

**Changes to legislation:** *Insolvency Act 1986 is up to date with all changes known to be in force on or before 26 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) View outstanding changes*

## SCHEDULES

### [<sup>F1</sup>SCHEDULE ZA1

Section A2

#### MORATORIUM: ELIGIBLE COMPANIES

##### Textual Amendments

- F1** Sch. ZA1 inserted (26.6.2020) by [Corporate Insolvency and Governance Act 2020 \(c. 12\), s. 49\(1\), Sch. 1](#) (with ss. [2\(2\)](#), [5\(2\)](#), [12](#))

##### Modifications etc. (not altering text)

- C1** Sch. ZA1 modified (temp.) (26.6.2020) by [Corporate Insolvency and Governance Act 2020 \(c. 12\), s. 49\(1\), Sch. 4 para. 6\(1\)\(c\)](#) (with ss. [2\(2\)](#), [5\(2\)](#), [Sch. 4 para. 1](#))
- C2** Sch. ZA1 modified (temp.) (26.6.2020) by [Corporate Insolvency and Governance Act 2020 \(c. 12\), s. 49\(1\), Sch. 4 para. 7\(b\)](#) (with ss. [2\(2\)](#), [5\(2\)](#), [Sch. 4 para. 1](#))

#### *Eligible companies*

- 1 A company is “eligible” for the purposes of this Part unless it is excluded from being eligible by any of the following—
- paragraph 2 (current or recent insolvency procedure);
  - [<sup>F2</sup>paragraph 2A (private registered providers of social housing);]
  - [<sup>F3</sup>paragraph 2B (a registered social landlord under Part 2 of the Housing (Scotland) Act 2010);]
  - paragraph 3 (insurance companies);
  - paragraph 4 (banks);
  - paragraph 5 (electronic money institutions);
  - paragraph 6 (investment banks and investment firms);
  - paragraph 7 (market contracts, market charges, etc);
  - paragraph 8 (participants in designated systems);
  - paragraph 9 (payment institutions);
  - paragraph 10 (operators of payment systems, infrastructure providers etc);
  - paragraph 11 (recognised investment exchanges, clearing houses and CSDs);
  - paragraph 12 (securitisation companies);
  - paragraph 13 (parties to capital market arrangements);
  - paragraph 15 (public-private partnership project companies);
  - paragraph 18 (certain overseas companies).

##### Textual Amendments

- F2** Words in Sch. ZA1 para. 1 inserted (29.6.2020 at 10.30 a.m.) by [The Insolvency Act 1986 Part A1 Moratorium \(Eligibility of Private Registered Providers\) Regulations 2020 \(S.I. 2020/652\), regs. 1, 2\(2\)](#)

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**F3** Words in Sch. ZA1 para. 1 inserted (S.) (29.10.2020) by [The Insolvency Act 1986 \(Scotland\) Amendment Regulations 2020 \(S.S.I. 2020/338\)](#), regs. 1, **2(2)**

*Companies subject to, or recently subject to, moratorium or an insolvency procedure*

- 2 (1) A company is excluded from being eligible if—
- (a) on the filing date, a moratorium for the company is in force, or
  - (b) at any time during the period of 12 months ending with the filing date, a moratorium for the company was in force (but see section A42(6) for power of the court to modify the effect of this paragraph).
- (2) A company is excluded from being eligible if—
- (a) on the filing date, the company is subject to an insolvency procedure, or
  - (b) at any time during the period of 12 months ending with the filing date, the company was subject to an insolvency procedure within sub-paragraph (3) (a) or (b).
- (3) For the purposes of sub-paragraph (2), a company is subject to an insolvency procedure at any time if at that time—
- (a) a voluntary arrangement has effect in relation to the company,
  - (b) the company is in administration,
  - (c) paragraph 44 of Schedule B1 applies in relation to the company (administration: interim moratorium),
  - (d) there is an administrative receiver of the company,
  - (e) there is a provisional liquidator of the company,
  - (f) the company is being wound up, or
  - (g) a relevant petition for the winding up of the company has been presented and has not been withdrawn or determined.
- (4) In sub-paragraph (3)(g) “relevant petition” means a petition under—
- (a) section 124A (winding up on grounds of public interest),
  - (b) section 124B (winding up of SE), or
  - (c) section 124C (winding up of SCE).

**Modifications etc. (not altering text)**

**C3** [Sch. ZA1 para. 2](#) applied (with modifications) (E.W.) (15.3.2024) by [The Water Industry \(Special Administration\) Regulations 2024 \(S.I. 2024/205\)](#), regs. 2(2), **5(1)** (with reg. 64)

*Private registered providers of social housing*

[ <sup>F42A</sup> A company is excluded from being eligible if it is a private registered provider of social housing.]

**Textual Amendments**

**F4** [Sch. ZA1 para. 2A](#) inserted (29.6.2020 at 10.30 a.m.) by [The Insolvency Act 1986 Part A1 Moratorium \(Eligibility of Private Registered Providers\) Regulations 2020 \(S.I. 2020/652\)](#), regs. 1, **2(3)**

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### *Registered social landlord under Part 2 of the Housing (Scotland) Act 2010*

[  
F5 2B. A company is excluded from being eligible if it is a registered social landlord under Part 2 of the Housing (Scotland) Act 2010.]

#### **Textual Amendments**

**F5** Sch. ZA1 para. 2B inserted (S.) (29.10.2020) by [The Insolvency Act 1986 \(Scotland\) Amendment Regulations 2020 \(S.S.I. 2020/338\)](#), regs. 1, **2(3)**

### *Insurance companies*

- 3 (1) A company is excluded from being eligible if—
- (a) it carries on the regulated activity of effecting or carrying out contracts of insurance, and
  - (b) it is not an exempt person in relation to that activity.
- (2) In this paragraph—
- “exempt person”, in relation to a regulated activity, has the meaning given by section 417 of the Financial Services and Markets Act 2000;
  - “regulated activity” has the meaning given by section 22 of that Act, taken with Schedule 2 to that Act and any order under that section.

### *Banks*

- 4 (1) A company is excluded from being eligible if—
- (a) it has permission under Part 4A of the Financial Services and Markets Act 2000 to carry on the regulated activity of accepting deposits,
  - (b) it is a banking group company within the meaning of Part 1 of the Banking Act 2009 (see section 81D of that Act), or
  - (c) it has a liability in respect of a deposit which it accepted in accordance with the Banking Act 1979 or the Banking Act 1987.
- (2) In sub-paragraph (1)(a) “regulated activity” has the meaning given by section 22 of the Financial Services and Markets Act 2000, taken with Schedule 2 to that Act and any order under that section.

### *Electronic money institutions*

- 5 A company is excluded from being eligible if it is an electronic money institution within the meaning of the Electronic Money Regulations 2011 ([S.I. 2011/99](#)) (see regulation 2 of those Regulations).

### *Investment banks and investment firms*

- 6 (1) A company is excluded from being eligible if it is an investment bank or an investment firm.
- (2) In this paragraph—
- “investment bank” means a company that has permission under Part 4A of the Financial Services and Markets Act 2000 to carry on the regulated activity of—

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- (a) safeguarding and administering investments,
- (b) managing an AIF or a UCITS,
- (c) acting as trustee or depositary of an AIF or a UCITS,
- (d) dealing in investments as principal, or
- (e) dealing in investments as agent,

but does not include a company that has permission to arrange for one or more others to carry on the activity mentioned in paragraph (a) if it does not otherwise have permission to carry on any of the activities mentioned in paragraphs (a) to (e);

“investment firm” has the same meaning as in the Banking Act 2009 (see section 258A of that Act), disregarding any order made under section 258A(2)(b) of that Act;

“regulated activity” has the meaning given by section 22 of the Financial Services and Markets Act 2000, taken with Schedule 2 to that Act and any order under that section.

*Companies that are party to market contracts or subject to market charges, etc*

- 7
- (1) A company is excluded from being eligible if it is a party to a market contract for the purposes of Part 7 of the Companies Act 1989 (see section 155 of that Act).
  - (2) A company is excluded from being eligible if any of its property is subject to a market charge for the purposes of Part 7 of the Companies Act 1989 (see section 173 of that Act).
  - (3) A company is excluded from being eligible if any of its property is subject to a charge that is a system-charge, within the meaning of the Financial Markets and Insolvency Regulations 1996 ([S.I. 1996/1469](#)) (see regulation 2 of those Regulations).

*Participants in designated systems*

- 8
- A company is excluded from being eligible if—
- (a) it is a participant in a designated system, within the meaning of the Financial Markets and Insolvency (Settlement Finality) Regulations 1999 ([S.I. 1999/2979](#)) (see regulation 2 of those Regulations), or
  - (b) any of its property is subject to a collateral security charge within the meaning of those Regulations (see regulation 2 of those Regulations).

*Payment institutions*

- 9
- A company is excluded from being eligible if it is an authorised payment institution, a small payment institution or a registered account information service provider within the meaning of the Payment Services Regulations 2017 ([S.I. 2017/752](#)) (see regulation 2 of those Regulations).

*Operators of payment systems, infrastructure providers etc*

- 10
- A company is excluded from being eligible if—
- (a) it is the operator of a payment system or an infrastructure provider within the meaning of Part 5 of the Financial Services (Banking Reform) Act 2013 (see section 42 of that Act), or

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- (b) it is an infrastructure company, within the meaning of Part 6 of that Act (see section 112 of that Act).

#### *Recognised investment exchanges, clearing houses and CSDs*

- 11 A company is excluded from being eligible if it is a recognised investment exchange, a recognised clearing house or a recognised CSD within the meaning of the Financial Services and Markets Act 2000 (see section 285 of that Act).

#### *Securitisation companies*

- 12 A company is excluded from being eligible if it is a securitisation company within the meaning of the Taxation of Securitisation Companies Regulations 2006 ([S.I. 2006/3296](#)) (see regulation 4 of those Regulations).

#### *Parties to capital market arrangements*

- 13 (1) A company is excluded from being eligible if, on the filing date—
  - (a) it is a party to an agreement which is or forms part of a capital market arrangement (see sub-paragraph (2)),
  - (b) a party has incurred, or when the agreement was entered into was expected to incur, a debt of at least £10 million under the arrangement (at any time during the life of the capital market arrangement), and
  - (c) the arrangement involves the issue of a capital market investment (see paragraph 14).
- (2) For the purposes of this paragraph, an arrangement is a “capital market arrangement” if any of the following applies—
  - (a) it involves a grant of security to a person holding it as trustee for a person who holds a capital market investment issued by a party to the arrangement;
  - (b) at least one party guarantees the performance of obligations of another party;
  - (c) at least one party provides security in respect of the performance of obligations of another party;
  - (d) the arrangement involves an investment of a kind described in articles 83 to 85 of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 ([S.I. 2001/544](#)) (options, futures and contracts for differences).
- (3) For the purposes of sub-paragraph (2)—
  - (a) a reference to holding a security as trustee includes a reference to holding it as nominee or agent,
  - (b) a reference to holding for a person who holds a capital market investment includes a reference to holding for a number of persons at least one of whom holds a capital market investment, and
  - (c) a reference to holding a capital market investment is to holding a legal or beneficial interest in it.
- (4) For the purposes of sub-paragraph (1)(b), where a debt is denominated wholly or partly in a foreign currency, the sterling equivalent is to be calculated as at the time when the arrangement is entered into.

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**Modifications etc. (not altering text)**

**C4** Sch. ZA1 para. 13 modified (E.W.S.) (26.11.2020) by [The Corporate Insolvency and Governance Act 2020 \(Coronavirus\) \(Suspension of Liability for Wrongful Trading and Extension of the Relevant Period\) Regulations 2020 \(S.I. 2020/1349\)](#), regs. 1, **2(5)(a)**

- 14 (1) For the purposes of paragraph 13 an investment is a “capital market investment” if condition A or B is met.
- (2) Condition A is that the investment—
- (a) is within article 77 or 77A of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 ([S.I. 2001/544](#)) (debt instruments), and
  - (b) is rated, listed or traded or designed to be rated, listed or traded.
- (3) In sub-paragraph (2)—
- “listed” means admitted to the official list within the meaning given by section 103(1) of the Financial Services and Markets Act 2000 (interpretation);
- “rated” means rated for the purposes of investment by an internationally recognised rating agency;
- “traded” means admitted to trading on a market established under the rules of a recognised investment exchange or on a foreign market.
- (4) In sub-paragraph (3)—
- “foreign market” has the same meaning as “relevant market” in article 67(2) of the Financial Services and Markets Act 2000 (Financial Promotion) Order 2005 ([S.I. 2005/1529](#)) (foreign markets);
- “recognised investment exchange” has the meaning given by section 285 of the Financial Services and Markets Act 2000 (recognised investment exchange).
- (5) Condition B is that the investment consists of a bond or commercial paper issued to one or more of the following—
- (a) an investment professional within the meaning of article 19(5) of the Financial Services and Markets Act 2000 (Financial Promotion) Order 2005 ([S.I. 2005/1529](#));
  - (b) a person who, when the agreement mentioned in paragraph 13(1) is entered into, is a <sup>F6</sup>... high net worth individual in relation to a communication within the meaning of article 48(2) of that Order;
  - (c) a person to whom article 49(2) of that Order applies (high net worth company, etc);
  - (d) a person who, when the agreement mentioned in paragraph 13(1) is entered into, is a certified sophisticated investor in relation to a communication within the meaning of article 50(1) of that Order;
  - (e) a person in a State other than the United Kingdom who under the law of that State is not prohibited from investing in bonds or commercial paper.
- (6) For the purposes of sub-paragraph (5)—
- (a) in applying article 19(5) of the Financial Services and Markets Act 2000 (Financial Promotion) Order 2005—
    - (i) in article 19(5)(b), ignore the words after “exempt person”,

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- (ii) in article 19(5)(c)(i), for the words from “the controlled activity” to the end substitute “a controlled activity”, and
- (iii) in article 19(5)(e), ignore the words from “where the communication” to the end;
- (b) in applying article 49(2) of that Order, ignore article 49(2)(e);
- (c) “bond” means—
  - (i) a bond that is within article 77(1) of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001, or
  - (ii) an alternative finance investment bond within the meaning of article 77A of that Order;
- (d) “commercial paper” has the meaning given by article 9(3) of that Order.

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**Textual Amendments**

- F6** Word in Sch. ZA1 para. 14(5)(b) omitted (31.1.2024) by virtue of [The Financial Services and Markets Act 2000 \(Financial Promotion\) \(Amendment\) \(No. 2\) Order 2023 \(S.I. 2023/1411\)](#), arts. 1(2), **16(2)**

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**Textual Amendments**

- F6** Word in Sch. ZA1 para. 14(5)(b) omitted (31.1.2024) by virtue of [The Financial Services and Markets Act 2000 \(Financial Promotion\) \(Amendment\) \(No. 2\) Order 2023 \(S.I. 2023/1411\)](#), arts. 1(2), **16(2)**

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**Modifications etc. (not altering text)**

- C4** Sch. ZA1 para. 13 modified (E.W.S.) (26.11.2020) by [The Corporate Insolvency and Governance Act 2020 \(Coronavirus\) \(Suspension of Liability for Wrongful Trading and Extension of the Relevant Period\) Regulations 2020 \(S.I. 2020/1349\)](#), regs. 1, **2(5)(a)**

*Public-private partnership project companies*

- 15 (1) A company is excluded from being eligible if, on the filing date, it is a project company of a project which—
- (a) is a public-private partnership project (see paragraph 16), and
  - (b) includes step-in rights (see paragraph 17).
- (2) For the purposes of this paragraph a company is a “project company” of a project if any of the following applies—
- (a) it holds property for the purpose of the project;
  - (b) it has sole or principal responsibility under an agreement for carrying out all or part of the project;
  - (c) it is one of a number of companies which together carry out the project;
  - (d) it has the purpose of supplying finance to enable the project to be carried out;
  - (e) it is the holding company of a company within any of paragraphs (a) to (d).
- (3) But a company is not a “project company” of a project if—
- (a) it performs a function within sub-paragraph (2)(a) to (d) or is within sub-paragraph (2)(e), but
  - (b) it also performs a function which is not—
    - (i) within sub-paragraph (2)(a) to (d),
    - (ii) related to a function within sub-paragraph (2)(a) to (d), or



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(iii) related to the project.

(4) For the purposes of this paragraph a company carries out all or part of a project whether or not it acts wholly or partly through agents.

**Modifications etc. (not altering text)**

**C5** Sch. ZA1 para. 15 modified (E.W.S.) (26.11.2020) by [The Corporate Insolvency and Governance Act 2020 \(Coronavirus\) \(Suspension of Liability for Wrongful Trading and Extension of the Relevant Period\) Regulations 2020 \(S.I. 2020/1349\)](#), regs. 1, **2(5)(b)**

16 (1) For the purposes of paragraph 15 “public-private partnership project” means a project—

- (a) the resources for which are provided partly by one or more public bodies and partly by one or more private persons, or
- (b) which is designed wholly or mainly for the purpose of assisting a public body to discharge a function.

(2) In sub-paragraph (1) “public body” means—

- (a) a body which exercises public functions,
- (b) a body specified for the purposes of this paragraph by the Secretary of State, or
- (c) a body within a class specified for the purposes of this paragraph by the Secretary of State.

(3) In sub-paragraph (1)(a) “resources” includes—

- (a) funds (including payment for the provision of services or facilities);
- (b) assets;
- (c) professional skill;
- (d) the grant of a concession or franchise;
- (e) any other commercial resource.

(4) A specification under sub-paragraph (2) may be—

- (a) general, or
- (b) for the purpose of the application of paragraph 15 to a specified case.

17 (1) For the purposes of paragraph 15 a project has “step-in rights” if a person who provides finance in connection with the project has a conditional entitlement under an agreement to—

- (a) assume sole or principal responsibility under an agreement for carrying out all or part of the project, or
- (b) make arrangements for carrying out all or part of the project.

(2) In sub-paragraph (1) a reference to the provision of finance includes a reference to the provision of an indemnity.

**Modifications etc. (not altering text)**

**C5** Sch. ZA1 para. 15 modified (E.W.S.) (26.11.2020) by [The Corporate Insolvency and Governance Act 2020 \(Coronavirus\) \(Suspension of Liability for Wrongful Trading and Extension of the Relevant Period\) Regulations 2020 \(S.I. 2020/1349\)](#), regs. 1, **2(5)(b)**



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### *Overseas companies with corresponding functions*

- 18 A company is excluded from being eligible if its registered office or head office is outside the United Kingdom and—
- (a) its functions correspond to those of a company mentioned in any of the previous paragraphs of this Schedule apart from [<sup>F7</sup>paragraphs 2 and 2A] and, if it were a company registered under the Companies Act 2006 in England and Wales or Scotland, it would be excluded from being eligible by that paragraph, or
  - (b) it has entered into a transaction or done anything else that, if done in England and Wales or Scotland by a company registered under the Companies Act 2006 in England and Wales or Scotland, would result in the company being excluded by any of the previous paragraphs of this Schedule apart from [<sup>F8</sup>paragraphs 2 and 2A].

#### **Textual Amendments**

- F7** Words in Sch. ZA1 para. 18(a) substituted (29.6.2020 at 10.30 a.m.) by [The Insolvency Act 1986 Part A1 Moratorium \(Eligibility of Private Registered Providers\) Regulations 2020 \(S.I. 2020/652\)](#), regs. 1, **2(4)(a)**
- F8** Words in Sch. ZA1 para. 18(b) substituted (29.6.2020 at 10.30 a.m.) by [The Insolvency Act 1986 Part A1 Moratorium \(Eligibility of Private Registered Providers\) Regulations 2020 \(S.I. 2020/652\)](#), regs. 1, **2(4)(b)**

#### **Modifications etc. (not altering text)**

- C6** Sch. ZA1 para. 18 modified (E.W.S.) (26.11.2020) by [The Corporate Insolvency and Governance Act 2020 \(Coronavirus\) \(Suspension of Liability for Wrongful Trading and Extension of the Relevant Period\) Regulations 2020 \(S.I. 2020/1349\)](#), regs. 1, **2(5)(b)**

### *Interpretation of Schedule*

- 19 (1) This paragraph applies for the purposes of this Schedule.
- (2) “Agreement” includes any agreement or undertaking effected by—
- (a) contract,
  - (b) deed, or
  - (c) any other instrument intended to have effect in accordance with the law of England and Wales, Scotland or another jurisdiction.
- (3) “The filing date” means the date on which documents are filed with the court under section A3, A4 or A5.
- (4) “Party” to an arrangement includes a party to an agreement which—
- (a) forms part of the arrangement,
  - (b) provides for the raising of finance as part of the arrangement, or
  - (c) is necessary for the purposes of implementing the arrangement.

### *Powers to amend Schedule*

- 20 (1) The Secretary of State may by regulations amend this Schedule, apart from paragraph 2, so as to alter the circumstances in which a company is “eligible” for the purposes of this Part.

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- (2) Regulations under this paragraph are subject to the affirmative resolution procedure.
- 21 (1) The Welsh Ministers may by regulations amend this Schedule—
- (a) so as to provide that a social landlord registered under Part 1 of the Housing Act 1996 is excluded from being “eligible” for the purposes of this Part;
  - (b) so as to reverse the effect of any provision made under paragraph (a).
- (2) Regulations under this paragraph extend to England and Wales only.
- (3) A statutory instrument containing regulations under this paragraph may not be made unless a draft of the statutory instrument containing them has been laid before and approved by a resolution of Senedd Cymru.
- 22 (1) The Scottish Ministers may by regulations amend this Schedule—
- (a) so as to provide that a social landlord registered under Part 2 of the Housing (Scotland) Act 2010 ([asp 17](#)) is excluded from being “eligible” for the purposes of this Part;
  - (b) so as to reverse the effect of any provision made under paragraph (a).
- (2) Regulations under this paragraph extend to Scotland only.
- (3) Regulations under this paragraph are subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010 ([asp 10](#))).]

## [<sup>F9</sup>SCHEDULE ZA2

Section A18

### MORATORIUM: CONTRACT OR OTHER INSTRUMENT INVOLVING FINANCIAL SERVICES

#### Textual Amendments

**F9** Sch. ZA2 inserted (26.6.2020) by [Corporate Insolvency and Governance Act 2020 \(c. 12\)](#), s. 49(1), [Sch. 2](#) (with [ss. 2\(2\)](#), [5\(2\)](#))

#### *Introductory*

- 1 For the purposes of section A18 “contract or other instrument involving financial services” means a contract or other instrument to which any of the following paragraphs applies.

