Status: Point in time view as at 15/09/2003. This version of this schedule contains provisions that are not valid for this point in time. Changes to legislation: Insolvency Act 1986, SCHEDULE 4ZB is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

VALID FROM 24/02/2009

[^{F1}SCHEDULE 4ZB

DEBT RELIEF RESTRICTIONS ORDERS AND UNDERTAKINGS

Textual Amendments

2

F1 Sch. 4ZB inserted (24.2.2009 for certain purposes otherwise 6.4.2009) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. 108(2), 148(5), Sch. 19; S.I. 2009/382, art. 2

Debt relief restrictions order

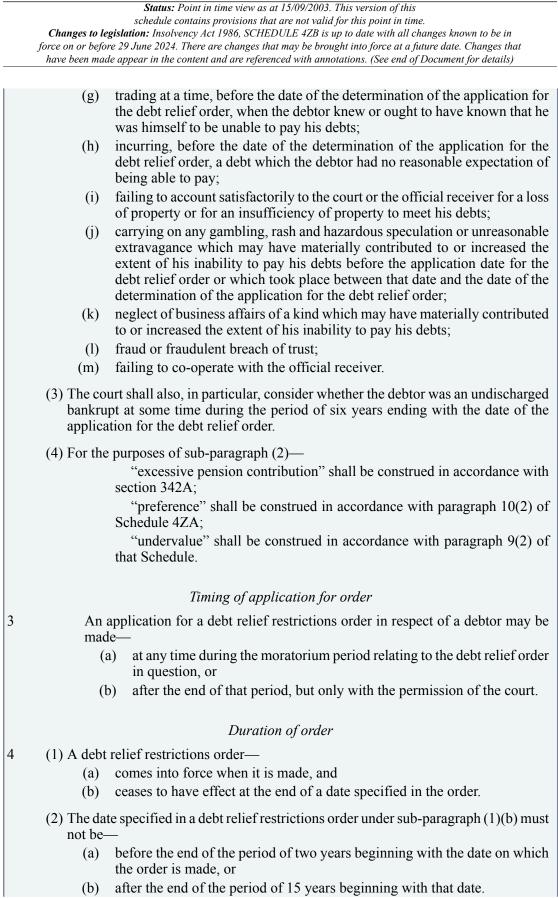
1 (1) A debt relief restrictions order may be made by the court in relation to a person in respect of whom a debt relief order has been made.

(2) An order may be made only on the application of-

- (a) the Secretary of State, or
- (b) the official receiver acting on a direction of the Secretary of State.

Grounds for making order

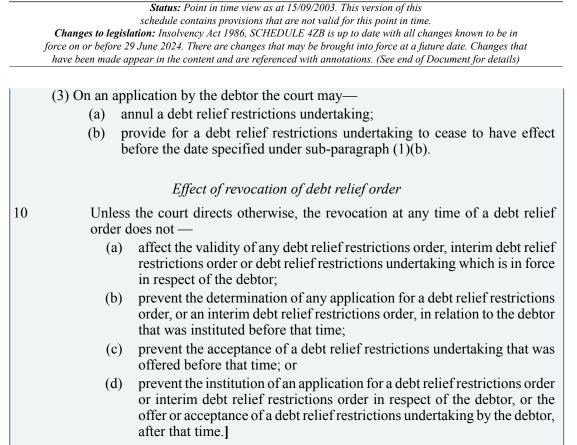
- (1) The court shall grant an application for a debt relief restrictions order if it thinks it appropriate to do so having regard to the conduct of the debtor (whether before or after the making of the debt relief order).
 - (2) The court shall, in particular, take into account any of the following kinds of behaviour on the part of the debtor—
 - (a) failing to keep records which account for a loss of property by the debtor, or by a business carried on by him, where the loss occurred in the period beginning two years before the application date for the debt relief order and ending with the date of the application for the debt relief restrictions order;
 - (b) failing to produce records of that kind on demand by the official receiver;
 - (c) entering into a transaction at an undervalue in the period beginning two years before the application date for the debt relief order and ending with the date of the determination of that application;
 - (d) giving a preference in the period beginning two years before the application date for the debt relief order and ending with the date of the determination of that application;
 - (e) making an excessive pension contribution;
 - (f) a failure to supply goods or services that were wholly or partly paid for;



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| | Interim debt relief restrictions order |
|---|--|
| 5 | (1) This paragraph applies at any time between— (a) the institution of an application for a debt relief restrictions order, and (b) the determination of the application. |
| | (2) The court may make an interim debt relief restrictions order if the court thinks that— |
| | (a) there are prima facie grounds to suggest that the application for the debt relief restrictions order will be successful, and(b) it is in the public interest to make an interim debt relief restrictions order. |
| | (3) An interim debt relief restrictions order may only be made on the application of— |
| | (a) the Secretary of State, or(b) the official receiver acting on a direction of the Secretary of State. |
| | (4) An interim debt relief restrictions order— |
| | (a) has the same effect as a debt relief restrictions order, and(b) comes into force when it is made. |
| | (5) An interim debt relief restrictions order ceases to have effect—(a) on the determination of the application for the debt relief restrictions order, |
| | (b) on the acceptance of a debt relief restrictions undertaking made by the debtor, or |
| | (c) if the court discharges the interim debt relief restrictions order on the application of the person who applied for it or of the debtor. |
| 6 | (1) This paragraph applies to a case in which both an interim debt relief restrictions order and a debt relief restrictions order are made. |
| | (2) Paragraph 4(2) has effect in relation to the debt relief restrictions order as if a reference to the date of that order were a reference to the date of the interim debt relief restrictions order. |
| | Debt relief restrictions undertaking |
| 7 | (1) A debtor may offer a debt relief restrictions undertaking to the Secretary of State. |
| | (2) In determining whether to accept a debt relief restrictions undertaking the Secretary of State shall have regard to the matters specified in paragraph 2(2) and (3). |
| 8 | A reference in an enactment to a person in respect of whom a debt relief restrictions order has effect (or who is "the subject of" a debt relief restrictions order) includes a reference to a person in respect of whom a debt relief restrictions undertaking has effect. |
| 9 | (1) A debt relief restrictions undertaking— (a) comes into force on being accepted by the Secretary of State, and (b) ceases to have effect at the end of a date specified in the undertaking. |
| | (2) The date specified under sub-paragraph (1)(b) must not be— |
| | (a) before the end of the period of two years beginning with the date on which the undertaking is accepted, or |
| | (b) after the end of the period of 15 years beginning with that date. |



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