.On indictment 2.Summary.	2 years or a fine, or both. 6 months or the statutory maximum, or both.]
[^{F4} Sch. A1, para. 20(9).	Directors failing to send to registrar office copy of court order permitting disposal of charged property.	Summary.	One-fifth of the statutory maximum.]
[^{F4} Sch. A1, para. 22(1).	Company disposing of charged property.	1.On indictment 2.Summary.	A fine. The statutory maximum.]
[^{F4} Sch. A1, para. 22(2).	Authorising or permitting such a disposal.	1.On indictment 2.Summary.	2 years or a fine, or both. 6 months or the statutory maximum, or both.]
[^{F4} Sch. A1, para. 23(1)(a).	Company entering into market contract, etc.	1.On indictment 2.Summary.	A fine. The statutory maximum.]
[^{F4} Sch. A1, para. 23(1)(b).	Authorising or permitting company to do so.	1.On indictment 2.Summary.	2 years or a fine, or both. 6 months or the statutory maximum, or both.]
[^{F4} Sch. A1, para. 25(6).	Nominee failing to give notice of withdrawal of consent to act.	Summary.	One-fifth of the statutory maximum.]
[^{F4} Sch. A1, para. 34(3).	Nominee failing to give notice of extension of moratorium.	Summary.	One-fifth of the statutory maximum.]
[^{F4} Sch. A1, para. 41(2).	Fraud or privity to fraud in anticipation of moratorium.	1.On indictment 2.Summary.	7 years or a fine, or both. 6 months or the statutory maximum, or both.]
[^{F4} Sch. A1, para. 41(3).	Fraud or privity to fraud in anticipation of moratorium.	1.On indictment 2.Summary.	7 years or a fine, or both. 6 months or the statutory maximum, or both.]
[^{F4} Sch. A1, para. 41(7).	Knowingly taking in pawn or pledge, or otherwise receiving,	1.On indictment 2.Summary.	7 years or a fine, or both. 6 months or the statutory maximum, or both.]

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	company property.		
[^{F4} Sch. A1, para. 42(1).	False representation or fraud for purpose of obtaining or extending moratorium.	1.On indictment 2.Summary.	7 years or a fine, or both. 6 months or the statutory maximum, or both.]
Sch. 7, para. 4(3)..	Failure to attend and give evidence to Insolvency Practitioners Tribunal; suppressing, concealing, etc. relevant documents..	Summary.	Level 3 on the standardscale withinthe meaning given by section 75 of the Criminal Justice Act 1982.

Textual Amendments

- F1** Note in Sch. 10 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIV** Group 2
- F2** Entry in Sch. 10 inserted (1.1.2003) by 2000 c. 39, s. 2, **Sch. 2 Pt. I para. 12**; S.I. 2002/2711, **art. 2** (subject to transitional provisions in arts. 3-5)
- F3** Entry in Sch. 10 inserted (1.1.2003) by 2000 c. 39, s. 3, **Sch. 3 para. 16**; S.I. 2002/2711, **art. 2** (subject to transitional provisions in arts. 3-5)
- F4** Entries in Sch. 10 inserted (1.1.2003) by 2000 c. 39, s. 1, **Sch. 1 para. 12**; S.I. 2002/2711, **art. 2** (subject to transitional provisions in arts. 3-5)

Modifications etc. (not altering text)

- C6** Sch. 10: entry relating to s. 93(3) modified (S.) (6.4.2001) by S.S.I. 2001/128, reg. 4(2), **Sch. 3**
- C7** Sch. 10: entry relating to s. 105(3) modified (S.) (6.4.2001) by S.S.I. 2001/128, reg. 4(2), **Sch. 3**
- C8** Sch. 10: entry relating to s. 106(6) modified (S.) (6.4.2001) by S.S.I. 2001/128, reg. 4(2), **Sch. 3**

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