#### *Financial contracts*

- 2 (1) This paragraph applies to a financial contract.
- (2) “Financial contract” means—
- (a) a contract for the provision of financial services consisting of—
    - (i) lending (including the factoring and financing of commercial transactions),
    - (ii) financial leasing, or
    - (iii) providing guarantees or commitments;

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- (b) a securities contract, including—
    - (i) a contract for the purchase, sale or loan of a security, group or index of securities;
    - (ii) an option on a security or group or index of securities;
    - (iii) a repurchase or reverse repurchase transaction on any such security, group or index;
  - (c) a commodities contract, including—
    - (i) a contract for the purchase, sale or loan of a commodity or group or index of commodities for future delivery;
    - (ii) an option on a commodity or group or index of commodities;
    - (iii) a repurchase or reverse repurchase transaction on any such commodity, group or index;
  - (d) a futures or forwards contract, including a contract (other than a commodities contract) for the purchase, sale or transfer of a commodity or property of any other description, service, right or interest for a specified price at a future date;
  - (e) a swap agreement, including—
    - (i) a swap or option relating to interest rates, spot or other foreign exchange agreements, currency, an equity index or equity, a debt index or debt, commodity indexes or commodities, weather, emissions or inflation;
    - (ii) a total return, credit spread or credit swap;
    - (iii) any agreement or transaction that is similar to an agreement that is referred to in sub-paragraph (i) or (ii) and is the subject of recurrent dealing in the swaps or derivatives markets;
  - (f) an inter-bank borrowing agreement where the term of the borrowing is three months or less;
  - (g) a master agreement for any of the contracts or agreements referred to in paragraphs (a) to (f).
- (3) For the purposes of this paragraph “commodities” includes—
- (a) units recognised for compliance with the requirements of [EU Directive 2003/87/EC](#) establishing a scheme for greenhouse gas emission allowance trading,
  - (b) allowances under paragraph 5 of Schedule 2 to the Climate Change Act 2008 relating to a trading scheme dealt with under Part 1 of that Schedule (schemes limiting activities relating to emissions of greenhouse gas), and
  - (c) renewables obligation certificates issued—
    - (i) by the Gas and Electricity Markets Authority under an order made under section 32B of the Electricity Act 1989, or
    - (ii) by the Northern Ireland Authority for Utility Regulation under the Energy (Northern Ireland) Order 2003 ([S.I. 2003/419 \(N.I. 6\)](#)) and pursuant to an order made under Articles 52 to 55F of that Order.

### *Securities financing transactions*

- 3 (1) This paragraph applies to—
- (a) a securities financing transaction, and
  - (b) a master agreement for securities financing transactions.

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- (2) “Securities financing transaction” has the meaning given by Article 3(11) of [Regulation \(EU\) 2015/2365](#) on the transparency of securities financing transactions.
- (3) But for the purposes of that Article as it applies for the purposes of this paragraph, references to “commodities” in that Regulation are to be taken as including the units, allowances and certificates referred to in paragraph 2(3)(a), (b) and (c).

#### *Derivatives*

- 4 (1) This paragraph applies to—
  - (a) a derivative, and
  - (b) a master agreement for derivatives.
- (2) “Derivative” has the meaning given by Article 2(5) of [Regulation \(EU\) No. 648/2012](#).

#### *Spot contracts*

- 5 (1) This paragraph applies to—
  - (a) a spot contract, and
  - (b) a master agreement for spot contracts.
- (2) “Spot contract” has the meaning given by Article 7(2) or 10(2) of Commission Delegated Regulation of 25.4.2016 supplementing [Directive 2014/65/EU](#) of the European Parliament and of the Council as regards organisational requirements and operating conditions for investment firms and defined terms for the purposes of that Directive.

#### *Capital market investments*

- 6 (1) This paragraph applies to an agreement which is, or forms part of, an arrangement involving the issue of a capital market investment.
- (2) “Capital market investment” has the meaning given by paragraph 14 of Schedule ZA1.

#### *Contracts forming part of a public-private partnership*

- 7 This paragraph applies to a contract forming part of a public-private partnership project within the meaning given by paragraph 16 of Schedule ZA1.

#### *Market contracts*

- 8 This paragraph applies to a market contract within the meaning of Part 7 of the Companies Act 1989 (see section 155 of that Act).

#### *Qualifying collateral arrangements and qualifying property transfers*

- 9 This paragraph applies to qualifying collateral arrangements and qualifying property transfers within the meaning of Part 7 of the Companies Act 1989 (see section 155A of that Act).

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### *Contracts secured by certain charges or arrangements*

- 10 This paragraph applies to a contract where any obligation under the contract is—
- (a) secured by a market charge within the meaning of Part 7 of the Companies Act 1989 (see section 173 of that Act),
  - (b) secured by a system-charge within the meaning of the Financial Markets and Insolvency Regulations 1996 (S.I. 1996/1469) (see regulation 2 of those Regulations), or
  - (c) secured or otherwise covered by a financial collateral arrangement within the meaning of the Financial Collateral Arrangements (No. 2) Regulations 2003 (S.I. 2003/3226) (see regulation 3 of those Regulations).

### *Default arrangements and transfer orders*

- 11 This paragraph applies to a contract which is included in default arrangements, or a transfer order, within the meaning of the Financial Markets and Insolvency (Settlement Finality) Regulations 1999 (S.I. 1999/2979) (see regulation 2 of those Regulations).

### *Card-based payment transactions*

- 12 This paragraph applies to a contract to accept and process card-based payment transactions within the meaning given by Regulation (EU) 2015/751 of the European Parliament and of the Council of 29th April 2015 on interchange fees for card-based payment transactions.

### *Power to amend Schedule*

- 13 (1) The Secretary of State may by regulations amend this Schedule so as to change the meaning of “contract or other instrument involving financial services” for the purposes of section A18.
- (2) Regulations under this paragraph are subject to the affirmative resolution procedure.]

## F10 SCHEDULE A1

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### **Textual Amendments**

- F10** Sch. A1 omitted (26.6.2020) by virtue of Corporate Insolvency and Governance Act 2020 (c. 12), s. 49(1), Sch. 3 para. 30 (with ss. 2(2), 5(2))

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## [<sup>F11</sup>SCHEDULE B1 ADMINISTRATION

### Textual Amendments

**F11** Sch. B1 inserted (15.9.2003) by 2002 c. 40, ss. 248(2), 279, Sch. 16 (with s. 249(1)-(3)(6)); S.I. 2003/2093, **art. 2(1)**, Sch. 1 (subject to arts. 3-8 (as amended by S.I. 2003/2332, art. 2))

### Modifications etc. (not altering text)

- C7** Pt. 2 (including Sch. B1) applied (with modifications) (1.12.1994) by The Insolvent Partnerships Order 1994 (S.I. 1994/2421), art. 6(1), **Sch. 2** (as amended (1.7.2005) by S.I. 2005/1516, art. 7, **Sch. 1**; (1.4.2013) by S.I. 2013/472, **Sch. 2 para. 11(b)**); (1.1.2015) by S.I. 2014/3486, arts. 1(2), **13** (with art. 3); (6.4.2017) by S.I. 2017/540, reg. 1, **Sch. 2 para. 6** (with reg. 4); (19.12.2018) by S.I. 2018/1244, arts. 1(2), **19(2)(3)** (with art. 3); and (28.12.2020) (temp.) by S.I. 2020/1350, regs. 1(4), **121(3)**)
- C8** Pt. 2 (including Sch. B1) applied (with modifications) (1.2.2011) by The Financial Services and Markets Act 2000 (Administration Orders Relating to Insurers) Order 2010 (S.I. 2010/3023), art. 2, **Sch.** (with art. 6) (as amended (1.4.2013) by S.I. 2013/472, **Sch. 2 para. 195(c)**); and (7.4.2017) by S.I. 2017/400, regs. 1(2), **9**)
- C9** Sch. B1 applied in part (with modifications) (5.10.2004) by Energy Act 2004 (c. 20), ss. 159(1), 198, **Sch. 20 Pts. 1-3**; S.I. 2004/2575, art. 2(1), **Sch. 1** (as amended (26.6.2020) by Corporate Insolvency and Governance Act 2020 (c. 12), s. 49(1), **Sch. 9 para. 27** (with ss. 2(2), 5(2)))
- C10** Pt. 2 (including Sch. B1) applied (with modifications) (6.4.2014) by The Co-operative and Community Benefit Societies and Credit Unions (Arrangements, Reconstructions and Administration) Order 2014 (S.I. 2014/229), art. 2(2), **Sch. 1** (as renamed (1.8.2014) by S.I. 2014/1815, **Sch. para 33**; and as amended (1.8.2014) by S.I. 2014/1822, **art. 5**; and (13.3.2018) by S.I. 2018/208, regs. 1(3), **15(3)(b)**)
- C11** Sch. B1 applied in part (with modifications) (1.10.2011) by Postal Services Act 2011 (c. 5), ss. 73, 93(2) (3), Sch. 10 Pts. 1, 2; S.I. 2011/2329, **art. 3** (with arts. 4, 5) (as amended (6.4.2017) by S.I. 2017/540, reg. 1, **Sch. 1 para. 6(2)** (with reg. 4))
- C12** Sch. B1 applied (with modifications) by S.I. 2010/3023, art. 2, Sch. (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), **12** (with reg. 22))
- C13** Sch. B1 specified provisions applied (with modifications) by S.I. 2012/3013, Sch. 2 Pt. 1 (as inserted (4.7.2018) by The Insolvency of Registered Providers of Social Housing Regulations 2018 (S.I. 2018/728), regs. 1, 3(6), **Sch. 2**)
- C14** Sch. B1 specified provisions applied (with modifications) (4.7.2018) by The Insolvency of Registered Providers of Social Housing Regulations 2018 (S.I. 2018/728), regs. 1, 2(2), **Sch. 1 Pt. 1**
- C15** Sch. B1 specified provisions applied (with modifications) (13.7.2018 for E.W.) by Financial Services (Banking Reform) Act 2013 (c. 33), s. 148(5), **Sch. 6 para. 5**; S.I. 2018/848, **art. 2(b)** (as amended by S.I. 2017/400, regs. 1(2), **6(a)(c)**); and S.I. 2018/208, regs. 1(3), **6(a)**)
- C16** Sch. B1 specified provisions applied (with modifications) (31.1.2019) by Technical and Further Education Act 2017 (c. 19), s. 47(2), **Sch. 3**; S.I. 2018/1161, **reg. 3(c)** (as amended (26.12.2023) by 2023 c. 55, s. 255(2)(c), **Sch. 4 para. 210(a)** (with s. 247))
- C17** Sch. B1 specified provisions applied (with modifications) (31.1.2019) by Technical and Further Education Act 2017 (c. 19), s. 47(2), **Sch. 4**; S.I. 2018/1161, **reg. 3(d)** (as amended: (28.6.2022) by 2022 c. 21, **ss. 25(4)**, 36(2); and (26.12.2023) by 2023 c. 55, s. 255(2)(c), **Sch. 4 para. 211(a)** (with s. 247))
- C18** Sch. B1 modified (28.12.2020 until IP completion day when the amending provision ceases to have effect in accordance with reg. 1(4) of the amending S.I.) by The Bank Recovery and Resolution (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1350), regs. 1(4), **114** (with reg. 108)
- C19** Sch. B1 excluded in part (E.W.) (15.3.2024) by The Water Industry (Special Administration) Regulations 2024 (S.I. 2024/205), regs. 2(2), **5(2)** (with reg. 64)

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## ARRANGEMENT OF SCHEDULE

Nature of administration	Paragraphs 1 to 9
Appointment of administrator by court	Paragraphs 10 to 13
Appointment of administrator by holder of floating charge	Paragraphs 14 to 21
Appointment of administrator by company or directors	Paragraphs 22 to 34
Administration application: special cases	Paragraphs 35 to 39
Effect of administration	Paragraphs 40 to 45
Process of administration	Paragraphs 46 to 58
Functions of administrator	Paragraphs 59 to 75
Ending administration	Paragraphs 76 to 86
Replacing administrator	Paragraphs 87 to 99
General	Paragraphs 100 to 116

## NATURE OF ADMINISTRATION

### *Administration*

- 1 (1) For the purposes of this Act “administrator” of a company means a person appointed under this Schedule to manage the company’s affairs, business and property.
- (2) For the purposes of this Act—
- (a) a company is “in administration” while the appointment of an administrator of the company has effect,
  - (b) a company “enters administration” when the appointment of an administrator takes effect,
  - (c) a company ceases to be in administration when the appointment of an administrator of the company ceases to have effect in accordance with this Schedule, and
  - (d) a company does not cease to be in administration merely because an administrator vacates office (by reason of resignation, death or otherwise) or is removed from office.

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**Modifications etc. (not altering text)**

**C20** Sch. B1 para. 1 modified (5.7.2018) by [Housing and Planning Act 2016 \(c. 22\), s. 216\(3\), Sch. 5 Pts. 1, 2; S.I. 2018/805, reg. 3\(b\)](#)

**C21** Sch. B1 para. 1 applied (with modifications) (E.W.) (15.3.2024) by [The Water Industry \(Special Administration\) Regulations 2024 \(S.I. 2024/205\), regs. 2\(2\), 5\(1\), 8 \(with reg. 64\)](#)

- 2 A person may be appointed as administrator of a company—
- (a) by administration order of the court under paragraph 10,
  - (b) by the holder of a floating charge under paragraph 14, or
  - (c) by the company or its directors under paragraph 22.



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### *Purpose of administration*

- 3 (1) The administrator of a company must perform his functions with the objective of—
- (a) rescuing the company as a going concern, or
  - (b) achieving a better result for the company’s creditors as a whole than would be likely if the company were wound up (without first being in administration), or
  - (c) realising property in order to make a distribution to one or more secured or preferential creditors.
- (2) Subject to sub-paragraph (4), the administrator of a company must perform his functions in the interests of the company’s creditors as a whole.
- (3) The administrator must perform his functions with the objective specified in sub-paragraph (1)(a) unless he thinks either—
- (a) that it is not reasonably practicable to achieve that objective, or
  - (b) that the objective specified in sub-paragraph (1)(b) would achieve a better result for the company’s creditors as a whole.
- (4) The administrator may perform his functions with the objective specified in sub-paragraph (1)(c) only if—
- (a) he thinks that it is not reasonably practicable to achieve either of the objectives specified in sub-paragraph (1)(a) and (b), and
  - (b) he does not unnecessarily harm the interests of the creditors of the company as a whole.
- 4 The administrator of a company must perform his functions as quickly and efficiently as is reasonably practicable.

**Modifications etc. (not altering text)**

**C22** [Sch. B1 paras. 4-6](#) applied (with modifications) (E.W.) (15.3.2024) by [The Water Industry \(Special Administration\) Regulations 2024 \(S.I. 2024/205\)](#), regs. 2(2), **5(1)**, 9 (with reg. 64)

### *Status of administrator*

- 5 An administrator is an officer of the court (whether or not he is appointed by the court).

**Modifications etc. (not altering text)**

**C22** [Sch. B1 paras. 4-6](#) applied (with modifications) (E.W.) (15.3.2024) by [The Water Industry \(Special Administration\) Regulations 2024 \(S.I. 2024/205\)](#), regs. 2(2), **5(1)**, 9 (with reg. 64)

### *General restrictions*

- 6 A person may be appointed as administrator of a company only if he is qualified to act as an insolvency practitioner in relation to the company.

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**Modifications etc. (not altering text)**

**C22** Sch. B1 paras. 4-6 applied (with modifications) (E.W.) (15.3.2024) by [The Water Industry \(Special Administration\) Regulations 2024 \(S.I. 2024/205\)](#), regs. 2(2), **5(1)**, 9 (with reg. 64)

- 7 A person may not be appointed as administrator of a company which is in administration (subject to the provisions of paragraphs 90 to 97 and 100 to 103 about replacement and additional administrators).
- 8 (1) A person may not be appointed as administrator of a company which is in liquidation by virtue of—
- (a) a resolution for voluntary winding up, or
  - (b) a winding-up order.
- (2) Sub-paragraph (1)(a) is subject to paragraph 38.
- (3) Sub-paragraph (1)(b) is subject to paragraphs 37 and 38.
- 9 (1) A person may not be appointed as administrator of a company which—
- (a) has a liability in respect of a deposit which it accepted in accordance with the Banking Act 1979 (c. 37) or 1987 (c. 22), but
  - (b) is not an authorised deposit taker.
- (2) A person may not be appointed as administrator of a company which effects or carries out contracts of insurance.
- (3) But sub-paragraph (2) does not apply to a company which—
- (a) is exempt from the general prohibition in relation to effecting or carrying out contracts of insurance, or
  - (b) is an authorised deposit taker effecting or carrying out contracts of insurance in the course of a banking business.
- (4) In this paragraph—
- “authorised deposit taker” means a person with permission under Part IV of the Financial Services and Markets Act 2000 (c. 8) to accept deposits, and
  - “the general prohibition” has the meaning given by section 19 of that Act.
- (5) This paragraph shall be construed in accordance with—
- (a) section 22 of the Financial Services and Markets Act 2000 (classes of regulated activity and categories of investment),
  - (b) any relevant order under that section, and
  - (c) Schedule 2 to that Act (regulated activities).

#### APPOINTMENT OF ADMINISTRATOR BY COURT

##### *Administration order*

- 10 An administration order is an order appointing a person as the administrator of a company.

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### *Conditions for making order*

- 11 The court may make an administration order in relation to a company only if satisfied—
- (a) that the company is or is likely to become unable to pay its debts, and
  - (b) that the administration order is reasonably likely to achieve the purpose of administration.

### *Administration application*

- 12 (1) An application to the court for an administration order in respect of a company (an “administration application”) may be made only by—
- (a) the company,
  - (b) the directors of the company,
  - (c) one or more creditors of the company,
  - (d) the [<sup>F12</sup>designated officer] for a magistrates’ court in the exercise of the power conferred by section 87A of the Magistrates’ Courts Act 1980 (c. 43) (fine imposed on company), or
  - (e) a combination of persons listed in paragraphs (a) to (d).
- (2) As soon as is reasonably practicable after the making of an administration application the applicant shall notify—
- (a) any person who has appointed an administrative receiver of the company,
  - (b) any person who is or may be entitled to appoint an administrative receiver of the company,
  - (c) any person who is or may be entitled to appoint an administrator of the company under paragraph 14, and
  - (d) such other persons as may be prescribed.
- (3) An administration application may not be withdrawn without the permission of the court.
- (4) In sub-paragraph (1) “creditor” includes a contingent creditor and a prospective creditor.

[ Sub-paragraph (1) is without prejudice to section 7(4)(b).]

<sup>F13</sup>(5)

#### **Textual Amendments**

**F12** Words in Sch. B1 para. 12(1)(d) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, [Sch. 8 para. 299](#); [S.I. 2005/910](#), [art. 3\(y\)](#)

**F13** Sch. B1 para. 12(5) added (15.9.2003) by [The Enterprise Act 2002 \(Insolvency\) Order 2003 \(S.I. 2003/2096\)](#), [art. 2\(2\)](#)

#### **Modifications etc. (not altering text)**

**C23** Sch. B1 para. 12 applied (5.7.2018) by [Housing and Planning Act 2016 \(c. 22\)](#), ss. [106\(8\)](#), 216(3) (with ss. 116, 117); [S.I. 2018/805](#), [reg. 3\(a\)](#)

### *Powers of court*

- 13 (1) On hearing an administration application the court may—

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- (a) make the administration order sought;
  - (b) dismiss the application;
  - (c) adjourn the hearing conditionally or unconditionally;
  - (d) make an interim order;
  - (e) treat the application as a winding-up petition and make any order which the court could make under section 125;
  - (f) make any other order which the court thinks appropriate.
- (2) An appointment of an administrator by administration order takes effect—
- (a) at a time appointed by the order, or
  - (b) where no time is appointed by the order, when the order is made.
- (3) An interim order under sub-paragraph (1)(d) may, in particular—
- (a) restrict the exercise of a power of the directors or the company;
  - (b) make provision conferring a discretion on the court or on a person qualified to act as an insolvency practitioner in relation to the company.
- (4) This paragraph is subject to paragraph 39.

**Modifications etc. (not altering text)**

- C24** Sch. B1 para. 13 restricted (5.10.2004) by [Energy Act 2004 \(c. 20\)](#), **ss. 162(3)**, 198; S.I. 2004/2575, **art. 2(1)**, Sch. 1
- C25** Sch. B1 para. 13 excluded (5.7.2018) by [Housing and Planning Act 2016 \(c. 22\)](#), **ss. 106(3)**, 216(3) (with [ss. 116](#), [117](#)); S.I. 2018/805, **reg. 3(a)**
- C26** Sch. B1 para. 13 restricted (31.1.2019) by [Technical and Further Education Act 2017 \(c. 19\)](#), **ss. 9(3)**, [47\(2\)](#); S.I. 2018/1161, **reg. 3(a)**
- C27** Sch. B1 para. 13 applied (with modifications) (E.W.) (15.3.2024) by [The Water Industry \(Special Administration\) Regulations 2024 \(S.I. 2024/205\)](#), **regs. 2(2)**, **5(1)**, 10 (with [reg. 64](#))

## APPOINTMENT OF ADMINISTRATOR BY HOLDER OF FLOATING CHARGE

### *Power to appoint*

- 14 (1) The holder of a qualifying floating charge in respect of a company's property may appoint an administrator of the company.
- (2) For the purposes of sub-paragraph (1) a floating charge qualifies if created by an instrument which—
- (a) states that this paragraph applies to the floating charge,
  - (b) purports to empower the holder of the floating charge to appoint an administrator of the company,
  - (c) purports to empower the holder of the floating charge to make an appointment which would be the appointment of an administrative receiver within the meaning given by section 29(2), or
  - (d) purports to empower the holder of a floating charge in Scotland to appoint a receiver who on appointment would be an administrative receiver.
- (3) For the purposes of sub-paragraph (1) a person is the holder of a qualifying floating charge in respect of a company's property if he holds one or more debentures of the company secured—

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- (a) by a qualifying floating charge which relates to the whole or substantially the whole of the company's property,
- (b) by a number of qualifying floating charges which together relate to the whole or substantially the whole of the company's property, or
- (c) by charges and other forms of security which together relate to the whole or substantially the whole of the company's property and at least one of which is a qualifying floating charge.

**Modifications etc. (not altering text)**

- C28** Sch. B1 para. 14 restricted (5.10.2004) by [Energy Act 2004 \(c. 20\)](#), **ss. 163**, 198; [S.I. 2004/2575](#), **art. 2(1)**, Sch. 1
- C29** Sch. B1 para. 14 modified (5.7.2018) by [Housing and Planning Act 2016 \(c. 22\)](#), **ss. 107**, 216(3) (with [ss. 116](#), 117); [S.I. 2018/805](#), reg. 3(a)

*Restrictions on power to appoint*

- 15 (1) A person may not appoint an administrator under paragraph 14 unless—
- (a) he has given at least two business days' written notice to the holder of any prior floating charge which satisfies paragraph 14(2), or
  - (b) the holder of any prior floating charge which satisfies paragraph 14(2) has consented in writing to the making of the appointment.
- (2) One floating charge is prior to another for the purposes of this paragraph if—
- (a) it was created first, or
  - (b) it is to be treated as having priority in accordance with an agreement to which the holder of each floating charge was party.
- (3) Sub-paragraph (2) shall have effect in relation to Scotland as if the following were substituted for paragraph (a)—
- (“ it has priority of ranking in accordance with section 464(4)(b) of the Companies Act 1985 (c. 6), ”.
- 16 An administrator may not be appointed under paragraph 14 while a floating charge on which the appointment relies is not enforceable.
- 17 An administrator of a company may not be appointed under paragraph 14 if—
- (a) a provisional liquidator of the company has been appointed under section 135, or
  - (b) an administrative receiver of the company is in office.

*Notice of appointment*

- 18 (1) A person who appoints an administrator of a company under paragraph 14 shall file with the court—
- (a) a notice of appointment, and
  - (b) such other documents as may be prescribed.
- (2) The notice of appointment must include a statutory declaration by or on behalf of the person who makes the appointment—
- (a) that the person is the holder of a qualifying floating charge in respect of the company's property,

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- (b) that each floating charge relied on in making the appointment is (or was) enforceable on the date of the appointment, and
  - (c) that the appointment is in accordance with this Schedule.
- (3) The notice of appointment must identify the administrator and must be accompanied by a statement by the administrator—
  - (a) that he consents to the appointment,
  - (b) that in his opinion the purpose of administration is reasonably likely to be achieved, and
  - (c) giving such other information and opinions as may be prescribed.
- (4) For the purpose of a statement under sub-paragraph (3) an administrator may rely on information supplied by directors of the company (unless he has reason to doubt its accuracy).
- (5) The notice of appointment and any document accompanying it must be in the prescribed form.
- (6) A statutory declaration under sub-paragraph (2) must be made during the prescribed period.
- (7) A person commits an offence if in a statutory declaration under sub-paragraph (2) he makes a statement—
  - (a) which is false, and
  - (b) which he does not reasonably believe to be true.

#### *Commencement of appointment*

- 19 The appointment of an administrator under paragraph 14 takes effect when the requirements of paragraph 18 are satisfied.
- 20 A person who appoints an administrator under paragraph 14—
  - (a) shall notify the administrator and such other persons as may be prescribed as soon as is reasonably practicable after the requirements of paragraph 18 are satisfied, and
  - (b) commits an offence if he fails without reasonable excuse to comply with paragraph (a).

#### *Invalid appointment: indemnity*

- 21 (1) This paragraph applies where—
  - (a) a person purports to appoint an administrator under paragraph 14, and
  - (b) the appointment is discovered to be invalid.
- (2) The court may order the person who purported to make the appointment to indemnify the person appointed against liability which arises solely by reason of the appointment's invalidity.

### APPOINTMENT OF ADMINISTRATOR BY COMPANY OR DIRECTORS

#### *Power to appoint*

- 22 (1) A company may appoint an administrator.

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(2) The directors of a company may appoint an administrator.

**Modifications etc. (not altering text)**

- C30** Sch. B1 para. 22 restricted (5.10.2004) by [Energy Act 2004 \(c. 20\)](#), **ss. 163**, 198; S.I. 2004/2575, **art. 2(1)**, Sch. 1
- C31** Sch. B1 para. 22 modified (5.7.2018) by [Housing and Planning Act 2016 \(c. 22\)](#), **ss. 107**, 216(3) (with [ss. 116](#), 117); S.I. 2018/805, [reg. 3\(a\)](#)

*Restrictions on power to appoint*

- 23 (1) This paragraph applies where an administrator of a company is appointed—
- (a) under paragraph 22, or
  - (b) on an administration application made by the company or its directors.
- (2) An administrator of the company may not be appointed under paragraph 22 during the period of 12 months beginning with the date on which the appointment referred to in sub-paragraph (1) ceases to have effect.

<sup>F14</sup>24 . . . . .

**Textual Amendments**

- F14** Sch. B1 para. 24 omitted (26.6.2020) by virtue of [Corporate Insolvency and Governance Act 2020 \(c. 12\)](#), [s. 49\(1\)](#), **Sch. 3 para. 31(2)** (with [ss. 2\(2\)](#), 5(2))

- 25 An administrator of a company may not be appointed under paragraph 22 if—
- (a) a petition for the winding up of the company has been presented and is not yet disposed of,
  - (b) an administration application has been made and is not yet disposed of, or
  - (c) an administrative receiver of the company is in office.

[<sup>F15</sup>25A (1) Paragraph 25(a) does not prevent the appointment of an administrator of a company if the petition for the winding up of the company was presented after the person proposing to make the appointment filed the notice of intention to appoint with the court under paragraph 27.

(2) But sub-paragraph (1) does not apply if the petition was presented under a provision mentioned in paragraph 42(4).]

**Textual Amendments**

- F15** Sch. B1 para. 25A inserted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), [s. 115\(3\)\(n\)](#), **Sch. 6 para. 5**

*Notice of intention to appoint*

- 26 (1) A person who proposes to make an appointment under paragraph 22 shall give at least five business days' written notice to—
- (a) any person who is or may be entitled to appoint an administrative receiver of the company, and



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- (b) any person who is or may be entitled to appoint an administrator of the company under paragraph 14.
- (2) A person who <sup>F16</sup>gives notice of intention to appoint under sub-paragraph (1)] shall also give such notice as may be prescribed to such other persons as may be prescribed.
- (3) A notice under this paragraph must—
  - (a) identify the proposed administrator, and
  - (b) be in the prescribed form.

#### Textual Amendments

**F16** Words in Sch. B1 para. 26(2) substituted (1.10.2015) by [Deregulation Act 2015 \(c. 20\), s. 115\(7\), Sch. 6 para. 6; S.I. 2015/1732, art. 2\(e\)\(ii\)](#)

- 27 (1) A person who gives notice of intention to appoint under paragraph 26 shall file with the court as soon as is reasonably practicable a copy of—
  - (a) the notice, and
  - (b) any document accompanying it.
- (2) The copy filed under sub-paragraph (1) must be accompanied by a statutory declaration made by or on behalf of the person who proposes to make the appointment—
  - (a) that the company is or is likely to become unable to pay its debts,
  - (b) that the company is not in liquidation, and
  - (c) that, so far as the person making the statement is able to ascertain, the appointment is not prevented by paragraphs 23 to 25, and
  - (d) to such additional effect, and giving such information, as may be prescribed.
- (3) A statutory declaration under sub-paragraph (2) must—
  - (a) be in the prescribed form, and
  - (b) be made during the prescribed period.
- (4) A person commits an offence if in a statutory declaration under sub-paragraph (2) he makes a statement—
  - (a) which is false, and
  - (b) which he does not reasonably believe to be true.
- 28 (1) An appointment may not be made under paragraph 22 unless the person who makes the appointment has complied with any requirement of paragraphs 26 and 27 and—
  - (a) the period of notice specified in paragraph 26(1) has expired, or
  - (b) each person to whom notice has been given under paragraph 26(1) has consented in writing to the making of the appointment.
- (2) An appointment may not be made under paragraph 22 after the period of ten business days beginning with the date on which the notice of intention to appoint is filed under paragraph 27(1).

#### Notice of appointment

- 29 (1) A person who appoints an administrator of a company under paragraph 22 shall file with the court—

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- (a) a notice of appointment, and
  - (b) such other documents as may be prescribed.
- (2) The notice of appointment must include a statutory declaration by or on behalf of the person who makes the appointment—
- (a) that the person is entitled to make an appointment under paragraph 22,
  - (b) that the appointment is in accordance with this Schedule, and
  - (c) that, so far as the person making the statement is able to ascertain, the statements made and information given in the statutory declaration filed with the notice of intention to appoint remain accurate.
- (3) The notice of appointment must identify the administrator and must be accompanied by a statement by the administrator—
- (a) that he consents to the appointment,
  - (b) that in his opinion the purpose of administration is reasonably likely to be achieved, and
  - (c) giving such other information and opinions as may be prescribed.
- (4) For the purpose of a statement under sub-paragraph (3) an administrator may rely on information supplied by directors of the company (unless he has reason to doubt its accuracy).
- (5) The notice of appointment and any document accompanying it must be in the prescribed form.
- (6) A statutory declaration under sub-paragraph (2) must be made during the prescribed period.
- (7) A person commits an offence if in a statutory declaration under sub-paragraph (2) he makes a statement—
- (a) which is false, and
  - (b) which he does not reasonably believe to be true.
- 30 In a case in which no person is entitled to notice of intention to appoint under paragraph 26(1) (and paragraph 28 therefore does not apply)—
- (a) the statutory declaration accompanying the notice of appointment must include the statements and information required under paragraph 27(2), and
  - (b) paragraph 29(2)(c) shall not apply.

### *Commencement of appointment*

- 31 The appointment of an administrator under paragraph 22 takes effect when the requirements of paragraph 29 are satisfied.
- 32 A person who appoints an administrator under paragraph 22—
- (a) shall notify the administrator and such other persons as may be prescribed as soon as is reasonably practicable after the requirements of paragraph 29 are satisfied, and
  - (b) commits an offence if he fails without reasonable excuse to comply with paragraph (a).
- 33 If before the requirements of paragraph 29 are satisfied the company enters administration by virtue of an administration order or an appointment under paragraph 14—

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- (a) the appointment under paragraph 22 shall not take effect, and
- (b) paragraph 32 shall not apply.

*Invalid appointment: indemnity*

- 34 (1) This paragraph applies where—
- (a) a person purports to appoint an administrator under paragraph 22, and
  - (b) the appointment is discovered to be invalid.
- (2) The court may order the person who purported to make the appointment to indemnify the person appointed against liability which arises solely by reason of the appointment's invalidity.

ADMINISTRATION APPLICATION – SPECIAL CASES

*Application by holder of floating charge*

- 35 (1) This paragraph applies where an administration application in respect of a company—
- (a) is made by the holder of a qualifying floating charge in respect of the company's property, and
  - (b) includes a statement that the application is made in reliance on this paragraph.
- (2) The court may make an administration order—
- (a) whether or not satisfied that the company is or is likely to become unable to pay its debts, but
  - (b) only if satisfied that the applicant could appoint an administrator under paragraph 14.

*Intervention by holder of floating charge*

- 36 (1) This paragraph applies where—
- (a) an administration application in respect of a company is made by a person who is not the holder of a qualifying floating charge in respect of the company's property, and
  - (b) the holder of a qualifying floating charge in respect of the company's property applies to the court to have a specified person appointed as administrator (and not the person specified by the administration applicant).
- (2) The court shall grant an application under sub-paragraph (1)(b) unless the court thinks it right to refuse the application because of the particular circumstances of the case.

*Application where company in liquidation*

- 37 (1) This paragraph applies where the holder of a qualifying floating charge in respect of a company's property could appoint an administrator under paragraph 14 but for paragraph 8(1)(b).
- (2) The holder of the qualifying floating charge may make an administration application.

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- (3) If the court makes an administration order on hearing an application made by virtue of sub-paragraph (2)—
- (a) the court shall discharge the winding-up order,
  - (b) the court shall make provision for such matters as may be prescribed,
  - (c) the court may make other consequential provision,
  - (d) the court shall specify which of the powers under this Schedule are to be exercisable by the administrator, and
  - (e) this Schedule shall have effect with such modifications as the court may specify.
- 38 (1) The liquidator of a company may make an administration application.
- (2) If the court makes an administration order on hearing an application made by virtue of sub-paragraph (1)—
- (a) the court shall discharge any winding-up order in respect of the company,
  - (b) the court shall make provision for such matters as may be prescribed,
  - (c) the court may make other consequential provision,
  - (d) the court shall specify which of the powers under this Schedule are to be exercisable by the administrator, and
  - (e) this Schedule shall have effect with such modifications as the court may specify.

#### *Effect of administrative receivership*

- 39 (1) Where there is an administrative receiver of a company the court must dismiss an administration application in respect of the company unless—
- (a) the person by or on behalf of whom the receiver was appointed consents to the making of the administration order,
  - (b) the court thinks that the security by virtue of which the receiver was appointed would be liable to be released or discharged under sections 238 to 240 (transaction at undervalue and preference) if an administration order were made,
  - (c) the court thinks that the security by virtue of which the receiver was appointed would be avoided under section 245 (avoidance of floating charge) if an administration order were made, or
  - (d) the court thinks that the security by virtue of which the receiver was appointed would be challengeable under section 242 (gratuitous alienations) or 243 (unfair preferences) or under any rule of law in Scotland.
- (2) Sub-paragraph (1) applies whether the administrative receiver is appointed before or after the making of the administration application.

### EFFECT OF ADMINISTRATION

#### *Dismissal of pending winding-up petition*

- 40 (1) A petition for the winding up of a company—
- (a) shall be dismissed on the making of an administration order in respect of the company, and
  - (b) shall be suspended while the company is in administration following an appointment under paragraph 14.

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- (2) Sub-paragraph (1)(b) does not apply to a petition presented under—
- (a) section 124A (public interest), or
    - [ section 124B (SEs),]
  - <sup>F17</sup>(aa) section 367 of the Financial Services and Markets Act 2000 (c. 8) (petition by [<sup>F18</sup>Financial Conduct Authority or Prudential Regulation Authority]).
- (3) Where an administrator becomes aware that a petition was presented under a provision referred to in sub-paragraph (2) before his appointment, he shall apply to the court for directions under paragraph 63.

#### Textual Amendments

- F17** Sch. B1 para. 40(2)(aa) inserted (8.10.2004) by [The European Public Limited-Liability Company Regulations 2004 \(S.I. 2004/2326\)](#), **reg. 73(4)(c)**
- F18** Words in Sch. B1 para. 40(2)(b) substituted (1.4.2013) by [Financial Services Act 2012 \(c. 21\)](#), s. 122(3), **Sch. 18 para. 55(2)** (with [Sch. 20](#)); S.I. 2013/423, art. 3, Sch.

#### Modifications etc. (not altering text)

- C32** Sch. B1 para. 40 applied (with modifications) (17.2.2009 for certain purposes, otherwise 21.2.2009) by [Banking Act 2009 \(c. 1\)](#), **ss. 119**, 263(1)(2) (with s. 247); S.I. 2009/296, **arts. 2**, 3, Sch. para. 2
- C33** Sch. B1 paras. 40-49 modified (5.7.2018) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), Sch. 5 Pts. 1, 2; S.I. 2018/805, reg. 3(b)
- C34** Sch. B1 paras. 40-49 applied (with modifications) (E.W.) (15.3.2024) by [The Water Industry \(Special Administration\) Regulations 2024 \(S.I. 2024/205\)](#), **regs. 2(2)**, **5(1)**, 11-17 (with reg. 64)
- C35** Sch. B1 para. 40(1)(a) 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
- C36** Sch. B1 para. 40(1)(a) applied (with modifications) (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\)](#), **regs. 2**, **37** (with reg. 5) (as amended (4.1.2024) by S.I. 2023/1399, **regs. 1(2)**, **4**, 11)

#### *Dismissal of administrative or other receiver*

- 41 (1) When an administration order takes effect in respect of a company any administrative receiver of the company shall vacate office.
- (2) Where a company is in administration, any receiver of part of the company's property shall vacate office if the administrator requires him to.
- (3) Where an administrative receiver or receiver vacates office under sub-paragraph (1) or (2)—
- (a) his remuneration shall be charged on and paid out of any property of the company which was in his custody or under his control immediately before he vacated office, and
  - (b) he need not take any further steps under section 40 or 59.
- (4) In the application of sub-paragraph (3)(a)—
- (a) “remuneration” includes expenses properly incurred and any indemnity to which the administrative receiver or receiver is entitled out of the assets of the company,

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- (b) the charge imposed takes priority over security held by the person by whom or on whose behalf the administrative receiver or receiver was appointed, and
- (c) the provision for payment is subject to paragraph 43.

**Modifications etc. (not altering text)**

- C33** Sch. B1 paras. 40-49 modified (5.7.2018) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), Sch. 5 Pts. 1, 2; S.I. 2018/805, reg. 3(b)
- C34** Sch. B1 paras. 40-49 applied (with modifications) (E.W.) (15.3.2024) by [The Water Industry \(Special Administration\) Regulations 2024 \(S.I. 2024/205\)](#), regs. 2(2), **5(1)**, 11-17 (with reg. 64)
- C37** Sch. B1 para. 41 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
- C38** Sch. B1 para. 41(2) excluded (26.12.2003) by [The Financial Collateral Arrangements \(No.2\) Regulations 2003 \(S.I. 2003/3226\)](#), reg. **8(2)**

*Moratorium on insolvency proceedings*

- 42 (1) This paragraph applies to a company in administration.
- (2) No resolution may be passed for the winding up of the company.
- (3) No order may be made for the winding up of the company.
- (4) Sub-paragraph (3) does not apply to an order made on a petition presented under—
- (a) section 124A (public interest), or
  - [ section 124B (SEs),]
- <sup>F19</sup>(aa)
- (b) section 367 of the Financial Services and Markets Act 2000 (c. 8) (petition by [<sup>F20</sup>Financial Conduct Authority or Prudential Regulation Authority]).
- (5) If a petition presented under a provision referred to in sub-paragraph (4) comes to the attention of the administrator, he shall apply to the court for directions under paragraph 63.

**Textual Amendments**

- F19** Sch. B1 para. 42(4)(aa) inserted (8.10.2004) by [The European Public Limited-Liability Company Regulations 2004 \(S.I. 2004/2326\)](#), reg. **73(4)(c)**
- F20** Words in Sch. B1 para. 42(4)(b) substituted (1.4.2013) by [Financial Services Act 2012 \(c. 21\)](#), s. 122(3), [Sch. 18 para. 55\(3\)](#) (with Sch. 20); S.I. 2013/423, art. 3, Sch.

**Modifications etc. (not altering text)**

- C33** Sch. B1 paras. 40-49 modified (5.7.2018) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), Sch. 5 Pts. 1, 2; S.I. 2018/805, reg. 3(b)
- C34** Sch. B1 paras. 40-49 applied (with modifications) (E.W.) (15.3.2024) by [The Water Industry \(Special Administration\) Regulations 2024 \(S.I. 2024/205\)](#), regs. 2(2), **5(1)**, 11-17 (with reg. 64)
- C39** Sch. B1 para. 42 applied (with modifications) (17.2.2009 for certain purposes, otherwise 21.2.2009) by [Banking Act 2009 \(c. 1\)](#), ss. **119**, 263(1)(2) (with s. 247); S.I. 2009/296, arts. 2, 3, Sch. para. 2
- C40** Sch. B1 para. 42 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

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**C41** Sch. B1 para. 42 applied (with modifications) (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\)](#), regs. 2, 37, [Sch. 1 para. 3](#), [Sch. 2 paras. 3-6](#) (with reg. 5) (as amended (4.1.2024) by [S.I. 2023/1399](#), regs. 1(2), 4, 11)

### *Moratorium on other legal process*

- 43 (1) This paragraph applies to a company in administration.
- (2) No step may be taken to enforce security over the company’s property except—
- (a) with the consent of the administrator, or
  - (b) with the permission of the court.
- (3) No step may be taken to repossess goods in the company’s possession under a hire-purchase agreement except—
- (a) with the consent of the administrator, or
  - (b) with the permission of the court.
- (4) A landlord may not exercise a right of forfeiture by peaceable re-entry in relation to premises let to the company except—
- (a) with the consent of the administrator, or
  - (b) with the permission of the court.
- (5) In Scotland, a landlord may not exercise a right of irritancy in relation to premises let to the company except—
- (a) with the consent of the administrator, or
  - (b) with the permission of the court.
- (6) No legal process (including legal proceedings, execution, distress and diligence) may be instituted or continued against the company or property of the company except—
- (a) with the consent of the administrator, or
  - (b) with the permission of the court.
- [ An administrative receiver of the company may not be appointed.]
- <sup>F21</sup>(6A)
- (7) Where the court gives permission for a transaction under this paragraph it may impose a condition on or a requirement in connection with the transaction.
- (8) In this paragraph “landlord” includes a person to whom rent is payable.

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#### **Textual Amendments**

**F21** Sch. B1 para. 43(6A) inserted (15.9.2003) by [The Enterprise Act 2002 \(Insolvency\) Order 2003 \(S.I. 2003/2096\)](#), [art. 2\(3\)](#)

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#### **Modifications etc. (not altering text)**

**C33** Sch. B1 paras. 40-49 modified (5.7.2018) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), [Sch. 5 Pts. 1, 2](#); [S.I. 2018/805](#), reg. 3(b)

**C34** Sch. B1 paras. 40-49 applied (with modifications) (E.W.) (15.3.2024) by [The Water Industry \(Special Administration\) Regulations 2024 \(S.I. 2024/205\)](#), regs. 2(2), [5\(1\)](#), 11-17 (with reg. 64)

**C42** Sch. B1 para. 43 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](#)



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- C43** Sch. B1 para. 43 applied (with modifications) (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\)](#), regs. 2, **37**, [Sch. 2 paras. 3-6](#) (with reg. 5) (as amended (4.1.2024) by [S.I. 2023/1399](#), regs. 1(2), **4**, 11)
- C44** Sch. B1 para. 43(2) excluded (26.12.2003) by [The Financial Collateral Arrangements \(No.2\) Regulations 2003 \(S.I. 2003/3226\)](#), **reg. 8(1)(a)**

### *Interim moratorium*

- 44 (1) This paragraph applies where an administration application in respect of a company has been made and—
- (a) the application has not yet been granted or dismissed, or
  - (b) the application has been granted but the administration order has not yet taken effect.
- (2) This paragraph also applies from the time when a copy of notice of intention to appoint an administrator under paragraph 14 is filed with the court until—
- (a) the appointment of the administrator takes effect, or
  - (b) the period of five business days beginning with the date of filing expires without an administrator having been appointed.
- (3) Sub-paragraph (2) has effect in relation to a notice of intention to appoint only if it is in the prescribed form.
- (4) This paragraph also applies from the time when a copy of notice of intention to appoint an administrator is filed with the court under paragraph 27(1) until—
- (a) the appointment of the administrator takes effect, or
  - (b) the period specified in paragraph 28(2) expires without an administrator having been appointed.
- (5) The provisions of paragraphs 42 and 43 shall apply (ignoring any reference to the consent of the administrator).
- (6) If there is an administrative receiver of the company when the administration application is made, the provisions of paragraphs 42 and 43 shall not begin to apply by virtue of this paragraph until the person by or on behalf of whom the receiver was appointed consents to the making of the administration order.
- (7) This paragraph does not prevent or require the permission of the court for—
- (a) the presentation of a petition for the winding up of the company under a provision mentioned in paragraph 42(4),
  - (b) the appointment of an administrator under paragraph 14,
  - (c) the appointment of an administrative receiver of the company, or
  - (d) the carrying out by an administrative receiver (whenever appointed) of his functions.

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#### **Modifications etc. (not altering text)**

- C33** Sch. B1 paras. 40-49 modified (5.7.2018) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), [Sch. 5 Pts. 1, 2](#); [S.I. 2018/805](#), reg. 3(b)
- C34** Sch. B1 paras. 40-49 applied (with modifications) (E.W.) (15.3.2024) by [The Water Industry \(Special Administration\) Regulations 2024 \(S.I. 2024/205\)](#), regs. 2(2), **5(1)**, 11-17 (with reg. 64)

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- C45** Sch. B1 para. 44 restricted (5.10.2004) by [Energy Act 2004 \(c. 20\)](#), **ss. 162(4), 163(4)**, 198; S.I. 2004/2575, **art. 2(1)**, Sch. 1
- C46** Sch. B1 para. 44 restricted (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), **ss. 76(4)**, 85(8), 93(2)(3); S.I. 2011/2329, **art. 3** (with arts. 4, 5)
- C47** Sch. B1 para. 44 restricted (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), **ss. 77(5)**, 85(8), 93(2)(3); S.I. 2011/2329, **art. 3** (with arts. 4, 5)
- C48** Sch. B1 para. 44 excluded (31.1.2019) by [Technical and Further Education Act 2017 \(c. 19\)](#), **ss. 9(4), 47(2)**; S.I. 2018/1161, **reg. 3(a)**
- C49** Sch. B1 para. 44 applied in part (with modifications) (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\)](#), **regs. 2, 37** (with **reg. 5**) (as amended (4.1.2024) by S.I. 2023/1399, **regs. 1(2), 4, 11**)
- C50** Sch. B1 para. 44(1)(a) 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
- C51** Sch. B1 para. 44(5) 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

### Publicity

- [<sup>F22</sup>45 (1) While a company is in administration, every business document issued by or on behalf of the company or the administrator, and all the company's websites, must state—
- (a) the name of the administrator, and
  - (b) that the affairs, business and property of the company are being managed by the administrator.
- (2) Any of the following persons commits an offence if without reasonable excuse the person authorises or permits a contravention of sub-paragraph (1)—
- (a) the administrator,
  - (b) an officer of the company, and
  - (c) the company.
- (3) In sub-paragraph (1) “business document” means—
- (a) an invoice,
  - (b) an order for goods or services,
  - (c) a business letter, and
  - (d) an order form,
- whether in hard copy, electronic or any other form.]

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#### Textual Amendments

- F22** Sch. B1 para. 45 substituted (1.10.2008) by [The Companies \(Trading Disclosures\) \(Insolvency\) Regulations 2008 \(S.I. 2008/1897\)](#), **reg. 4(1)**

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#### Modifications etc. (not altering text)

- C33** Sch. B1 paras. 40-49 modified (5.7.2018) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), Sch. 5 Pts. 1, 2; S.I. 2018/805, **reg. 3(b)**
- C34** Sch. B1 paras. 40-49 applied (with modifications) (E.W.) (15.3.2024) by [The Water Industry \(Special Administration\) Regulations 2024 \(S.I. 2024/205\)](#), **regs. 2(2), 5(1)**, 11-17 (with **reg. 64**)

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**C52** Sch. B1 para. 45 applied (with modifications) (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\)](#), regs. 2, 37 (with reg. 5) (as amended (4.1.2024) by S.I. 2023/1399, regs. 1(2), 4, 11)

## PROCESS OF ADMINISTRATION

### *Announcement of administrator's appointment*

- 46 (1) This paragraph applies where a person becomes the administrator of a company.
- (2) As soon as is reasonably practicable the administrator shall—
- (a) send a notice of his appointment to the company, and
  - (b) publish a notice of his appointment in the prescribed manner.
- (3) As soon as is reasonably practicable the administrator shall—
- (a) obtain a list of the company's creditors, and
  - (b) send a notice of his appointment to each creditor of whose claim and address he is aware.
- (4) The administrator shall send a notice of his appointment to the registrar of companies before the end of the period of 7 days beginning with the date specified in sub-paragraph (6).
- (5) The administrator shall send a notice of his appointment to such persons as may be prescribed before the end of the prescribed period beginning with the date specified in sub-paragraph (6).
- (6) The date for the purpose of sub-paragraphs (4) and (5) is—
- (a) in the case of an administrator appointed by administration order, the date of the order,
  - (b) in the case of an administrator appointed under paragraph 14, the date on which he receives notice under paragraph 20, and
  - (c) in the case of an administrator appointed under paragraph 22, the date on which he receives notice under paragraph 32.
- (7) The court may direct that sub-paragraph (3)(b) or (5)—
- (a) shall not apply, or
  - (b) shall apply with the substitution of a different period.
- (8) A notice under this paragraph must—
- (a) contain the prescribed information, and
  - (b) be in the prescribed form.
- (9) An administrator commits an offence if he fails without reasonable excuse to comply with a requirement of this paragraph.

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#### **Modifications etc. (not altering text)**

- C33** Sch. B1 paras. 40-49 modified (5.7.2018) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), Sch. 5 Pts. 1, 2; S.I. 2018/805, reg. 3(b)
- C34** Sch. B1 paras. 40-49 applied (with modifications) (E.W.) (15.3.2024) by [The Water Industry \(Special Administration\) Regulations 2024 \(S.I. 2024/205\)](#), regs. 2(2), 5(1), 11-17 (with reg. 64)

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- C53** Sch. B1 para. 46 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
- C54** Sch. B1 para. 46 applied (with modifications) (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\)](#), regs. 2, **37** (with reg. 5) (as amended (4.1.2024) by S.I. 2023/1399, regs. 1(2), 4, 11)
- C55** Sch. B1 para. 46(4) modified (E.W.) (31.1.2019) by [The Further Education Bodies \(Insolvency\) Regulations 2019 \(S.I. 2019/138\)](#), regs. 1(1), **26** (with regs. 1(2), 3(a)(ii))

### *Statement of company's affairs*

- 47 (1) As soon as is reasonably practicable after appointment the administrator of a company shall by notice in the prescribed form require one or more relevant persons to provide the administrator with a statement of the affairs of the company.
- (2) The statement must—
- (a) be verified by a statement of truth in accordance with Civil Procedure Rules,
  - (b) be in the prescribed form,
  - (c) give particulars of the company's property, debts and liabilities,
  - (d) give the names and addresses of the company's creditors,
  - (e) specify the security held by each creditor,
  - (f) give the date on which each security was granted, and
  - (g) contain such other information as may be prescribed.
- (3) In sub-paragraph (1) "relevant person" means—
- (a) a person who is or has been an officer of the company,
  - (b) a person who took part in the formation of the company during the period of one year ending with the date on which the company enters administration,
  - (c) a person employed by the company during that period, and
  - (d) a person who is or has been during that period an officer or employee of a company which is or has been during that year an officer of the company.
- (4) For the purpose of sub-paragraph (3) a reference to employment is a reference to employment through a contract of employment or a contract for services.
- (5) In Scotland, a statement of affairs under sub-paragraph (1) must be a statutory declaration made in accordance with the Statutory Declarations Act 1835 (c. 62) (and sub-paragraph (2)(a) shall not apply).

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#### **Modifications etc. (not altering text)**

- C33** Sch. B1 paras. 40-49 modified (5.7.2018) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), Sch. 5 Pts. 1, 2; S.I. 2018/805, reg. 3(b)
- C34** Sch. B1 paras. 40-49 applied (with modifications) (E.W.) (15.3.2024) by [The Water Industry \(Special Administration\) Regulations 2024 \(S.I. 2024/205\)](#), regs. 2(2), **5(1)**, 11-17 (with reg. 64)
- C56** Sch. B1 para. 47 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
- C57** Sch. B1 para. 47 applied (with modifications) (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\)](#), regs. 2, **37**, **Sch. 2 paras. 3-6** (with reg. 5) (as amended (4.1.2024) by S.I. 2023/1399, regs. 1(2), 4, 11)
- C58** Sch. B1 para. 47 applied (18.7.2023) by [The Relevant Licensee Nuclear Company Administration \(England and Wales\) Rules 2023 \(S.I. 2023/712\)](#), rules 1(2)(a), **112** (with rule 2)

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- 48 (1) A person required to submit a statement of affairs must do so before the end of the period of 11 days beginning with the day on which he receives notice of the requirement.
- (2) The administrator may—
- (a) revoke a requirement under paragraph 47(1), or
  - (b) extend the period specified in sub-paragraph (1) (whether before or after expiry).
- (3) If the administrator refuses a request to act under sub-paragraph (2)—
- (a) the person whose request is refused may apply to the court, and
  - (b) the court may take action of a kind specified in sub-paragraph (2).
- (4) A person commits an offence if he fails without reasonable excuse to comply with a requirement under paragraph 47(1).

**Modifications etc. (not altering text)**

- C34** Sch. B1 paras. 40-49 applied (with modifications) (E.W.) (15.3.2024) by [The Water Industry \(Special Administration\) Regulations 2024 \(S.I. 2024/205\)](#), regs. 2(2), **5(1)**, 11-17 (with reg. 64)
- C59** Sch. B1 para. 48 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
- C60** Sch. B1 para. 48 applied (with modifications) (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\)](#), regs. 2, **37** (with reg. 5) (as amended (4.1.2024) by S.I. 2023/1399, regs. 1(2), 4, 11)

*Administrator's proposals*

- 49 (1) The administrator of a company shall make a statement setting out proposals for achieving the purpose of administration.
- (2) A statement under sub-paragraph (1) must, in particular—
- (a) deal with such matters as may be prescribed, and
  - (b) where applicable, explain why the administrator thinks that the objective mentioned in paragraph 3(1)(a) or (b) cannot be achieved.
- (3) Proposals under this paragraph may include—
- (a) a proposal for a voluntary arrangement under Part I of this Act (although this paragraph is without prejudice to section 4(3));
  - (b) a proposal for a compromise or arrangement to be sanctioned under <sup>[F23]</sup>Part 26 <sup>[F24]</sup>or 26A] of the Companies Act 2006 (arrangements and reconstructions)].
- (4) The administrator shall send a copy of the statement of his proposals—
- (a) to the registrar of companies,
  - (b) to every creditor of the company <sup>[F25]</sup>, other than an opted-out creditor,] of whose claim and address he is aware, and
  - (c) to every member of the company of whose address he is aware.
- (5) The administrator shall comply with sub-paragraph (4)—
- (a) as soon as is reasonably practicable after the company enters administration, and

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- (b) in any event, before the end of the period of eight weeks beginning with the day on which the company enters administration.
- (6) The administrator shall be taken to comply with sub-paragraph (4)(c) if he publishes in the prescribed manner a notice undertaking to provide a copy of the statement of proposals free of charge to any member of the company who applies in writing to a specified address.
- (7) An administrator commits an offence if he fails without reasonable excuse to comply with sub-paragraph (5).
- (8) A period specified in this paragraph may be varied in accordance with paragraph 107.

#### Textual Amendments

- F23** Words in Sch. B1 para. 49(3)(b) substituted (6.4.2008) by [The Companies Act 2006 \(Consequential Amendments etc\) Order 2008 \(S.I. 2008/948\)](#), art. 3(1), **Sch. 1 para. 100(a)** (with arts. 6, 11, 12)
- F24** Words in Sch. B1 para. 49(3)(b) inserted (26.6.2020) by [Corporate Insolvency and Governance Act 2020 \(c. 12\)](#), s. 49(1), **Sch. 9 para. 7(2)** (with ss. 2(2), 5(2))
- F25** Words in Sch. B1 para. 49(4)(b) inserted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), s. 164(1), **Sch. 9 para. 10(2)**; S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3); S.I. 2019/816, reg. 4(c) (with reg. 5)

#### Modifications etc. (not altering text)

- C33** Sch. B1 paras. 40-49 modified (5.7.2018) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), Sch. 5 Pts. 1, 2; S.I. 2018/805, reg. 3(b)
- C34** Sch. B1 paras. 40-49 applied (with modifications) (E.W.) (15.3.2024) by [The Water Industry \(Special Administration\) Regulations 2024 \(S.I. 2024/205\)](#), regs. 2(2), **5(1)**, 11-17 (with reg. 64)
- C61** Sch. B1 para. 49 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)**)
- C62** Sch. B1 para. 49 modified (E.W.) (7.6.2013) by [The Energy Supply Company Administration Rules 2013 \(S.I. 2013/1046\)](#), rules 1, **20(2)** (with rules 3, 208)
- C63** Sch. B1 para. 49 applied (with modifications) (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\)](#), regs. 2, 37, 39(8), **Sch. 2 paras. 3-6** (with regs. 5, 38(6)) (as amended (4.1.2024) by S.I. 2023/1399, regs. 1(2), **4**, 11, 13)
- C64** Sch. B1 para. 49(4) modified (E.W.) (31.1.2019) by [The Further Education Bodies \(Insolvency\) Regulations 2019 \(S.I. 2019/138\)](#), regs. 1(1), **27** (with regs. 1(2), 3(a)(ii))

F2650 .....

#### Textual Amendments

- F26** Sch. B1 para. 50 and heading omitted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by virtue of [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), s. 164(1), **Sch. 9 para. 10(3)**; S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3); S.I. 2019/816, reg. 4(c) (with reg. 5)



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**Modifications etc. (not altering text)**

**C65** Sch. B1 para. 50 applied (with modifications) (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\)](#), regs. 2, **37** (with reg. 5) (as amended (4.1.2024) by S.I. 2023/1399, regs. 1(2), 4, 11)

*[<sup>F27</sup>Consideration of administrator's proposals by creditors]*

- 51 <sup>F28</sup>(1) [ The administrator must seek a decision from the company's creditors as to whether they approve the proposals set out in the statement made under paragraph 49(1).
- (2) The initial decision date for that decision must be within the period of 10 weeks beginning with the day on which the company enters administration.
- (3) The “initial decision date” for that decision—
- (a) if the decision is initially sought using the deemed consent procedure, is the date on which a decision will be made if the creditors by that procedure approve the proposals, and
  - (b) if the decision is initially sought using a qualifying decision procedure, is the date on or before which a decision will be made if it is made by that qualifying decision procedure (assuming that date does not change after the procedure is instigated).]

(4) A period specified in this paragraph may be varied in accordance with paragraph 107.

(5) An administrator commits an offence if he fails without reasonable excuse to comply with a requirement of this paragraph.

**Textual Amendments**

**F27** Sch. B1 para. 51 heading substituted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), s. 164(1), **Sch. 9 para. 10(4)**; S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3); S.I. 2019/816, reg. 4(c) (with reg. 5)

**F28** Sch. B1 para. 51(1)-(3) substituted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), s. 164(1), **Sch. 9 para. 10(5)**; S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3); S.I. 2019/816, reg. 4(c) (with reg. 5)

**Modifications etc. (not altering text)**

**C66** Sch. B1 para. 50-58 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)**)

**C67** Sch. B1 para. 51 applied (with modifications) (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\)](#), regs. 2, **37** (with regs. 5, 38(6)) (as amended (4.1.2024) by S.I. 2023/1399, regs. 1(2), 4, 11, 13)

- 52 (1) Paragraph 51(1) shall not apply where the statement of proposals states that the administrator thinks—
- (a) that the company has sufficient property to enable each creditor of the company to be paid in full,



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- (b) that the company has insufficient property to enable a distribution to be made to unsecured creditors other than by virtue of section 176A(2)(a), or
  - (c) that neither of the objectives specified in paragraph 3(1)(a) and (b) can be achieved.
- (2) But the administrator shall [<sup>F29</sup>seek a decision from the company's creditors as to whether they approve the proposals set out in the statement made under paragraph 49(1) if requested to do so] —
- (a) by creditors of the company whose debts amount to at least 10% of the total debts of the company,
  - (b) in the prescribed manner, and
  - (c) in the prescribed period.
- [ Where a decision is sought by virtue of sub-paragraph (2) the initial decision date <sup>F30</sup>(3) (as defined in paragraph 51(3)) must be within the prescribed period.]
- (4) The period prescribed under sub-paragraph (3) may be varied in accordance with paragraph 107.

#### Textual Amendments

- F29** Words in Sch. B1 para. 52(2) substituted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), s. 164(1), [Sch. 9 para. 10\(6\)](#); S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3); S.I. 2019/816, reg. 4(c) (with reg. 5)
- F30** Sch. B1 para. 52(3) substituted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), s. 164(1), [Sch. 9 para. 10\(7\)](#); S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3); S.I. 2019/816, reg. 4(c) (with reg. 5)

#### Modifications etc. (not altering text)

- C68** Sch. B1 para. 50-58 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\(5\)](#))

#### [<sup>F31</sup>Creditors' decision]

- 53 [ The company's creditors may approve the administrator's proposals—
- <sup>F32</sup>(1) (a) without modification, or
- (b) with modification to which the administrator consents.]
- (2) [<sup>F33</sup>The] administrator shall as soon as is reasonably practicable report any decision taken [<sup>F34</sup>by the company's creditors] to—
- (a) the court,
  - (b) the registrar of companies, and
  - (c) such other persons as may be prescribed.
- (3) An administrator commits an offence if he fails without reasonable excuse to comply with sub-paragraph (2).

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### Textual Amendments

- F31** Sch. B1 para. 53 heading substituted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\), s. 164\(1\)](#), [Sch. 9 para. 10\(8\)](#); S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3); S.I. 2019/816, reg. 4(c) (with reg. 5)
- F32** Sch. B1 para. 53(1) substituted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\), s. 164\(1\)](#), [Sch. 9 para. 10\(9\)](#); S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3); S.I. 2019/816, reg. 4(c) (with reg. 5)
- F33** Word in Sch. B1 para. 53(2) substituted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\), s. 164\(1\)](#), [Sch. 9 para. 10\(10\)\(a\)](#); S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3); S.I. 2019/816, reg. 4(c) (with reg. 5)
- F34** Words in Sch. B1 para. 53(2) inserted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\), s. 164\(1\)](#), [Sch. 9 para. 10\(10\)\(b\)](#); S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3); S.I. 2019/816, reg. 4(c) (with reg. 5)

### Modifications etc. (not altering text)

- C69** Sch. B1 para. 50-58 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))
- C70** Sch. B1 para. 53 applied (with modifications) (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\)](#), regs. 2, [37](#) (with regs. 5, 38(6)) (as amended (4.1.2024) by S.I. 2023/1399, regs. 1(2), [4](#), 11, 13)
- C71** Sch. B1 para. 53(2) modified (E.W.) (31.1.2019) by [The Further Education Bodies \(Insolvency\) Regulations 2019 \(S.I. 2019/138\)](#), regs. 1(1), [28](#) (with regs. 1(2), 3(a)(ii))

### Revision of administrator's proposals

- 54 (1) This paragraph applies where—
- (a) an administrator's proposals have been approved (with or without modification) [<sup>F35</sup>by the company's creditors],
  - (b) the administrator proposes a revision to the proposals, and
  - (c) the administrator thinks that the proposed revision is substantial.
- (2) The administrator shall—
- <sup>F36</sup>(a) .....
  - (b) send a statement in the prescribed form of the proposed revision <sup>F37</sup>... to each creditor [<sup>F38</sup>who is not an opted-out creditor],
  - (c) send a copy of the statement, within the prescribed period, to each member of the company of whose address he is aware, and
  - [ <sup>F39</sup>(d) seek a decision from the company's creditors as to whether they approve the proposed revision.]

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- (3) The administrator shall be taken to have complied with sub-paragraph (2)(c) if he publishes a notice undertaking to provide a copy of the statement free of charge to any member of the company who applies in writing to a specified address.
- (4) A notice under sub-paragraph (3) must be published—
- (a) in the prescribed manner, and
  - (b) within the prescribed period.
- [ The company's creditors may approve the proposed revision—
- <sup>F40</sup>(5) (a) without modification, or
- (b) with modification to which the administrator consents.]
- (6) [<sup>F41</sup>The] administrator shall as soon as is reasonably practicable report any decision taken [<sup>F42</sup>by the company's creditors] to—
- (a) the court,
  - (b) the registrar of companies, and
  - (c) such other persons as may be prescribed.
- (7) An administrator commits an offence if he fails without reasonable excuse to comply with sub-paragraph (6).

#### Textual Amendments

- F35** Words in Sch. B1 para. 54(1)(a) substituted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\), s. 164\(1\), Sch. 9 para. 10\(11\)](#); S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3); S.I. 2019/816, reg. 4(c) (with reg. 5)
- F36** Sch. B1 para. 54(2)(a) omitted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by virtue of [Small Business, Enterprise and Employment Act 2015 \(c. 26\), s. 164\(1\), Sch. 9 para. 10\(12\)](#); S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3); S.I. 2019/816, reg. 4(c) (with reg. 5)
- F37** Words in Sch. B1 para. 54(2)(b) omitted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by virtue of [Small Business, Enterprise and Employment Act 2015 \(c. 26\), s. 164\(1\), Sch. 9 para. 10\(13\)\(a\)](#); S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3); S.I. 2019/816, reg. 4(c) (with reg. 5)
- F38** Words in Sch. B1 para. 54(2)(b) inserted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\), s. 164\(1\), Sch. 9 para. 10\(13\)\(b\)](#); S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3); S.I. 2019/816, reg. 4(c) (with reg. 5)
- F39** Sch. B1 para. 54(2)(d) substituted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\), s. 164\(1\), Sch. 9 para. 10\(14\)](#); S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3); S.I. 2019/816, reg. 4(c) (with reg. 5)
- F40** Sch. B1 para. 54(5) substituted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\), s. 164\(1\), Sch. 9 para. 10\(15\)](#); S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3); S.I. 2019/816, reg. 4(c) (with reg. 5)
- F41** Word in Sch. B1 para. 54(6) substituted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by [Small Business, Enterprise](#)

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and Employment Act 2015 (c. 26), s. 164(1), **Sch. 9 para. 10(16)(a)**; S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3); S.I. 2019/816, reg. 4(c) (with reg. 5)

- F42** Words in Sch. B1 para. 54(6) inserted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by **Small Business, Enterprise and Employment Act 2015 (c. 26), s. 164(1), Sch. 9 para. 10(16)(b)**; S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3); S.I. 2019/816, reg. 4(c) (with reg. 5)

#### Modifications etc. (not altering text)

- C72** Sch. B1 para. 50-58 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))
- C73** Sch. B1 para. 54 modified (5.7.2018) by **Housing and Planning Act 2016 (c. 22), s. 216(3), Sch. 5 Pts. 1, 2**; S.I. 2018/805, reg. 3(b)
- C74** Sch. B1 para. 54 applied (with modifications) (8.7.2021) by **The Payment and Electronic Money Institution Insolvency Regulations 2021 (S.I. 2021/716)**, regs. 2, **37, 41** (with regs. 5, 38(6)) (as amended (4.1.2024) by S.I. 2023/1399, regs. 1(2), **4, 11, 13**)
- C75** Sch. B1 para. 54 applied (with modifications) (E.W.) (15.3.2024) by **The Water Industry (Special Administration) Regulations 2024 (S.I. 2024/205)**, regs. 2(2), **5(1)**, 18 (with reg. 64)
- C76** Sch. B1 para. 54(6) modified (E.W.) (31.1.2019) by **The Further Education Bodies (Insolvency) Regulations 2019 (S.I. 2019/138)**, regs. 1(1), **29** (with regs. 1(2), 3(a)(ii))

#### *Failure to obtain approval of administrator's proposals*

- 55 [ This paragraph applies where an administrator—
- <sup>F43</sup>(1) (a) reports to the court under paragraph 53 that a company's creditors have failed to approve the administrator's proposals, or
- (b) reports to the court under paragraph 54 that a company's creditors have failed to approve a revision of the administrator's proposals.]
- (2) The court may—
- (a) provide that the appointment of an administrator shall cease to have effect from a specified time;
- (b) adjourn the hearing conditionally or unconditionally;
- (c) make an interim order;
- (d) make an order on a petition for winding up suspended by virtue of paragraph 40(1)(b);
- (e) make any other order (including an order making consequential provision) that the court thinks appropriate.

#### Textual Amendments

- F43** Sch. B1 para. 55(1) substituted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by **Small Business, Enterprise and Employment Act 2015 (c. 26), s. 164(1), Sch. 9 para. 10(17)**; S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3); S.I. 2019/816, reg. 4(c) (with reg. 5)

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#### Modifications etc. (not altering text)

- C77** Sch. B1 para. 50-58 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)**)
- C78** Sch. B1 para. 55 applied (with modifications) (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\)](#), regs. 2, **37, 41** (with regs. 5, 38(6)) (as amended (4.1.2024) by S.I. 2023/1399, regs. 1(2), **4, 11, 13**)

#### Further creditors' [<sup>F44</sup>decisions]

- 56 (1) The administrator of a company shall [<sup>F45</sup>seek a decision from the company's creditors on a matter] if—
- it is requested in the prescribed manner by creditors of the company whose debts amount to at least 10% of the total debts of the company, or
  - he is directed by the court to [<sup>F46</sup>do so].
- (2) An administrator commits an offence if he fails without reasonable excuse to [<sup>F47</sup>seek a decision from the company's creditors on a matter] as required by this paragraph.

#### Textual Amendments

- F44** Word in Sch. B1 para. 56 heading substituted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), s. 164(1), **Sch. 9 para. 10(18)**; S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3); S.I. 2019/816, reg. 4(c) (with reg. 5)
- F45** Words in Sch. B1 para. 56(1) substituted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), s. 164(1), **Sch. 9 para. 10(19)(a)**; S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3); S.I. 2019/816, reg. 4(c) (with reg. 5)
- F46** Words in Sch. B1 para. 56(1) substituted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), s. 164(1), **Sch. 9 para. 10(19)(b)**; S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3); S.I. 2019/816, reg. 4(c) (with reg. 5)
- F47** Words in Sch. B1 para. 56(2) substituted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), s. 164(1), **Sch. 9 para. 10(20)**; S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3); S.I. 2019/816, reg. 4(c) (with reg. 5)

#### Modifications etc. (not altering text)

- C79** Sch. B1 para. 50-58 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))
- C80** Sch. B1 para. 56 applied (with modifications) (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\)](#), regs. 2, **37** (with reg. 5) (as amended (4.1.2024) by S.I. 2023/1399, regs. 1(2), **4, 11**)



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### *Creditors' committee*

- 57 (1) [<sup>F48</sup>The company's creditors may, in accordance with the rules,] establish a creditors' committee.
- (2) A creditors' committee shall carry out functions conferred on it by or under this Act.
- (3) A creditors' committee may require the administrator—
- (a) to attend on the committee at any reasonable time of which he is given at least seven days' notice, and
  - (b) to provide the committee with information about the exercise of his functions.

#### **Textual Amendments**

**F48** Words in Sch. B1 para. 57(1) substituted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\), s. 164\(1\), Sch. 9 para. 10\(21\)](#); S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3); S.I. 2019/816, reg. 4(c) (with reg. 5)

#### **Modifications etc. (not altering text)**

**C81** Sch. B1 paras. 50-58 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 2015 \(S.I. 2015/1020\)](#), regs. 1(3), [5\(5\)](#))

**C82** Sch. B1 para. 57 applied (with modifications) (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\), regs. 2, 37](#) (with reg. 5) (as amended (4.1.2024) by S.I. 2023/1399, regs. 1(2), 4, 11)

<sup>F49</sup>58 .....

#### **Textual Amendments**

**F49** Sch. B1 para. 58 and heading omitted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by virtue of [Small Business, Enterprise and Employment Act 2015 \(c. 26\), s. 164\(1\), Sch. 9 para. 10\(22\)](#); S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3); S.I. 2019/816, reg. 4(c) (with reg. 5)

#### **Modifications etc. (not altering text)**

**C83** Sch. B1 para. 58 applied (with modifications) (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\), regs. 2, 37](#) (with reg. 5) (as amended (4.1.2024) by S.I. 2023/1399, regs. 1(2), 4, 11)

## FUNCTIONS OF ADMINISTRATOR

### *General powers*

- 59 (1) The administrator of a company may do anything necessary or expedient for the management of the affairs, business and property of the company.

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- (2) A provision of this Schedule which expressly permits the administrator to do a specified thing is without prejudice to the generality of sub-paragraph (1).
- (3) A person who deals with the administrator of a company in good faith and for value need not inquire whether the administrator is acting within his powers.

**Modifications etc. (not altering text)**

- C84** Sch. B1 para. 59 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
- C85** Sch. B1 paras. 59-68 modified (5.7.2018) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), Sch. 5 Pts. 1, 2; S.I. 2018/805, reg. 3(b)
- C86** Sch. B1 para. 59 applied (with modifications) (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\)](#), regs. 2, **37** (with reg. 5) (as amended (4.1.2024) by S.I. 2023/1399, regs. 1(2), 4, 11)
- C87** Sch. B1 paras. 59-75 applied (with modifications) (E.W.) (15.3.2024) by [The Water Industry \(Special Administration\) Regulations 2024 \(S.I. 2024/205\)](#), regs. 2(2), **5(1)**, 19-25 (with reg. 64)

60 [ The administrator of a company has the powers specified in Schedule 1 to this Act.  
F50(1)]

[ But the power to sell, hire out or otherwise dispose of property is subject to any  
F51(2) regulations that may be made under paragraph 60A.]

**Textual Amendments**

- F50** Sch. B1 para. 60 renumbered as Sch. B1 para. 60(1) (26.5.2015) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), **ss. 129(2)**, 164(3)(i)(ii)
- F51** Sch. B1 para. 60(2) inserted (26.5.2015) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), **ss. 129(3)**, 164(3)(i)(ii)

**Modifications etc. (not altering text)**

- C87** Sch. B1 paras. 59-75 applied (with modifications) (E.W.) (15.3.2024) by [The Water Industry \(Special Administration\) Regulations 2024 \(S.I. 2024/205\)](#), regs. 2(2), **5(1)**, 19-25 (with reg. 64)
- C88** Sch. B1 para. 60 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
- C89** Sch. B1 para. 60 applied (with modifications) (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\)](#), regs. 2, **37** (with reg. 5) (as amended (4.1.2024) by S.I. 2023/1399, regs. 1(2), 4, 11)

[ (1) The Secretary of State may by regulations make provision for—  
F52 60A

- (a) prohibiting, or
- (b) imposing requirements or conditions in relation to,

the disposal, hiring out or sale of property of a company by the administrator to a connected person in circumstances specified in the regulations.

- (2) Regulations under this paragraph may in particular require the approval of, or provide for the imposition of requirements or conditions by—
  - (a) creditors of the company,
  - (b) the court, or
  - (c) a person of a description specified in the regulations.



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- (3) In sub-paragraph (1), “connected person”, in relation to a company, means—
- (a) a relevant person in relation to the company, or
  - (b) a company connected with the company.
- (4) For the purposes of sub-paragraph (3)—
- (a) “relevant person”, in relation to a company, means—
    - (i) a director or other officer, or shadow director, of the company;
    - (ii) a non-employee associate of such a person;
    - (iii) a non-employee associate of the company;
  - (b) a company is connected with another if any relevant person of one is or has been a relevant person of the other.
- (5) In sub-paragraph (4), “non-employee associate” of a person means a person who is an associate of that person otherwise than by virtue of employing or being employed by that person.
- (6) Subsection (10) of section 435 (extended definition of company) applies for the purposes of sub-paragraphs (3) to (5) as it applies for the purposes of that section.
- (7) Regulations under this paragraph may—
- (a) make different provision for different purposes;
  - (b) make incidental, consequential, supplemental and transitional provision.
- (8) Regulations under this paragraph are to be made by statutory instrument.
- (9) Regulations under this paragraph may not be made unless a draft of the statutory instrument containing the regulations has been laid before Parliament and approved by a resolution of each House of Parliament.
- [<sup>F53</sup>(10) This paragraph expires at the end of June 2021 unless the power conferred by it is exercised before then.]]

#### Textual Amendments

- F52** Sch. B1 para. 60A inserted (26.5.2015) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), [ss. 129\(4\)](#), [164\(3\)\(i\)\(ii\)](#)
- F53** Sch. B1 para. 60A(10) substituted (26.6.2020) by [Corporate Insolvency and Governance Act 2020 \(c. 12\)](#), [ss. 8\(2\)](#), [49\(1\)](#) (with [ss. 2\(2\)](#), [5\(2\)](#))

#### Modifications etc. (not altering text)

- C87** Sch. B1 paras. 59-75 applied (with modifications) (E.W.) (15.3.2024) by [The Water Industry \(Special Administration\) Regulations 2024 \(S.I. 2024/205\)](#), [regs. 2\(2\)](#), [5\(1\)](#), 19-25 (with [reg. 64](#))
- C90** Sch. B1 para. 60A restored (26.6.2020) by [Corporate Insolvency and Governance Act 2020 \(c. 12\)](#), [ss. 8\(1\)](#), [49\(1\)](#) (with [ss. 2\(2\)](#), [5\(2\)](#))

- 61 The administrator of a company—
- (a) may remove a director of the company, and
  - (b) may appoint a director of the company (whether or not to fill a vacancy).

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**Modifications etc. (not altering text)**

- C87** Sch. B1 paras. 59-75 applied (with modifications) (E.W.) (15.3.2024) by [The Water Industry \(Special Administration\) Regulations 2024 \(S.I. 2024/205\)](#), regs. 2(2), **5(1)**, 19-25 (with reg. 64)
- C91** Sch. B1 para. 61 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
- C92** Sch. B1 para. 61 applied (with modifications) (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\)](#), regs. 2, **37**, **Sch. 2 paras. 4-6** (with reg. 5) (as amended (4.1.2024) by S.I. 2023/1399, regs. 1(2), 4, 11)

- 62 The administrator of a company [<sup>F54</sup>may—
- (a) call a meeting of members of the company;
  - (b) seek a decision on any matter from the company's creditors.]

**Textual Amendments**

- F54** Words in Sch. B1 para. 62 substituted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), s. 164(1), **Sch. 9 para. 10(23)**; S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3); S.I. 2019/816, reg. 4(c) (with reg. 5)

**Modifications etc. (not altering text)**

- C87** Sch. B1 paras. 59-75 applied (with modifications) (E.W.) (15.3.2024) by [The Water Industry \(Special Administration\) Regulations 2024 \(S.I. 2024/205\)](#), regs. 2(2), **5(1)**, 19-25 (with reg. 64)
- C93** Sch. B1 para. 62 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)**)
- C94** Sch. B1 para. 62 modified (E.W.) (31.1.2019) by [The Further Education Bodies \(Insolvency\) Regulations 2019 \(S.I. 2019/138\)](#), regs. 1(1), **5** (with regs. 1(2), 3(a)(i))
- C95** Sch. B1 para. 62 applied (with modifications) (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\)](#), regs. 2, **37**, **Sch. 1 para. 3** (with reg. 5) (as amended (4.1.2024) by S.I. 2023/1399, regs. 1(2), 4, 11)

- 63 The administrator of a company may apply to the court for directions in connection with his functions.

**Modifications etc. (not altering text)**

- C87** Sch. B1 paras. 59-75 applied (with modifications) (E.W.) (15.3.2024) by [The Water Industry \(Special Administration\) Regulations 2024 \(S.I. 2024/205\)](#), regs. 2(2), **5(1)**, 19-25 (with reg. 64)
- C96** Sch. B1 para. 63 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
- C97** Sch. B1 para. 63 applied (with modifications) (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\)](#), regs. 2, **37** (with reg. 5) (as amended (4.1.2024) by S.I. 2023/1399, regs. 1(2), 4, 11)

- 64 (1) A company in administration or an officer of a company in administration may not exercise a management power without the consent of the administrator.
- (2) For the purpose of sub-paragraph (1)—

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- (a) “management power” means a power which could be exercised so as to interfere with the exercise of the administrator’s powers,
- (b) it is immaterial whether the power is conferred by an enactment or an instrument, and
- (c) consent may be general or specific.

**Modifications etc. (not altering text)**

- C87** Sch. B1 paras. 59-75 applied (with modifications) (E.W.) (15.3.2024) by [The Water Industry \(Special Administration\) Regulations 2024 \(S.I. 2024/205\)](#), regs. 2(2), **5(1)**, 19-25 (with reg. 64)
- C98** Sch. B1 para. 64 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
- C99** Sch. B1 para. 64 applied (with modifications) (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\)](#), regs. 2, **37** (with reg. 5) (as amended (4.1.2024) by S.I. 2023/1399, regs. 1(2), 4, 11)

*Distribution*

- [ <sup>F55</sup>64A (1) This paragraph applies where a company enters administration before the end of the period of 12 weeks beginning with the day after the end of any moratorium for the company under Part A1.
- (2) The administrator must make a distribution to the creditors of the company in respect of—
- (a) moratorium debts (within the meaning given by section 174A), and
  - (b) priority pre-moratorium debts (within the meaning given by section 174A).
- (3) A sum payable under sub-paragraph (2) is to be paid in priority to—
- (a) any security to which paragraph 70 applies or paragraph 115(1) applies;
  - (b) any sums payable under paragraph 99.
- (4) The administrator must realise any property necessary to comply with sub-paragraph (2).
- (5) The rules may make provision as to the order in which the moratorium and priority pre-moratorium debts rank among themselves for the purposes of this paragraph in a case where the assets of the company are insufficient to meet them in full.]

**Textual Amendments**

- F55** Sch. B1 para. 64A inserted (26.6.2020) by [Corporate Insolvency and Governance Act 2020 \(c. 12\)](#), s. 49(1), **Sch. 3 para. 31(3)** (with ss. 2(2), 5(2))

**Modifications etc. (not altering text)**

- C87** Sch. B1 paras. 59-75 applied (with modifications) (E.W.) (15.3.2024) by [The Water Industry \(Special Administration\) Regulations 2024 \(S.I. 2024/205\)](#), regs. 2(2), **5(1)**, 19-25 (with reg. 64)
- C100** Sch. B1 para. 64A applied by S.I. 1999/2979, reg. 14(5) (as amended (18.7.2020) by [The Co-operative and Community Benefit Societies and Credit Unions \(Arrangements, Reconstructions and Administration\) \(Amendment\) and Consequential Amendments Order 2020 \(S.I. 2020/744\)](#), arts. 1, **14(2)(b)**)
- C101** Sch. B1 para. 64A excluded by S.I. 2003/3226, reg. 10(5A) (as inserted (18.7.2020) by [The Co-operative and Community Benefit Societies and Credit Unions \(Arrangements, Reconstructions and](#)

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Administration) (Amendment) and Consequential Amendments Order 2020 (S.I. 2020/744), arts. 1, 15(2)(b))

- 65 <sup>F56</sup>(1) If the assets of a company are sufficient to meet any debts or other liabilities payable under paragraph 64A in full, the administrator of the company may make a distribution to any other creditor of the company.]
- (2) <sup>F57</sup>Sections 175 and 176AZA] shall apply in relation to a distribution under this paragraph as <sup>F58</sup>they apply] in relation to a winding up.
- (3) A payment may not be made by way of distribution under this paragraph to a creditor of the company who is neither secured nor preferential <sup>F59</sup>unless—
- the distribution is made by virtue of section 176A(2)(a), or
  - the court gives permission.

#### Textual Amendments

- F56** Sch. B1 para. 65(1) substituted (26.6.2020) by [Corporate Insolvency and Governance Act 2020 \(c. 12\), s. 49\(1\), Sch. 3 para. 31\(4\)](#) (with ss. 2(2), 5(2))
- F57** Words in Sch. B1 para. 65(2) substituted (19.12.2018) by [The Banks and Building Societies \(Priorities on Insolvency\) Order 2018 \(S.I. 2018/1244\), arts. 1\(2\), 13\(2\)\(a\)](#) (with art. 3)
- F58** Words in Sch. B1 para. 65(2) substituted (19.12.2018) by [The Banks and Building Societies \(Priorities on Insolvency\) Order 2018 \(S.I. 2018/1244\), arts. 1\(2\), 13\(2\)\(b\)](#) (with art. 3)
- F59** Words in Sch. B1 para. 65(3) substituted (26.5.2015) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\), ss. 128\(2\), 164\(3\)\(i\)\(ii\)](#)

#### Modifications etc. (not altering text)

- C85** Sch. B1 paras. 59-68 modified (5.7.2018) by [Housing and Planning Act 2016 \(c. 22\), s. 216\(3\), Sch. 5 Pts. 1, 2; S.I. 2018/805, reg. 3\(b\)](#)
- C87** Sch. B1 paras. 59-75 applied (with modifications) (E.W.) (15.3.2024) by [The Water Industry \(Special Administration\) Regulations 2024 \(S.I. 2024/205\), regs. 2\(2\), 5\(1\), 19-25](#) (with reg. 64)
- C102** Sch. B1 para. 65 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](#)
- C103** Sch. B1 para. 65 applied (with modifications) (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\), regs. 2, 37, Sch. 2 paras. 4-6](#) (with reg. 5) (as amended (4.1.2024) by [S.I. 2023/1399, regs. 1\(2\), 4, 11](#))
- C104** Sch. B1 para. 65(1) restricted (6.3.2008) by [The Regulated Covered Bonds Regulations 2008 \(S.I. 2008/346\), reg. 46, Sch. para. 2\(5\)](#)
- C105** Sch. B1 para. 65(2) applied by [The Financial Market and Insolvency \(Settlement Finality\) Regulations 1999 \(S.I. 1999/2979\), reg. 14\(5\)\(a\)\(i\)](#) (as substituted (1.10.2009) by [The Financial Markets and Insolvency \(Settlement Finality\) \(Amendment\) Regulations 2009 \(S.I. 2009/1972\), reg. 4\(d\)\(ii\)](#))

- 66 <sup>F60</sup>If the debts and other liabilities payable under paragraph 64A have been met, the administrator of a company] may make a payment otherwise than in accordance with paragraph 65 or paragraph 13 of Schedule 1 if he thinks it likely to assist achievement of the purpose of administration.

#### Textual Amendments

- F60** Words in Sch. B1 para. 66 substituted (26.6.2020) by [Corporate Insolvency and Governance Act 2020 \(c. 12\), s. 49\(1\), Sch. 3 para. 31\(5\)](#) (with ss. 2(2), 5(2))

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**Modifications etc. (not altering text)**

- C87** Sch. B1 paras. 59-75 applied (with modifications) (E.W.) (15.3.2024) by [The Water Industry \(Special Administration\) Regulations 2024 \(S.I. 2024/205\)](#), regs. 2(2), **5(1)**, 19-25 (with reg. 64)
- C106** Sch. B1 para. 66 restricted (6.3.2008) by [The Regulated Covered Bonds Regulations 2008 \(S.I. 2008/346\)](#), reg. 46, **Sch. para. 2(5)**
- C107** Sch. B1 para. 66 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
- C108** Sch. B1 para. 66 applied (with modifications) (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\)](#), regs. 2, **37** (with reg. 5) (as amended (4.1.2024) by S.I. 2023/1399, regs. 1(2), **4, 11**)

*General duties*

- 67 The administrator of a company shall on his appointment take custody or control of all the property to which he thinks the company is entitled.

**Modifications etc. (not altering text)**

- C85** Sch. B1 paras. 59-68 modified (5.7.2018) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), Sch. 5 Pts. 1, **2**; S.I. 2018/805, reg. 3(b)
- C87** Sch. B1 paras. 59-75 applied (with modifications) (E.W.) (15.3.2024) by [The Water Industry \(Special Administration\) Regulations 2024 \(S.I. 2024/205\)](#), regs. 2(2), **5(1)**, 19-25 (with reg. 64)
- C109** Sch. B1 para. 67 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
- C110** Sch. B1 para. 67 applied (with modifications) (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\)](#), regs. 2, **37** (with reg. 5) (as amended (4.1.2024) by S.I. 2023/1399, regs. 1(2), **4, 11**)

- 68 (1) Subject to sub-paragraph (2), the administrator of a company shall manage its affairs, business and property in accordance with—
- (a) any proposals approved under paragraph 53,
  - (b) any revision of those proposals which is made by him and which he does not consider substantial, and
  - (c) any revision of those proposals approved under paragraph 54.
- (2) If the court gives directions to the administrator of a company in connection with any aspect of his management of the company's affairs, business or property, the administrator shall comply with the directions.
- (3) The court may give directions under sub-paragraph (2) only if—
- (a) no proposals have been approved under paragraph 53,
  - (b) the directions are consistent with any proposals or revision approved under paragraph 53 or 54,
  - (c) the court thinks the directions are required in order to reflect a change in circumstances since the approval of proposals or a revision under paragraph 53 or 54, or
  - (d) the court thinks the directions are desirable because of a misunderstanding about proposals or a revision approved under paragraph 53 or 54.

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**Modifications etc. (not altering text)**

- C87** Sch. B1 paras. 59-75 applied (with modifications) (E.W.) (15.3.2024) by [The Water Industry \(Special Administration\) Regulations 2024 \(S.I. 2024/205\)](#), regs. 2(2), **5(1)**, 19-25 (with reg. 64)
- C111** Sch. B1 para. 68 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
- C112** Sch. B1 para. 68 applied (with modifications) (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\)](#), regs. 2, **37** (with reg. 5) (as amended (4.1.2024) by S.I. 2023/1399, regs. 1(2), **4, 11**)

*Administrator as agent of company*

- 69 In exercising his functions under this Schedule the administrator of a company acts as its agent.

**Modifications etc. (not altering text)**

- C87** Sch. B1 paras. 59-75 applied (with modifications) (E.W.) (15.3.2024) by [The Water Industry \(Special Administration\) Regulations 2024 \(S.I. 2024/205\)](#), regs. 2(2), **5(1)**, 19-25 (with reg. 64)
- C113** Sch. B1 para. 69 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
- C114** Sch. B1 para. 69 applied (with modifications) (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\)](#), regs. 2, **37**, **Sch. 2 paras. 4-6** (with reg. 5) (as amended (4.1.2024) by S.I. 2023/1399, regs. 1(2), **4, 11**)

*Charged property: floating charge*

- 70 (1) The administrator of a company may dispose of or take action relating to property which is subject to a floating charge as if it were not subject to the charge.
- (2) Where property is disposed of in reliance on sub-paragraph (1) the holder of the floating charge shall have the same priority in respect of acquired property as he had in respect of the property disposed of.
- (3) In sub-paragraph (2) “acquired property” means property of the company which directly or indirectly represents the property disposed of.

**Modifications etc. (not altering text)**

- C87** Sch. B1 paras. 59-75 applied (with modifications) (E.W.) (15.3.2024) by [The Water Industry \(Special Administration\) Regulations 2024 \(S.I. 2024/205\)](#), regs. 2(2), **5(1)**, 19-25 (with reg. 64)
- C115** Sch. B1 para. 70 excluded (26.12.2003) by [The Financial Collateral Arrangements \(No.2\) Regulations 2003 \(S.I. 2003/3226\)](#), **reg. 8(1)(b)**
- C116** Sch. B1 para. 70 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
- C117** Sch. B1 paras. 70-79 modified (5.7.2018) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), Sch. 5 Pts. 1, **2**; S.I. 2018/805, **reg. 3(b)**
- C118** Sch. B1 para. 70 applied (with modifications) (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\)](#), regs. 2, **37** (with reg. 5) (as amended (4.1.2024) by S.I. 2023/1399, regs. 1(2), **4, 11**)



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*Charged property: non-floating charge*

- 71 (1) The court may by order enable the administrator of a company to dispose of property which is subject to a security (other than a floating charge) as if it were not subject to the security.
- (2) An order under sub-paragraph (1) may be made only—
- (a) on the application of the administrator, and
  - (b) where the court thinks that disposal of the property would be likely to promote the purpose of administration in respect of the company.
- (3) An order under this paragraph is subject to the condition that there be applied towards discharging the sums secured by the security—
- (a) the net proceeds of disposal of the property, and
  - (b) any additional money required to be added to the net proceeds so as to produce the amount determined by the court as the net amount which would be realised on a sale of the property at market value.
- (4) If an order under this paragraph relates to more than one security, application of money under sub-paragraph (3) shall be in the order of the priorities of the securities.
- (5) An administrator who makes a successful application for an order under this paragraph shall send a copy of the order to the registrar of companies before the end of the period of 14 days starting with the date of the order.
- (6) An administrator commits an offence if he fails to comply with sub-paragraph (5) without reasonable excuse.

**Modifications etc. (not altering text)**

- C87** Sch. B1 paras. 59-75 applied (with modifications) (E.W.) (15.3.2024) by [The Water Industry \(Special Administration\) Regulations 2024 \(S.I. 2024/205\)](#), regs. 2(2), **5(1)**, 19-25 (with reg. 64)
- C117** Sch. B1 paras. 70-79 modified (5.7.2018) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), Sch. 5 Pts. 1, **2**; S.I. 2018/805, reg. 3(b)
- C119** Sch. B1 para. 71 excluded (26.12.2003) by [The Financial Collateral Arrangements \(No.2\) Regulations 2003 \(S.I. 2003/3226\)](#), reg. **8(1)(b)**
- C120** Sch. B1 para. 71 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
- C121** Sch. B1 para. 71 applied (with modifications) (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\)](#), regs. 2, **37** (with reg. 5) (as amended (4.1.2024) by S.I. 2023/1399, regs. 1(2), **4**, 11)

*Hire-purchase property*

- 72 (1) The court may by order enable the administrator of a company to dispose of goods which are in the possession of the company under a hire-purchase agreement as if all the rights of the owner under the agreement were vested in the company.
- (2) An order under sub-paragraph (1) may be made only—
- (a) on the application of the administrator, and
  - (b) where the court thinks that disposal of the goods would be likely to promote the purpose of administration in respect of the company.



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- (3) An order under this paragraph is subject to the condition that there be applied towards discharging the sums payable under the hire-purchase agreement—
  - (a) the net proceeds of disposal of the goods, and
  - (b) any additional money required to be added to the net proceeds so as to produce the amount determined by the court as the net amount which would be realised on a sale of the goods at market value.
- (4) An administrator who makes a successful application for an order under this paragraph shall send a copy of the order to the registrar of companies before the end of the period of 14 days starting with the date of the order.
- (5) An administrator commits an offence if he fails without reasonable excuse to comply with sub-paragraph (4).

**Modifications etc. (not altering text)**

- C87** Sch. B1 paras. 59-75 applied (with modifications) (E.W.) (15.3.2024) by [The Water Industry \(Special Administration\) Regulations 2024 \(S.I. 2024/205\)](#), regs. 2(2), **5(1)**, 19-25 (with reg. 64)
- C117** Sch. B1 paras. 70-79 modified (5.7.2018) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), Sch. 5 Pts. 1, 2; S.I. 2018/805, reg. 3(b)
- C122** Sch. B1 para. 72 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
- C123** Sch. B1 para. 72 applied (with modifications) (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\)](#), regs. 2, **37** (with reg. 5) (as amended (4.1.2024) by S.I. 2023/1399, regs. 1(2), 4, 11)

*Protection for <sup>F61</sup>priority] creditor*

- 73 (1) An administrator's statement of proposals under paragraph 49 may not include any action which—
- (a) affects the right of a secured creditor of the company to enforce his security,
  - (b) would result in a preferential debt of the company being paid otherwise than in priority to its non-preferential debts,<sup>F62</sup> ...
  - <sup>F63</sup>(bb) [ would result in an ordinary preferential debt of the company being paid otherwise than in priority to any secondary preferential debts that it may have,]
  - (c) would result in one preferential creditor of the company being paid a smaller proportion of [<sup>F64</sup>an ordinary preferential debt] than another [<sup>F65</sup>, <sup>F66</sup>...]
  - (d) would result in one preferential creditor of the company being paid a smaller proportion of a secondary preferential debt than another.]]<sup>F67</sup>or
  - (e) if the company is a relevant financial institution (see section 387A), would result in any non-preferential debt being paid otherwise than in accordance with the rules in section 176AZA(2) or (3).]
- (2) Sub-paragraph (1) does not apply to—
- (a) action to which the relevant creditor consents,
  - (b) a proposal for a voluntary arrangement under Part I of this Act (although this sub-paragraph is without prejudice to section 4(3)),<sup>F68</sup> . . .

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(c) a proposal for a compromise or arrangement to be sanctioned under [F69Part 26 [F70or 26A] of the Companies Act 2006 (arrangements and reconstructions)]<sup>F71</sup>...

<sup>F71</sup>(d) .....

(3) The reference to a statement of proposals in sub-paragraph (1) includes a reference to a statement as revised or modified.

#### Textual Amendments

- F61** Word in Sch. B1 para. 73 heading substituted (19.12.2018) by [The Banks and Building Societies \(Priorities on Insolvency\) Order 2018 \(S.I. 2018/1244\)](#), arts. 1(2), **13(3)(a)** (with art. 3)
- F62** Word in Sch. B1 para. 73(1)(b) omitted (1.1.2015) by virtue of [The Banks and Building Societies \(Depositor Preference and Priorities\) Order 2014 \(S.I. 2014/3486\)](#), arts. 1(2), **10(2)** (with art. 3)
- F63** Sch. B1 para. 73(1)(bb) inserted (1.1.2015) by [The Banks and Building Societies \(Depositor Preference and Priorities\) Order 2014 \(S.I. 2014/3486\)](#), arts. 1(2), **10(3)** (with art. 3)
- F64** Words in Sch. B1 para. 73(1)(c) substituted (1.1.2015) by [The Banks and Building Societies \(Depositor Preference and Priorities\) Order 2014 \(S.I. 2014/3486\)](#), arts. 1(2), **10(4)** (with art. 3)
- F65** Sch. B1 para. 73(1)(d) and word inserted (1.1.2015) by [The Banks and Building Societies \(Depositor Preference and Priorities\) Order 2014 \(S.I. 2014/3486\)](#), arts. 1(2), **10(5)** (with art. 3)
- F66** Word in Sch. B1 para. 73(1)(c) omitted (19.12.2018) by virtue of [The Banks and Building Societies \(Priorities on Insolvency\) Order 2018 \(S.I. 2018/1244\)](#), arts. 1(2), **13(3)(b)** (with art. 3)
- F67** Sch. B1 para. 73(1)(e) and word inserted (19.12.2018) by [The Banks and Building Societies \(Priorities on Insolvency\) Order 2018 \(S.I. 2018/1244\)](#), arts. 1(2), **13(3)(c)** (with art. 3)
- F68** Word in Sch. B1 para. 73(2)(b) repealed (15.12.2007) by [The Companies \(Cross-Border Mergers\) Regulations 2007 \(S.I. 2007/2974\)](#), **reg. 65(2)**
- F69** Words in Sch. B1 para. 73(2)(c) substituted (6.4.2008) by [The Companies Act 2006 \(Consequential Amendments etc\) Order 2008 \(S.I. 2008/948\)](#), art. 3(1), **Sch. 1 para. 100(a)** (with arts. 6, 11, 12)
- F70** Words in Sch. B1 para. 73(2)(c) inserted (26.6.2020) by [Corporate Insolvency and Governance Act 2020 \(c. 12\)](#), s. 49(1), **Sch. 9 para. 7(3)** (with ss. 2(2), 5(2))
- F71** Sch. B1 para. 73(2)(d) and word omitted (31.12.2020) by virtue of [The Companies, Limited Liability Partnerships and Partnerships \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/348\)](#), **reg. 2, Sch. 3 para. 1**; 2020 c. 1, Sch. 5 para. 1(1)

#### Modifications etc. (not altering text)

- C87** Sch. B1 paras. 59-75 applied (with modifications) (E.W.) (15.3.2024) by [The Water Industry \(Special Administration\) Regulations 2024 \(S.I. 2024/205\)](#), regs. 2(2), **5(1)**, 19-25 (with reg. 64)
- C117** Sch. B1 paras. 70-79 modified (5.7.2018) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), Sch. 5 Pts. 1, 2; S.I. 2018/805, **reg. 3(b)**
- C124** Sch. B1 para. 73 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
- C125** Sch. B1 para. 73 applied (with modifications) (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\)](#), regs. 2, 37, **Sch. 2 paras. 4-6** (with reg. 5) (as amended (4.1.2024) by S.I. 2023/1399, regs. 1(2), 4, 11)

#### *Challenge to administrator's conduct of company*

74 (1) A creditor or member of a company in administration may apply to the court claiming that—

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- (a) the administrator is acting or has acted so as unfairly to harm the interests of the applicant (whether alone or in common with some or all other members or creditors), or
  - (b) the administrator proposes to act in a way which would unfairly harm the interests of the applicant (whether alone or in common with some or all other members or creditors).
- (2) A creditor or member of a company in administration may apply to the court claiming that the administrator is not performing his functions as quickly or as efficiently as is reasonably practicable.
- (3) The court may—
- (a) grant relief;
  - (b) dismiss the application;
  - (c) adjourn the hearing conditionally or unconditionally;
  - (d) make an interim order;
  - (e) make any other order it thinks appropriate.
- (4) In particular, an order under this paragraph may—
- (a) regulate the administrator’s exercise of his functions;
  - (b) require the administrator to do or not do a specified thing;
  - [ require a decision of the company's creditors to be sought on a matter;]
  - <sup>F72</sup>(c)
  - (d) provide for the appointment of an administrator to cease to have effect;
  - (e) make consequential provision.
- (5) An order may be made on a claim under sub-paragraph (1) whether or not the action complained of—
- (a) is within the administrator’s powers under this Schedule;
  - (b) was taken in reliance on an order under paragraph 71 or 72.
- (6) An order may not be made under this paragraph if it would impede or prevent the implementation of—
- (a) a voluntary arrangement approved under Part I,
  - (b) a compromise or arrangement sanctioned under [<sup>F73</sup>Part 26 [<sup>F74</sup>or 26A] of the Companies Act 2006 (arrangements and reconstructions)], <sup>F75</sup>...
  - <sup>F76</sup>(ba) .....
  - (c) proposals or a revision approved under paragraph 53 or 54 more than 28 days before the day on which the application for the order under this paragraph is made.

#### Textual Amendments

- F72** Sch. B1 para. 74(4)(c) substituted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\), s. 164\(1\), Sch. 9 para. 10\(24\)](#); S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3); S.I. 2019/816, reg. 4(c) (with reg. 5)
- F73** Words in Sch. B1 para. 74(6)(b) substituted (6.4.2008) by [The Companies Act 2006 \(Consequential Amendments etc\) Order 2008 \(S.I. 2008/948\), art. 3\(1\), Sch. 1 para. 100\(b\)](#) (with arts. 6, 11, 12)
- F74** Words in Sch. B1 para. 74(6)(b) inserted (26.6.2020) by [Corporate Insolvency and Governance Act 2020 \(c. 12\), s. 49\(1\), Sch. 9 para. 7\(4\)](#) (with ss. 2(2), 5(2))

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- F75** Word in Sch. B1 para. 74(6)(b) repealed (15.12.2007) by [The Companies \(Cross-Border Mergers\) Regulations 2007 \(S.I. 2007/2974\)](#), [reg. 65\(4\)](#)
- F76** Sch. B1 para. 74(6)(ba) omitted (31.12.2020) by virtue of [The Companies, Limited Liability Partnerships and Partnerships \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/348\)](#), [reg. 2](#), [Sch. 3 para. 1](#); 2020 c. 1, Sch. 5 para. 1(1)

**Modifications etc. (not altering text)**

- C87** [Sch. B1 paras. 59-75](#) applied (with modifications) (E.W.) (15.3.2024) by [The Water Industry \(Special Administration\) Regulations 2024 \(S.I. 2024/205\)](#), [regs. 2\(2\)](#), [5\(1\)](#), 19-25 (with [reg. 64](#))
- C117** [Sch. B1 paras. 70-79](#) modified (5.7.2018) by [Housing and Planning Act 2016 \(c. 22\)](#), [s. 216\(3\)](#), [Sch. 5 Pts. 1, 2](#); [S.I. 2018/805](#), [reg. 3\(b\)](#)
- C126** [Sch. B1 para. 74](#) 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\(5\)](#))
- C127** [Sch. B1 para. 74](#) applied (with modifications) (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\)](#), [regs. 2](#), [37](#), [Sch. 2 paras. 4-6](#) (with [reg. 5](#)) (as amended (4.1.2024) by [S.I. 2023/1399](#), [regs. 1\(2\)](#), [4](#), 11)

*Misfeasance*

- 75 (1) The court may examine the conduct of a person who—
- (a) is or purports to be the administrator of a company, or
  - (b) has been or has purported to be the administrator of a company.
- (2) An examination under this paragraph may be held only on the application of—
- (a) the official receiver,
  - (b) the administrator of the company,
  - (c) the liquidator of the company,
  - (d) a creditor of the company, or
  - (e) a contributory of the company.
- (3) An application under sub-paragraph (2) must allege that the administrator—
- (a) has misapplied or retained money or other property of the company,
  - (b) has become accountable for money or other property of the company,
  - (c) has breached a fiduciary or other duty in relation to the company, or
  - (d) has been guilty of misfeasance.
- (4) On an examination under this paragraph into a person’s conduct the court may order him—
- (a) to repay, restore or account for money or property;
  - (b) to pay interest;
  - (c) to contribute a sum to the company’s property by way of compensation for breach of duty or misfeasance.
- (5) In sub-paragraph (3) “administrator” includes a person who purports or has purported to be a company’s administrator.
- (6) An application under sub-paragraph (2) may be made in respect of an administrator who has been discharged under paragraph 98 only with the permission of the court.

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**Modifications etc. (not altering text)**

- C87** Sch. B1 paras. 59-75 applied (with modifications) (E.W.) (15.3.2024) by [The Water Industry \(Special Administration\) Regulations 2024 \(S.I. 2024/205\)](#), regs. 2(2), **5(1)**, 19-25 (with reg. 64)
- C117** Sch. B1 paras. 70-79 modified (5.7.2018) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), Sch. 5 Pts. 1, 2; S.I. 2018/805, reg. 3(b)
- C128** Sch. B1 para. 75 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
- C129** Sch. B1 para. 75 applied (with modifications) (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\)](#), regs. 2, **37** (with reg. 5) (as amended (4.1.2024) by S.I. 2023/1399, regs. 1(2), 4, 11)

ENDING ADMINISTRATION

*Automatic end of administration*

- 76 (1) The appointment of an administrator shall cease to have effect at the end of the period of one year beginning with the date on which it takes effect.
- (2) But—
- (a) on the application of an administrator the court may by order extend his term of office for a specified period, and
- (b) an administrator’s term of office may be extended for a specified period not exceeding [<sup>F77</sup>one year] by consent.

**Textual Amendments**

- F77** Words in Sch. B1 para. 76(2)(b) substituted (26.5.2015) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), ss. 127, 164(3)(i)(ii)

**Modifications etc. (not altering text)**

- C117** Sch. B1 paras. 70-79 modified (5.7.2018) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), Sch. 5 Pts. 1, 2; S.I. 2018/805, reg. 3(b)

- 77 (1) An order of the court under paragraph 76—
- (a) may be made in respect of an administrator whose term of office has already been extended by order or by consent, but
- (b) may not be made after the expiry of the administrator’s term of office.
- (2) Where an order is made under paragraph 76 the administrator shall as soon as is reasonably practicable notify the registrar of companies.
- (3) An administrator who fails without reasonable excuse to comply with sub-paragraph (2) commits an offence.
- 78 (1) In paragraph 76(2)(b) “consent” means consent of—
- (a) each secured creditor of the company, and
- [ if the company has unsecured debts, the unsecured creditors of the company.]  
<sup>F78</sup>(b)
- (2) But where the administrator has made a statement under paragraph 52(1)(b) “consent” means—

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- (a) consent of each secured creditor of the company, or
- (b) if the administrator thinks that a distribution may be made to preferential creditors, consent of—
  - (i) each secured creditor of the company, and
  - [ the preferential creditors of the company.]

<sup>F80</sup>(2A) [ Whether the company's unsecured creditors or preferential creditors consent is to be determined by the administrator seeking a decision from those creditors as to whether they consent.]

<sup>F81</sup>(3) .....

- (4) An administrator’s term of office—
  - (a) may be extended by consent only once,
  - (b) may not be extended by consent after extension by order of the court, and
  - (c) may not be extended by consent after expiry.
- (5) Where an administrator’s term of office is extended by consent he shall as soon as is reasonably practicable—
  - (a) file notice of the extension with the court, and
  - (b) notify the registrar of companies.
- (6) An administrator who fails without reasonable excuse to comply with sub-paragraph (5) commits an offence.

**Textual Amendments**

**F78** Sch. B1 para. 78(1)(b) substituted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\), s. 164\(1\), Sch. 9 para. 10\(25\)](#); S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3); S.I. 2019/816, reg. 4(c) (with reg. 5)

**F79** Sch. B1 para. 78(2)(b)(ii) substituted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\), s. 164\(1\), Sch. 9 para. 10\(26\)](#); S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3); S.I. 2019/816, reg. 4(c) (with reg. 5)

**F80** Sch. B1 para. 78(2A) inserted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\), s. 164\(1\), Sch. 9 para. 10\(27\)](#); S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3); S.I. 2019/816, reg. 4(c) (with reg. 5)

**F81** Sch. B1 para. 78(3) omitted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by virtue of [Small Business, Enterprise and Employment Act 2015 \(c. 26\), s. 164\(1\), Sch. 9 para. 10\(28\)](#); S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3); S.I. 2019/816, reg. 4(c) (with reg. 5)

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**Modifications etc. (not altering text)**

**C130** Sch. B1 para. 78(5) modified (E.W.) (31.1.2019) by [The Further Education Bodies \(Insolvency\) Regulations 2019 \(S.I. 2019/138\), regs. 1\(1\), 30](#) (with regs. 1(2), 3(a)(ii))



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### *Court ending administration on application of administrator*

- 79 (1) On the application of the administrator of a company the court may provide for the appointment of an administrator of the company to cease to have effect from a specified time.
- (2) The administrator of a company shall make an application under this paragraph if—
- (a) he thinks the purpose of administration cannot be achieved in relation to the company,
  - (b) he thinks the company should not have entered administration, or
  - (c) [<sup>F82</sup>the company's creditors decide that he must] make an application under this paragraph.
- (3) The administrator of a company shall make an application under this paragraph if—
- (a) the administration is pursuant to an administration order, and
  - (b) the administrator thinks that the purpose of administration has been sufficiently achieved in relation to the company.
- (4) On an application under this paragraph the court may—
- (a) adjourn the hearing conditionally or unconditionally;
  - (b) dismiss the application;
  - (c) make an interim order;
  - (d) make any order it thinks appropriate (whether in addition to, in consequence of or instead of the order applied for).

#### **Textual Amendments**

**F82** Words in Sch. B1 para. 79(2)(c) substituted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), s. 164(1), [Sch. 9 para. 10\(29\)](#); S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3); S.I. 2019/816, reg. 4(c) (with reg. 5)

#### **Modifications etc. (not altering text)**

**C117** Sch. B1 paras. 70-79 modified (5.7.2018) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), Sch. 5 Pts. 1, 2; S.I. 2018/805, reg. 3(b)

**C131** Sch. B1 para. 79 applied (with modifications) (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\)](#), regs. 2, 37 (with reg. 5) (as amended (4.1.2024) by S.I. 2023/1399, regs. 1(2), 4, 11)

**C132** Sch. B1 para. 79 applied (with modifications) (E.W.) (15.3.2024) by [The Water Industry \(Special Administration\) Regulations 2024 \(S.I. 2024/205\)](#), regs. 2(2), 5(1), 26 (with reg. 64)

### *Termination of administration where objective achieved*

- 80 (1) This paragraph applies where an administrator of a company is appointed under paragraph 14 or 22.
- (2) If the administrator thinks that the purpose of administration has been sufficiently achieved in relation to the company he may file a notice in the prescribed form—
- (a) with the court, and
  - (b) with the registrar of companies.



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- (3) The administrator's appointment shall cease to have effect when the requirements of sub-paragraph (2) are satisfied.
- (4) Where the administrator files a notice he shall within the prescribed period send a copy to every creditor of the company [<sup>F83</sup>, other than an opted-out creditor,] of whose claim and address he is aware.
- (5) The rules may provide that the administrator is taken to have complied with sub-paragraph (4) if before the end of the prescribed period he publishes in the prescribed manner a notice undertaking to provide a copy of the notice under sub-paragraph (2) to any creditor of the company who applies in writing to a specified address.
- (6) An administrator who fails without reasonable excuse to comply with sub-paragraph (4) commits an offence.

#### Textual Amendments

**F83** Words in Sch. B1 para. 80(4) inserted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), s. 164(1), [Sch. 9 para. 10\(30\)](#); S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3); S.I. 2019/816, reg. 4(c) (with reg. 5)

#### Modifications etc. (not altering text)

**C133** Sch. B1 para. 80 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

#### *Court ending administration on application of creditor*

- 81 (1) On the application of a creditor of a company the court may provide for the appointment of an administrator of the company to cease to have effect at a specified time.
- (2) An application under this paragraph must allege an improper motive—
    - (a) in the case of an administrator appointed by administration order, on the part of the applicant for the order, or
    - (b) in any other case, on the part of the person who appointed the administrator.
  - (3) On an application under this paragraph the court may—
    - (a) adjourn the hearing conditionally or unconditionally;
    - (b) dismiss the application;
    - (c) make an interim order;
    - (d) make any order it thinks appropriate (whether in addition to, in consequence of or instead of the order applied for).

#### Modifications etc. (not altering text)

**C134** Sch. B1 para. 81 applied (with modifications) (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\)](#), regs. 2, 37 (with reg. 5) (as amended (4.1.2024) by S.I. 2023/1399, regs. 1(2), 4, 11)

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### *Public interest winding-up*

- 82 (1) This paragraph applies where a winding-up order is made for the winding up of a company in administration on a petition presented under—
- (a) section 124A (public interest), or
  - [ section 124B (SEs),]
- <sup>F84</sup>(aa)
- (b) section 367 of the Financial Services and Markets Act 2000 (c. 8) (petition by [<sup>F85</sup>Financial Conduct Authority or Prudential Regulation Authority]).
- (2) This paragraph also applies where a provisional liquidator of a company in administration is appointed following the presentation of a petition under any of the provisions listed in sub-paragraph (1).
- (3) The court shall order—
- (a) that the appointment of the administrator shall cease to have effect, or
  - (b) that the appointment of the administrator shall continue to have effect.
- (4) If the court makes an order under sub-paragraph (3)(b) it may also—
- (a) specify which of the powers under this Schedule are to be exercisable by the administrator, and
  - (b) order that this Schedule shall have effect in relation to the administrator with specified modifications.

#### **Textual Amendments**

- F84** Sch. B1 para. 82(1)(aa) inserted (8.10.2004) by The European Public Limited-Liability Company Regulations 2004 (S.I. 2004/2326), reg. 73(4)(c)
- F85** Words in Sch. B1 para. 82(1)(b) substituted (1.4.2013) by Financial Services Act 2012 (c. 21), s. 122(3), Sch. 18 para. 55(4) (with Sch. 20); S.I. 2013/423, art. 3, Sch.

### *Moving from administration to creditors' voluntary liquidation*

- 83 (1) This paragraph applies in England and Wales where the administrator of a company thinks—
- (a) that the total amount which each secured creditor of the company is likely to receive has been paid to him or set aside for him, and
  - (b) that a distribution will be made to unsecured creditors of the company (if there are any) [<sup>F86</sup>which is not a distribution by virtue of section 176A(2)(a)].
- (2) This paragraph applies in Scotland where the administrator of a company thinks—
- (a) that each secured creditor of the company will receive payment in respect of his debt, and
  - (b) that a distribution will be made to unsecured creditors (if there are any) [<sup>F87</sup>which is not a distribution by virtue of section 176A(2)(a)].
- (3) The administrator may send to the registrar of companies a notice that this paragraph applies.
- (4) On receipt of a notice under sub-paragraph (3) the registrar shall register it.

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- (5) If an administrator sends a notice under sub-paragraph (3) he shall as soon as is reasonably practicable—
- (a) file a copy of the notice with the court, and
  - (b) send a copy of the notice to each creditor <sup>F88</sup>, other than an opted-out creditor,] of whose claim and address he is aware.
- (6) On the registration of a notice under sub-paragraph (3)—
- (a) the appointment of an administrator in respect of the company shall cease to have effect, and
  - (b) the company shall be wound up as if a resolution for voluntary winding up under section 84 were passed on the day on which the notice is registered.
- (7) The liquidator for the purposes of the winding up shall be—
- (a) a person nominated by the creditors of the company in the prescribed manner and within the prescribed period, or
  - (b) if no person is nominated under paragraph (a), the administrator.
- (8) In the application of Part IV to a winding up by virtue of this paragraph—
- (a) section 85 shall not apply,
  - (b) section 86 shall apply as if the reference to the time of the passing of the resolution for voluntary winding up were a reference to the beginning of the date of registration of the notice under sub-paragraph (3),
  - (c) section 89 does not apply,
  - (d) sections <sup>F89</sup> ... 99 and 100 shall not apply,
  - (e) section 129 shall apply as if the reference to the time of the passing of the resolution for voluntary winding up were a reference to the beginning of the date of registration of the notice under sub-paragraph (3), and
  - (f) any creditors' committee which is in existence immediately before the company ceases to be in administration shall continue in existence after that time as if appointed as a liquidation committee under section 101.

#### Textual Amendments

- F86** Words in Sch. B1 para. 83(1)(b) inserted (26.5.2015) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\), ss. 128\(3\), 164\(3\)\(i\)\(ii\)](#)
- F87** Words in Sch. B1 para. 83(2)(b) inserted (26.5.2015) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\), ss. 128\(3\), 164\(3\)\(i\)\(ii\)](#)
- F88** Words in Sch. B1 para. 83(5)(b) inserted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\), s. 164\(1\), Sch. 9 para. 10\(31\)](#); S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3); S.I. 2019/816, reg. 4(c) (with reg. 5)
- F89** Word in Sch. B1 para. 83(8)(d) omitted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by virtue of [Small Business, Enterprise and Employment Act 2015 \(c. 26\), s. 164\(1\), Sch. 9 para. 10\(32\)](#); S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3); S.I. 2019/816, reg. 4(c) (with reg. 5)

#### Modifications etc. (not altering text)

- C135** Sch. B1 paras. 83-91 modified (5.7.2018) by [Housing and Planning Act 2016 \(c. 22\), s. 216\(3\), Sch. 5 Pts. 1, 2; S.I. 2018/805, reg. 3\(b\)](#)

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**C136** Sch. B1 paras. 83-91 applied (with modifications) (E.W.) (15.3.2024) by [The Water Industry \(Special Administration\) Regulations 2024 \(S.I. 2024/205\)](#), regs. 2(2), **5(1)**, 27-32 (with reg. 64)

**C137** Sch. B1 para. 83(5) modified (E.W.) (31.1.2019) by [The Further Education Bodies \(Insolvency\) Regulations 2019 \(S.I. 2019/138\)](#), regs. 1(1), **31** (with regs. 1(2), 3(a)(ii))

### *Moving from administration to dissolution*

84 (1) If the administrator of a company thinks that the company has no property which might permit a distribution to its creditors, he shall send a notice to that effect to the registrar of companies.

<sup>F90</sup>(1A) .....

<sup>F90</sup>(1B) .....

(2) The court may on the application of the administrator of a company disapply sub-paragraph (1) in respect of the company.

(3) On receipt of a notice under sub-paragraph (1) <sup>F91</sup>... the registrar shall register it <sup>F91</sup>....

(4) On the registration of a notice in respect of a company under sub-paragraph (1) the appointment of an administrator of the company shall cease to have effect.

(5) If an administrator sends a notice under sub-paragraph (1) he shall as soon as is reasonably practicable—

(a) file a copy of the notice with the court, and

(b) send a copy of the notice to each creditor [<sup>F92</sup>, other than an opted-out creditor,] of whose claim and address he is aware.

(6) At the end of the period of three months beginning with the date of registration of a notice in respect of a company under sub-paragraph (1) the company is deemed to be dissolved <sup>F93</sup>....

<sup>F94</sup>(6A) .....

<sup>F94</sup>(6B) .....

(7) On an application in respect of a company by the administrator or another interested person the court may—

(a) extend the period specified in sub-paragraph (6) <sup>F95</sup>...,

(b) suspend that period, or

(c) disapply sub-paragraph (6) <sup>F96</sup>....

(8) Where an order is made under sub-paragraph (7) in respect of a company the administrator shall as soon as is reasonably practicable notify the registrar of companies.

(9) An administrator commits an offence if he fails without reasonable excuse to comply with sub-paragraph (5).

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### Textual Amendments

- F90** Sch. B1 para. 84(1A)(1B) omitted (31.12.2020) by virtue of [The Insolvency \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/146\)](#), reg. 1(3), **Sch. para. 44(a)(i)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)
- F91** Words in Sch. B1 para. 84(3) omitted (31.12.2020) by virtue of [The Insolvency \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/146\)](#), reg. 1(3), **Sch. para. 44(a)(ii)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)
- F92** Words in Sch. B1 para. 84(5)(b) inserted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), s. 164(1), **Sch. 9 para. 10(33)**; S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3); S.I. 2019/816, reg. 4(c) (with reg. 5)
- F93** Words in Sch. B1 para. 84(6) omitted (31.12.2020) by virtue of [The Insolvency \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/146\)](#), reg. 1(3), **Sch. para. 44(a)(iii)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)
- F94** Sch. B1 para. 84(6A)(6B) omitted (31.12.2020) by virtue of [The Insolvency \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/146\)](#), reg. 1(3), **Sch. para. 44(a)(iv)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)
- F95** Words in Sch. B1 para. 84(7)(a) omitted (31.12.2020) by virtue of [The Insolvency \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/146\)](#), reg. 1(3), **Sch. para. 44(a)(v)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)
- F96** Words in Sch. B1 para. 84(7)(c) omitted (31.12.2020) by virtue of [The Insolvency \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/146\)](#), reg. 1(3), **Sch. para. 44(a)(v)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)

### Modifications etc. (not altering text)

- C135** Sch. B1 paras. 83-91 modified (5.7.2018) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), Sch. 5 Pts. 1, 2; S.I. 2018/805, reg. 3(b)
- C136** Sch. B1 paras. 83-91 applied (with modifications) (E.W.) (15.3.2024) by [The Water Industry \(Special Administration\) Regulations 2024 \(S.I. 2024/205\)](#), regs. 2(2), **5(1)**, 27-32 (with reg. 64)
- C138** Sch. B1 para. 84 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(6)(a)**)
- C139** Sch. B1 para. 84 applied (with modifications) (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\)](#), regs. 2, 37, **Sch. 2 paras. 4-6** (with reg. 5) (as amended (4.1.2024) by S.I. 2023/1399, regs. 1(2), 4, 11)
- C140** Sch. B1 para. 84(5) modified (E.W.) (31.1.2019) by [The Further Education Bodies \(Insolvency\) Regulations 2019 \(S.I. 2019/138\)](#), regs. 1(1), **32** (with regs. 1(2), 3(a)(ii))

### *Discharge of administration order where administration ends*

- 85 (1) This paragraph applies where—
- (a) the court makes an order under this Schedule providing for the appointment of an administrator of a company to cease to have effect, and
  - (b) the administrator was appointed by administration order.
- (2) The court shall discharge the administration order.

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**Modifications etc. (not altering text)**

- C135** Sch. B1 paras. 83-91 modified (5.7.2018) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), Sch. 5 Pts. 1, 2; S.I. 2018/805, reg. 3(b)
- C136** Sch. B1 paras. 83-91 applied (with modifications) (E.W.) (15.3.2024) by [The Water Industry \(Special Administration\) Regulations 2024 \(S.I. 2024/205\)](#), regs. 2(2), **5(1)**, 27-32 (with reg. 64)
- C141** Sch. B1 para. 85 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
- C142** Sch. B1 para. 85 applied (with modifications) (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\)](#), regs. 2, **37** (with reg. 5) (as amended (4.1.2024) by S.I. 2023/1399, regs. 1(2), 4, 11)

*Notice to Companies Registrar where administration ends*

- 86 (1) This paragraph applies where the court makes an order under this Schedule providing for the appointment of an administrator to cease to have effect.
- (2) The administrator shall send a copy of the order to the registrar of companies within the period of 14 days beginning with the date of the order.
- (3) An administrator who fails without reasonable excuse to comply with subparagraph (2) commits an offence.

**Modifications etc. (not altering text)**

- C135** Sch. B1 paras. 83-91 modified (5.7.2018) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), Sch. 5 Pts. 1, 2; S.I. 2018/805, reg. 3(b)
- C136** Sch. B1 paras. 83-91 applied (with modifications) (E.W.) (15.3.2024) by [The Water Industry \(Special Administration\) Regulations 2024 \(S.I. 2024/205\)](#), regs. 2(2), **5(1)**, 27-32 (with reg. 64)
- C143** Sch. B1 para. 86 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
- C144** Sch. B1 para. 86 applied (with modifications) (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\)](#), regs. 2, **37** (with reg. 5) (as amended (4.1.2024) by S.I. 2023/1399, regs. 1(2), 4, 11)

## REPLACING ADMINISTRATOR

*Resignation of administrator*

- 87 (1) An administrator may resign only in prescribed circumstances.
- (2) Where an administrator may resign he may do so only—
- in the case of an administrator appointed by administration order, by notice in writing to the court,
  - in the case of an administrator appointed under paragraph 14, by notice in writing to the <sup>F97</sup>holder of the floating charge by virtue of which the appointment was made],
  - in the case of an administrator appointed under paragraph 22(1), by notice in writing to the company, or
  - in the case of an administrator appointed under paragraph 22(2), by notice in writing to the directors of the company.



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### Textual Amendments

**F97** Words in Sch. B1 para. 87(2)(b) substituted (15.9.2003) by [The Enterprise Act 2002 \(Insolvency\) Order 2003 \(S.I. 2003/2096\)](#), **art. 2(4)**

### Modifications etc. (not altering text)

**C135** Sch. B1 paras. 83-91 modified (5.7.2018) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), Sch. 5 Pts. 1, 2; S.I. 2018/805, reg. 3(b)

**C136** Sch. B1 paras. 83-91 applied (with modifications) (E.W.) (15.3.2024) by [The Water Industry \(Special Administration\) Regulations 2024 \(S.I. 2024/205\)](#), regs. 2(2), **5(1)**, 27-32 (with reg. 64)

**C145** Sch. B1 para. 87 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

**C146** Sch. B1 para. 87 applied (with modifications) (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\)](#), regs. 2, 37, **Sch. 2 paras. 4-6** (with reg. 5) (as amended (4.1.2024) by S.I. 2023/1399, regs. 1(2), 4, 11)

### *Removal of administrator from office*

88 The court may by order remove an administrator from office.

### Modifications etc. (not altering text)

**C135** Sch. B1 paras. 83-91 modified (5.7.2018) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), Sch. 5 Pts. 1, 2; S.I. 2018/805, reg. 3(b)

**C136** Sch. B1 paras. 83-91 applied (with modifications) (E.W.) (15.3.2024) by [The Water Industry \(Special Administration\) Regulations 2024 \(S.I. 2024/205\)](#), regs. 2(2), **5(1)**, 27-32 (with reg. 64)

**C147** Sch. B1 para. 88 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

**C148** Sch. B1 para. 88 applied (with modifications) (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\)](#), regs. 2, 37 (with reg. 5) (as amended (4.1.2024) by S.I. 2023/1399, regs. 1(2), 4, 11)

### *Administrator ceasing to be qualified*

- 89 (1) The administrator of a company shall vacate office if he ceases to be qualified to act as an insolvency practitioner in relation to the company.
- (2) Where an administrator vacates office by virtue of sub-paragraph (1) he shall give notice in writing—
- (a) in the case of an administrator appointed by administration order, to the court,
  - (b) in the case of an administrator appointed under paragraph 14, to the [F98]holder of the floating charge by virtue of which the appointment was made],
  - (c) in the case of an administrator appointed under paragraph 22(1), to the company, or
  - (d) in the case of an administrator appointed under paragraph 22(2), to the directors of the company.
- (3) An administrator who fails without reasonable excuse to comply with sub-paragraph (2) commits an offence.



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### Textual Amendments

**F98** Words in Sch. B1 para. 89(2)(b) substituted (15.9.2003) by [The Enterprise Act 2002 \(Insolvency\) Order 2003 \(S.I. 2003/2096\)](#), **art. 2(5)**

### Modifications etc. (not altering text)

**C135** Sch. B1 paras. 83-91 modified (5.7.2018) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), Sch. 5 Pts. 1, 2; [S.I. 2018/805](#), reg. 3(b)

**C136** Sch. B1 paras. 83-91 applied (with modifications) (E.W.) (15.3.2024) by [The Water Industry \(Special Administration\) Regulations 2024 \(S.I. 2024/205\)](#), regs. 2(2), **5(1)**, 27-32 (with reg. 64)

**C149** Sch. B1 para. 89 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

**C150** Sch. B1 para. 89 applied (with modifications) (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\)](#), regs. 2, **37**, **Sch. 2 paras. 4-6** (with reg. 5) (as amended (4.1.2024) by [S.I. 2023/1399](#), regs. 1(2), **4, 11**)

### *Supplying vacancy in office of administrator*

- 90 Paragraphs 91 to 95 apply where an administrator—
- (a) dies,
  - (b) resigns,
  - (c) is removed from office under paragraph 88, or
  - (d) vacates office under paragraph 89.

### Modifications etc. (not altering text)

**C135** Sch. B1 paras. 83-91 modified (5.7.2018) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), Sch. 5 Pts. 1, 2; [S.I. 2018/805](#), reg. 3(b)

**C136** Sch. B1 paras. 83-91 applied (with modifications) (E.W.) (15.3.2024) by [The Water Industry \(Special Administration\) Regulations 2024 \(S.I. 2024/205\)](#), regs. 2(2), **5(1)**, 27-32 (with reg. 64)

**C151** Sch. B1 para. 90 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

**C152** Sch. B1 para. 90 applied (with modifications) (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\)](#), regs. 2, **37**, **Sch. 2 paras. 4-6** (with reg. 5) (as amended (4.1.2024) by [S.I. 2023/1399](#), regs. 1(2), **4, 11**)

- 91 (1) Where the administrator was appointed by administration order, the court may replace the administrator on an application under this sub-paragraph made by—
- (a) a creditors' committee of the company,
  - (b) the company,
  - (c) the directors of the company,
  - (d) one or more creditors of the company, or
  - (e) where more than one person was appointed to act jointly or concurrently as the administrator, any of those persons who remains in office.
- (2) But an application may be made in reliance on sub-paragraph (1)(b) to (d) only where—
- (a) there is no creditors' committee of the company,
  - (b) the court is satisfied that the creditors' committee or a remaining administrator is not taking reasonable steps to make a replacement, or

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- (c) the court is satisfied that for another reason it is right for the application to be made.

**Modifications etc. (not altering text)**

- C136** Sch. B1 paras. 83-91 applied (with modifications) (E.W.) (15.3.2024) by [The Water Industry \(Special Administration\) Regulations 2024 \(S.I. 2024/205\)](#), regs. 2(2), **5(1)**, 27-32 (with reg. 64)
- C153** Sch. B1 para. 91 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
- C154** Sch. B1 para. 91 applied (with modifications) (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\)](#), regs. 2, 37, Sch. 1 para. 3, **2** paras. 4-6 (with reg. 5) (as amended (4.1.2024) by S.I. 2023/1399, regs. 1(2), **4, 11**)

- 92 Where the administrator was appointed under paragraph 14 the holder of the floating charge by virtue of which the appointment was made may replace the administrator.
- 93 (1) Where the administrator was appointed under paragraph 22(1) by the company it may replace the administrator.
- (2) A replacement under this paragraph may be made only—
- (a) with the consent of each person who is the holder of a qualifying floating charge in respect of the company's property, or
- (b) where consent is withheld, with the permission of the court.
- 94 (1) Where the administrator was appointed under paragraph 22(2) the directors of the company may replace the administrator.
- (2) A replacement under this paragraph may be made only—
- (a) with the consent of each person who is the holder of a qualifying floating charge in respect of the company's property, or
- (b) where consent is withheld, with the permission of the court.
- 95 The court may replace an administrator on the application of a person listed in paragraph 91(1) if the court—
- (a) is satisfied that a person who is entitled to replace the administrator under any of paragraphs 92 to 94 is not taking reasonable steps to make a replacement, or
- (b) that for another reason it is right for the court to make the replacement.

**Modifications etc. (not altering text)**

- C155** Sch. B1 para. 95 applied (with modifications) (E.W.) (15.3.2024) by [The Water Industry \(Special Administration\) Regulations 2024 \(S.I. 2024/205\)](#), regs. 2(2), **5(1)**, 33 (with reg. 64)

*Substitution of administrator: competing floating charge-holder*

- 96 (1) This paragraph applies where an administrator of a company is appointed under paragraph 14 by the holder of a qualifying floating charge in respect of the company's property.

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- (2) The holder of a prior qualifying floating charge in respect of the company's property may apply to the court for the administrator to be replaced by an administrator nominated by the holder of the prior floating charge.
- (3) One floating charge is prior to another for the purposes of this paragraph if—
  - (a) it was created first, or
  - (b) it is to be treated as having priority in accordance with an agreement to which the holder of each floating charge was party.
- (4) Sub-paragraph (3) shall have effect in relation to Scotland as if the following were substituted for paragraph (a)—
  - (“ it has priority of ranking in accordance with section 464(4)(b) of the Companies Act 1985 (c. 6), ”.

**Modifications etc. (not altering text)**

**C156** Sch. B1 para. 96 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](#)

*Substitution of administrator appointed by company or directors: creditors' [F99] decision]*

- 97 (1) This paragraph applies where—
- (a) an administrator of a company is appointed by a company or directors under paragraph 22, and
  - (b) there is no holder of a qualifying floating charge in respect of the company's property.

[ The administrator may be replaced by a decision of the creditors made by a qualifying <sup>F100</sup>(2) decision procedure.

- (3) The decision has effect only if, before the decision is made, the new administrator has consented to act in writing.]

**Textual Amendments**

**F99** Word in Sch. B1 para. 97 heading substituted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), [s. 164\(1\)](#), [Sch. 9 para. 10\(34\)](#); [S.I. 2015/1329](#), [reg. 3\(d\)](#); [S.I. 2016/1020](#), [reg. 4\(e\)](#) (with [reg. 5](#)) (as amended by [S.I. 2017/363](#), [reg. 3](#)); [S.I. 2019/816](#), [reg. 4\(c\)](#) (with [reg. 5](#))

**F100** Sch. B1 para. 97(2)(3) substituted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), [s. 164\(1\)](#), [Sch. 9 para. 10\(35\)](#); [S.I. 2015/1329](#), [reg. 3\(d\)](#); [S.I. 2016/1020](#), [reg. 4\(e\)](#) (with [reg. 5](#)) (as amended by [S.I. 2017/363](#), [reg. 3](#)); [S.I. 2019/816](#), [reg. 4\(c\)](#) (with [reg. 5](#))

*Vacation of office: discharge from liability*

- 98 (1) Where a person ceases to be the administrator of a company (whether because he vacates office by reason of resignation, death or otherwise, because he is removed from office or because his appointment ceases to have effect) he is discharged from liability in respect of any action of his as administrator.

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- (2) The discharge provided by sub-paragraph (1) takes effect—
- (a) in the case of an administrator who dies, on the filing with the court of notice of his death,
  - (b) in the case of an administrator appointed under paragraph 14 or 22 <sup>F101</sup>who has not made a statement under paragraph 52(1)(b)], at a time appointed by resolution of the creditors’ committee or, if there is no committee, by <sup>F102</sup>decision] of the creditors,
  - <sup>F103</sup>(ba) [ in the case of an administrator appointed under paragraph 14 or 22 who has made a statement under paragraph 52(1)(b), at a time decided by the relevant creditors,] or
  - (c) in any case, at a time specified by the court.
- (3) <sup>F104</sup>For the purposes of sub-paragraph (2)(ba), the “relevant creditors” of a company are—
- (a) each secured creditor of the company, or
  - (b) if the administrator has made a distribution to preferential creditors or thinks that a distribution may be made to preferential creditors—
    - (i) each secured creditor of the company, and
    - <sup>F105</sup>(ii) [ the preferential creditors of the company.]
- <sup>F106</sup>(3A) [ In a case where the administrator is removed from office, a decision of the creditors for the purposes of sub-paragraph (2)(b), or of the preferential creditors for the purposes of sub-paragraph (2)(ba), must be made by a qualifying decision procedure.]
- (4) Discharge—
- (a) applies to liability accrued before the discharge takes effect, and
  - (b) does not prevent the exercise of the court’s powers under paragraph 75.

#### Textual Amendments

- F101** Words in Sch. B1 para. 98(2)(b) inserted (1.10.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), [Sch. 6 para. 7\(2\)](#); S.I. 2015/1732, art. 2(e)(ii)
- F102** Word in Sch. B1 para. 98(2)(b) substituted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), s. 164(1), [Sch. 9 para. 10\(36\)](#); S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with [reg. 5](#)) (as amended by S.I. 2017/363, reg. 3); S.I. 2019/816, reg. 4(c) (with [reg. 5](#))
- F103** Sch. B1 para. 98(2)(ba) inserted (1.10.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), [Sch. 6 para. 7\(3\)](#); S.I. 2015/1732, art. 2(e)(ii)
- F104** Words in Sch. B1 para. 98(3) substituted (1.10.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), [Sch. 6 para. 7\(4\)\(a\)](#); S.I. 2015/1732, art. 2(e)(ii)
- F105** Sch. B1 para. 98(3)(b)(ii) substituted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), s. 164(1), [Sch. 9 para. 10\(37\)](#); S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with [reg. 5](#)) (as amended by S.I. 2017/363, reg. 3); S.I. 2019/816, reg. 4(c) (with [reg. 5](#))
- F106** Sch. B1 para. 98(3A) inserted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), s. 164(1), [Sch. 9 para. 10\(38\)](#); S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with [reg. 5](#)) (as amended by S.I. 2017/363, reg. 3); S.I. 2019/816, reg. 4(c) (with [reg. 5](#))

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**Modifications etc. (not altering text)**

- C157** Sch. B1 para. 98 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)**)
- C158** Sch. B1 paras. 98-107 modified (5.7.2018) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), Sch. 5 Pts. 1, 2; [S.I. 2018/805, reg. 3\(b\)](#)
- C159** Sch. B1 para. 98 applied (with modifications) (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\)](#), regs. 2, **37** (with reg. 5) (as amended (4.1.2024) by [S.I. 2023/1399](#), regs. 1(2), **4, 11**)
- C160** Sch. B1 paras. 98-104 applied (with modifications) (E.W.) (15.3.2024) by [The Water Industry \(Special Administration\) Regulations 2024 \(S.I. 2024/205\)](#), regs. 2(2), **5(1)**, 34-37 (with reg. 64)

*Vacation of office: charges and liabilities*

- 99 (1) This paragraph applies where a person ceases to be the administrator of a company (whether because he vacates office by reason of resignation, death or otherwise, because he is removed from office or because his appointment ceases to have effect).
- (2) In this paragraph—  
“the former administrator” means the person referred to in sub-paragraph (1), and  
“cessation” means the time when he ceases to be the company’s administrator.
- (3) The former administrator’s remuneration and expenses shall be—  
(a) charged on and payable out of property of which he had custody or control immediately before cessation, and  
(b) payable in priority to any security to which paragraph 70 applies.
- (4) A sum payable in respect of a debt or liability arising out of a contract entered into by the former administrator or a predecessor before cessation shall be—  
(a) charged on and payable out of property of which the former administrator had custody or control immediately before cessation, and  
(b) payable in priority to any charge arising under sub-paragraph (3).
- (5) Sub-paragraph (4) shall apply to a liability arising under a contract of employment which was adopted by the former administrator or a predecessor before cessation; and for that purpose—  
(a) action taken within the period of 14 days after an administrator’s appointment shall not be taken to amount or contribute to the adoption of a contract,  
(b) no account shall be taken of a liability which arises, or in so far as it arises, by reference to anything which is done or which occurs before the adoption of the contract of employment, and  
(c) no account shall be taken of a liability to make a payment other than wages or salary.
- (6) In sub-paragraph (5)(c) “wages or salary” includes—  
(a) a sum payable in respect of a period of holiday (for which purpose the sum shall be treated as relating to the period by reference to which the entitlement to holiday accrued),

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- (b) a sum payable in respect of a period of absence through illness or other good cause,
- (c) a sum payable in lieu of holiday,
- <sup>F107</sup>(d) . . . . ., and
- (e) a contribution to an occupational pension scheme.

**Textual Amendments**

**F107** Sch. B1 para. 99(6)(d) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(n), [Sch. 6 para. 27](#)

**Modifications etc. (not altering text)**

- C158** Sch. B1 paras. 98-107 modified (5.7.2018) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), [Sch. 5 Pts. 1, 2](#); [S.I. 2018/805](#), reg. 3(b)
- C160** Sch. B1 paras. 98-104 applied (with modifications) (E.W.) (15.3.2024) by [The Water Industry \(Special Administration\) Regulations 2024 \(S.I. 2024/205\)](#), regs. 2(2), [5\(1\)](#), 34-37 (with reg. 64)
- C161** Sch. B1 para. 99 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](#)
- C162** Sch. B1 para. 99 applied (with modifications) (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\)](#), regs. 2, [37](#) (with reg. 5) (as amended (4.1.2024) by [S.I. 2023/1399](#), regs. 1(2), [4](#), 11)
- C163** Sch. B1 para. 99(3) applied by [The Financial Market and Insolvency \(Settlement Finality\) Regulations 1999 \(S.I. 1999/2979\)](#), reg. 14(5)(a)(iii) (as substituted (1.10.2009) by [The Financial Markets and Insolvency \(Settlement Finality\) \(Amendment\) Regulations 2009 \(S.I. 2009/1972\)](#), [reg. 4\(d\)\(iii\)](#))

GENERAL

<sup>F108</sup>*Joint and concurrent administrators*

- 100 (1) In this Schedule—
- (a) a reference to the appointment of an administrator of a company includes a reference to the appointment of a number of persons to act jointly or concurrently as the administrator of a company, and
  - (b) a reference to the appointment of a person as administrator of a company includes a reference to the appointment of a person as one of a number of persons to act jointly or concurrently as the administrator of a company.
- (2) The appointment of a number of persons to act as administrator of a company must specify—
- (a) which functions (if any) are to be exercised by the persons appointed acting jointly, and
  - (b) which functions (if any) are to be exercised by any or all of the persons appointed.

**Textual Amendments**

**F108** Sch. B1 paras. 107-109 amendment to earlier affecting provision 2009 c. 1, s. 145 (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\(5\)](#)



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**Modifications etc. (not altering text)**

- C158** Sch. B1 paras. 98-107 modified (5.7.2018) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), Sch. 5 Pts. 1, 2; S.I. 2018/805, reg. 3(b)
- C160** Sch. B1 paras. 98-104 applied (with modifications) (E.W.) (15.3.2024) by [The Water Industry \(Special Administration\) Regulations 2024 \(S.I. 2024/205\)](#), regs. 2(2), **5(1)**, 34-37 (with reg. 64)
- C164** Sch. B1 paras. 100-103 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
- C165** Sch. B1 para. 100 applied (with modifications) (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\)](#), regs. 2, **37** (with reg. 5) (as amended (4.1.2024) by S.I. 2023/1399, regs. 1(2), 4, 11)

- 101 (1) This paragraph applies where two or more persons are appointed to act jointly as the administrator of a company.
- (2) A reference to the administrator of the company is a reference to those persons acting jointly.
- (3) But a reference to the administrator of a company in paragraphs 87 to 99 of this Schedule is a reference to any or all of the persons appointed to act jointly.
- (4) Where an offence of omission is committed by the administrator, each of the persons appointed to act jointly—
- (a) commits the offence, and
  - (b) may be proceeded against and punished individually.
- (5) The reference in paragraph 45(1)(a) to the name of the administrator is a reference to the name of each of the persons appointed to act jointly.
- (6) Where persons are appointed to act jointly in respect of only some of the functions of the administrator of a company, this paragraph applies only in relation to those functions.

**Modifications etc. (not altering text)**

- C160** Sch. B1 paras. 98-104 applied (with modifications) (E.W.) (15.3.2024) by [The Water Industry \(Special Administration\) Regulations 2024 \(S.I. 2024/205\)](#), regs. 2(2), **5(1)**, 34-37 (with reg. 64)
- C166** Sch. B1 paras. 100-103 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
- C167** Sch. B1 para. 101 applied (with modifications) (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\)](#), regs. 2, **37** (with reg. 5) (as amended (4.1.2024) by S.I. 2023/1399, regs. 1(2), 4, 11)

- 102 (1) This paragraph applies where two or more persons are appointed to act concurrently as the administrator of a company.
- (2) A reference to the administrator of a company in this Schedule is a reference to any of the persons appointed (or any combination of them).

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**Modifications etc. (not altering text)**

- C160** Sch. B1 paras. 98-104 applied (with modifications) (E.W.) (15.3.2024) by [The Water Industry \(Special Administration\) Regulations 2024 \(S.I. 2024/205\)](#), regs. 2(2), **5(1)**, 34-37 (with reg. 64)
- C168** Sch. B1 paras. 100-103 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
- C169** Sch. B1 para. 102 applied (with modifications) (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\)](#), regs. **2**, **37** (with reg. 5) (as amended (4.1.2024) by S.I. 2023/1399, regs. 1(2), **4**, 11)

- 103 (1) Where a company is in administration, a person may be appointed to act as administrator jointly or concurrently with the person or persons acting as the administrator of the company.
- (2) Where a company entered administration by administration order, an appointment under sub-paragraph (1) must be made by the court on the application of—
- (a) a person or group listed in paragraph 12(1)(a) to (e), or
  - (b) the person or persons acting as the administrator of the company.
- (3) Where a company entered administration by virtue of an appointment under paragraph 14, an appointment under sub-paragraph (1) must be made by—
- (a) the holder of the floating charge by virtue of which the appointment was made, or
  - (b) the court on the application of the person or persons acting as the administrator of the company.
- (4) Where a company entered administration by virtue of an appointment under paragraph 22(1), an appointment under sub-paragraph (1) above must be made either by the court on the application of the person or persons acting as the administrator of the company or—
- (a) by the company, and
  - (b) with the consent of each person who is the holder of a qualifying floating charge in respect of the company's property or, where consent is withheld, with the permission of the court.
- (5) Where a company entered administration by virtue of an appointment under paragraph 22(2), an appointment under sub-paragraph (1) must be made either by the court on the application of the person or persons acting as the administrator of the company or—
- (a) by the directors of the company, and
  - (b) with the consent of each person who is the holder of a qualifying floating charge in respect of the company's property or, where consent is withheld, with the permission of the court.
- (6) An appointment under sub-paragraph (1) may be made only with the consent of the person or persons acting as the administrator of the company.

**Modifications etc. (not altering text)**

- C160** Sch. B1 paras. 98-104 applied (with modifications) (E.W.) (15.3.2024) by [The Water Industry \(Special Administration\) Regulations 2024 \(S.I. 2024/205\)](#), regs. 2(2), **5(1)**, 34-37 (with reg. 64)

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- C170** Sch. B1 paras. 100-103 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
- C171** Sch. B1 para. 103 applied (with modifications) (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\)](#), regs. 2, **37**, **Sch. 2 paras. 4-6** (with reg. 5) (as amended (4.1.2024) by S.I. 2023/1399, regs. 1(2), 4, 11)

### *Presumption of validity*

- 104 An act of the administrator of a company is valid in spite of a defect in his appointment or qualification.

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#### **Modifications etc. (not altering text)**

- C158** Sch. B1 paras. 98-107 modified (5.7.2018) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), Sch. 5 Pts. 1, 2; S.I. 2018/805, reg. 3(b)
- C160** Sch. B1 paras. 98-104 applied (with modifications) (E.W.) (15.3.2024) by [The Water Industry \(Special Administration\) Regulations 2024 \(S.I. 2024/205\)](#), regs. 2(2), **5(1)**, 34-37 (with reg. 64)
- C172** Sch. B1 para. 104 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
- C173** Sch. B1 para. 104 applied (with modifications) (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\)](#), regs. 2, **37** (with reg. 5) (as amended (4.1.2024) by S.I. 2023/1399, regs. 1(2), 4, 11)

### *Majority decision of directors*

- 105 A reference in this Schedule to something done by the directors of a company includes a reference to the same thing done by a majority of the directors of a company.

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#### **Modifications etc. (not altering text)**

- C158** Sch. B1 paras. 98-107 modified (5.7.2018) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), Sch. 5 Pts. 1, 2; S.I. 2018/805, reg. 3(b)
- C174** Sch. B1 para. 105 applied (with modifications) (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\)](#), regs. 2, **37**, **Sch. 1 para. 3**, **2 paras. 4-6** (with reg. 5) (as amended (4.1.2024) by S.I. 2023/1399, regs. 1(2), 4, 11)

### *Penalties*

- 106 (1) A person who is guilty of an offence under this Schedule is liable to a fine (in accordance with section 430 and Schedule 10).
- (2) A person who is guilty of an offence under any of the following paragraphs of this Schedule is liable to a daily default fine (in accordance with section 430 and Schedule 10)—
- (a) paragraph 20,
  - (b) paragraph 32,
  - (c) paragraph 46,
  - (d) paragraph 48,

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- (e) paragraph 49,
- (f) paragraph 51,
- (g) paragraph 53,
- (h) paragraph 54,
- (i) paragraph 56,
- (j) paragraph 71,
- (k) paragraph 72,
- (l) paragraph 77,
- (m) paragraph 78,
- (n) paragraph 80,
- (o) paragraph 84,
- (p) paragraph 86, and
- (q) paragraph 89.

**Modifications etc. (not altering text)**

- C158** Sch. B1 paras. 98-107 modified (5.7.2018) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), Sch. 5 Pts. 1, 2; [S.I. 2018/805](#), reg. 3(b)
- C175** Sch. B1 para. 106 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))
- C176** Sch. B1 para. 106 applied (with modifications) (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\)](#), regs. 2, 37, **Sch. 2 paras. 4-6** (with reg. 5) (as amended (4.1.2024) by [S.I. 2023/1399](#), regs. 1(2), 4, 11)
- C177** Sch. B1 para. 106 applied (with modifications) (E.W.) (15.3.2024) by [The Water Industry \(Special Administration\) Regulations 2024 \(S.I. 2024/205\)](#), regs. 2(2), 5(1), 38 (with reg. 64)

*Extension of time limit*

- 107 (1) Where a provision of this Schedule provides that a period may be varied in accordance with this paragraph, the period may be varied in respect of a company—
- (a) by the court, and
  - (b) on the application of the administrator.
- (2) A time period may be extended in respect of a company under this paragraph—
- (a) more than once, and
  - (b) after expiry.

**Modifications etc. (not altering text)**

- C158** Sch. B1 paras. 98-107 modified (5.7.2018) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), Sch. 5 Pts. 1, 2; [S.I. 2018/805](#), reg. 3(b)
- C178** Sch. B1 paras. 107-109 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))

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**C179** Sch. B1 para. 107 applied (with modifications) (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\)](#), regs. 2, **37** (with reg. 5) (as amended (4.1.2024) by S.I. 2023/1399, regs. 1(2), 4, 11)

**C180** Sch. B1 para. 107 applied (with modifications) (E.W.) (15.3.2024) by [The Water Industry \(Special Administration\) Regulations 2024 \(S.I. 2024/205\)](#), regs. 2(2), **5(1)** (with reg. 64)

108 (1) A period specified in paragraph 49(5)<sup>F109</sup> ... or 51(2) may be varied in respect of a company by the administrator with consent.

(2) In sub-paragraph (1) “consent” means consent of—

(a) each secured creditor of the company, and

[ if the company has unsecured debts, the unsecured creditors of the company.]  
<sup>F110</sup>(b)

(3) But where the administrator has made a statement under paragraph 52(1)(b) “consent” means—

(a) consent of each secured creditor of the company, or

(b) if the administrator thinks that a distribution may be made to preferential creditors, consent of—

(i) each secured creditor of the company, and

[ the preferential creditors of the company.]  
<sup>F111</sup>(ii)

(b) if the company has unsecured debts, the unsecured creditors of the company.

[ Whether the company's unsecured creditors or preferential creditors consent is to be  
<sup>F112</sup>(3A) determined by the administrator seeking a decision from those creditors as to whether they consent.]

<sup>F113</sup>(4) .....

(5) The power to extend under sub-paragraph (1)—

(a) may be exercised in respect of a period only once,

(b) may not be used to extend a period by more than 28 days,

(c) may not be used to extend a period which has been extended by the court, and

(d) may not be used to extend a period after expiry.

### Textual Amendments

**F109** Word in Sch. B1 para. 108(1) omitted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by virtue of [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), s. 164(1), [Sch. 9 para. 10\(39\)](#); S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3); S.I. 2019/816, reg. 4(c) (with reg. 5)

**F110** Sch. B1 para. 108(2)(b) substituted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), s. 164(1), [Sch. 9 para. 10\(40\)](#); S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3); S.I. 2019/816, reg. 4(c) (with reg. 5)

**F111** Sch. B1 para. 108(3)(b)(ii) substituted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), s. 164(1), [Sch. 9 para. 10\(41\)](#); S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3); S.I. 2019/816, reg. 4(c) (with reg. 5)

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- F112** Sch. B1 para. 108(3A) inserted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\), s. 164\(1\), Sch. 9 para. 10\(42\)](#); S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3); S.I. 2019/816, reg. 4(c) (with reg. 5)
- F113** Sch. B1 para. 108(4) omitted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by virtue of [Small Business, Enterprise and Employment Act 2015 \(c. 26\), s. 164\(1\), Sch. 9 para. 10\(43\)](#); S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3); S.I. 2019/816, reg. 4(c) (with reg. 5)

**Modifications etc. (not altering text)**

- C181** Sch. B1 paras. 107-109 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\(5\)](#))
- C182** Sch. B1 para. 108 applied (with modifications) (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\)](#), regs. 2, [37](#) (with reg. 5) (as amended (4.1.2024) by S.I. 2023/1399, regs. 1(2), [4, 11](#))

- 109 Where a period is extended under paragraph 107 or 108, a reference to the period shall be taken as a reference to the period as extended.

**Modifications etc. (not altering text)**

- C183** Sch. B1 paras. 107-109 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\(5\)](#))
- C184** Sch. B1 para. 109 applied (with modifications) (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\)](#), regs. 2, [37](#) (with reg. 5) (as amended (4.1.2024) by S.I. 2023/1399, regs. 1(2), [4, 11](#))
- C185** Sch. B1 paras. 109-111 applied (with modifications) (E.W.) (15.3.2024) by [The Water Industry \(Special Administration\) Regulations 2024 \(S.I. 2024/205\)](#), regs. 2(2), [5\(1\)](#), 39, 40 (with reg. 64)

*Amendment of provision about time*

- 110 (1) The Secretary of State may by order amend a provision of this Schedule which—
- (a) requires anything to be done within a specified period of time,
  - (b) prevents anything from being done after a specified time, or
  - (c) requires a specified minimum period of notice to be given.
- (2) An order under this paragraph—
- (a) must be made by statutory instrument, and
  - (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**Modifications etc. (not altering text)**

- C185** Sch. B1 paras. 109-111 applied (with modifications) (E.W.) (15.3.2024) by [The Water Industry \(Special Administration\) Regulations 2024 \(S.I. 2024/205\)](#), regs. 2(2), [5\(1\)](#), 39, 40 (with reg. 64)



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- C186** Sch. B1 para. 110 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
- C187** Sch. B1 paras. 109-111 modified (5.7.2018) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), Sch. 5 Pts. 1, 2; S.I. 2018/805, reg. 3(b)

### Interpretation

111 (1) In this Schedule—

- “administrative receiver” has the meaning given by section 251,  
“administrator” has the meaning given by paragraph 1 and, where the context requires, includes a reference to a former administrator,  
F114 .....  
F115 .....  
F115 .....  
“enters administration” has the meaning given by paragraph 1,  
“floating charge” means a charge which is a floating charge on its creation,  
“in administration” has the meaning given by paragraph 1,  
“hire-purchase agreement” includes a conditional sale agreement, a chattel leasing agreement and a retention of title agreement,  
“holder of a qualifying floating charge” in respect of a company’s property has the meaning given by paragraph 14,  
“market value” means the amount which would be realised on a sale of property in the open market by a willing vendor,  
“the purpose of administration” means an objective specified in paragraph 3, and  
“unable to pay its debts” has the meaning given by section 123.

[ In this Schedule, “company” means—

- F116(1A) F117(a) a company registered under the Companies Act 2006 in England and Wales or Scotland,]  
(b) a company incorporated in an EEA State F118 ..., or  
(c) a company not incorporated in an EEA State but having its centre of main interests in a member State [F119 (other than Denmark) or in the United Kingdom].

(1B) In sub-paragraph (1A), in relation to a company, “centre of main interests” has the same meaning as in [F120 Article 3 of the EU Regulation] .]

F121(2) .....

(3) In this Schedule a reference to action includes a reference to inaction.

### Textual Amendments

- F114** In Sch. B1 para. 111(1) definition of “company” omitted (13.4.2005) by virtue of [The Insolvency Act 1986 \(Amendment\) Regulations 2005 \(S.I. 2005/879\)](#), **reg. 2(4)(a)** (with reg. 3)
- F115** Words in Sch. B1 para. 111 omitted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by virtue of [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), s. 164(1), **Sch. 9 para. 10(44)**; S.I. 2015/1329, reg. 3(d);

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S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3); S.I. 2019/816, reg. 4(c) (with reg. 5)

- F116** Sch. B1 para. 111(1A)(1B) inserted (13.4.2005) by [The Insolvency Act 1986 \(Amendment\) Regulations 2005 \(S.I. 2005/879\)](#), **reg. 2(4)(b)** (with reg. 3)
- F117** Sch. B1 para. 111(1A)(a) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009, \(S.I. 2009/1941\)](#) arts. 2(1), 8, {Sch. 1 para. 72} (with art. 10, Sch. 1 para. 84)
- F118** Words in Sch. B1 para. 111(1A)(b) omitted (31.12.2020) by virtue of [The Insolvency \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/146\)](#), reg. 1(3), **Sch. para. 44(b)(i)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)
- F119** Words in Sch. B1 para. 111(1A)(c) substituted (31.12.2020) by [The Insolvency \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/146\)](#), reg. 1(3), **Sch. para. 44(b)(ii)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)
- F120** Words in Sch. B1 para. 111(1B) substituted (26.6.2017) by [The Insolvency Amendment \(EU 2015/848\) Regulations 2017 \(S.I. 2017/702\)](#), reg. 1, **Sch. para. 31** (with regs. 3, 4)
- F121** Sch. B1 para. 111(2) repealed (6.4.2010) by [The Legislative Reform \(Insolvency\) \(Miscellaneous Provisions\) Order 2010 \(S.I. 2010/18\)](#), **art. 4(2)**

#### **Modifications etc. (not altering text)**

- C185** Sch. B1 paras. 109-111 applied (with modifications) (E.W.) (15.3.2024) by [The Water Industry \(Special Administration\) Regulations 2024 \(S.I. 2024/205\)](#), regs. 2(2), **5(1)**, 39, 40 (with reg. 64)
- C187** Sch. B1 paras. 109-111 modified (5.7.2018) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), Sch. 5 Pts. 1, 2; S.I. 2018/805, reg. 3(b)
- C188** Sch. B1 para. 111 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)**)
- C189** Sch. B1 para. 111 applied (with modifications) (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\)](#), regs. 2, **37** (with reg. 5) (as amended (4.1.2024) by S.I. 2023/1399, regs. 1(2), **4**, 11)

#### *Non-UK companies*

[<sup>F122</sup>111A A company incorporated outside the United Kingdom that has a principal place of business in Northern Ireland may not enter administration under this Schedule unless it also has a principal place of business in England and Wales or Scotland (or both in England and Wales and in Scotland).]

#### **Textual Amendments**

- F122** Sch. B1 para. 111A inserted (13.4.2005) by [The Insolvency Act 1986 \(Amendment\) Regulations 2005 \(S.I. 2005/879\)](#), **reg. 2(4)(c)** (with reg. 3)

#### *Scotland*

- 112 In the application of this Schedule to Scotland—
- (a) a reference to filing with the court is a reference to lodging in court, and
  - (b) a reference to a charge is a reference to a right in security.

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**Modifications etc. (not altering text)**

- C190** Sch. B1 paras. 112-116 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 (7.4.2017) by S.I. 2017/400, regs. 1(2), 5(9))
- C191** Sch. B1 paras. 112-116 modified (5.7.2018) by Housing and Planning Act 2016 (c. 22), s. 216(3), Sch. 5 Pts. 1, 2; S.I. 2018/805, reg. 3(b)
- C192** Sch. B1 paras. 112-116 applied (with modifications) (8.7.2021) by The Payment and Electronic Money Institution Insolvency Regulations 2021 (S.I. 2021/716), regs. 2, 37, Sch. 2 paras. 4-6 (with reg. 5) (as amended (4.1.2024) by S.I. 2023/1399, regs. 1(2), 4, 11)

- 113 Where property in Scotland is disposed of under paragraph 70 or 71, the administrator shall grant to the donee an appropriate document of transfer or conveyance of the property, and—
- (a) that document, or
  - (b) recording, intimation or registration of that document (where recording, intimation or registration of the document is a legal requirement for completion of title to the property),
- has the effect of disencumbering the property of or, as the case may be, freeing the property from, the security.

**Modifications etc. (not altering text)**

- C192** Sch. B1 paras. 112-116 applied (with modifications) (8.7.2021) by The Payment and Electronic Money Institution Insolvency Regulations 2021 (S.I. 2021/716), regs. 2, 37, Sch. 2 paras. 4-6 (with reg. 5) (as amended (4.1.2024) by S.I. 2023/1399, regs. 1(2), 4, 11)
- C193** Sch. B1 paras. 112-116 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 (7.4.2017) by S.I. 2017/400, regs. 1(2), 5(9))

- 114 In Scotland, where goods in the possession of a company under a hire-purchase agreement are disposed of under paragraph 72, the disposal has the effect of extinguishing as against the donee all rights of the owner of the goods under the agreement.

**Modifications etc. (not altering text)**

- C192** Sch. B1 paras. 112-116 applied (with modifications) (8.7.2021) by The Payment and Electronic Money Institution Insolvency Regulations 2021 (S.I. 2021/716), regs. 2, 37, Sch. 2 paras. 4-6 (with reg. 5) (as amended (4.1.2024) by S.I. 2023/1399, regs. 1(2), 4, 11)
- C194** Sch. B1 paras. 112-116 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 (7.4.2017) by S.I. 2017/400, regs. 1(2), 5(9))

- 115 (1) In Scotland, the administrator of a company may make, in or towards the satisfaction of the debt secured by the floating charge, a payment to the holder of a floating charge which has attached to the property subject to the charge.

[ In Scotland, sub-paragraph (1B) applies in connection with the giving by the court<sup>F123</sup>(1A) of permission as provided for in paragraph 65(3)(b).

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- (1B) On the giving by the court of such permission, any floating charge granted by the company shall, unless it has already so attached, attach to the property which is subject to the charge.]
- (2) In Scotland, where the administrator thinks that the company has insufficient property to enable a distribution to be made to unsecured creditors other than by virtue of section 176A(2)(a), he may file a notice to that effect with the registrar of companies.
- (3) On delivery of the notice to the registrar of companies, any floating charge granted by the company shall, unless it has already so attached, attach to the property which is subject to the charge <sup>F124</sup>....

[ Attachment of a floating charge under sub-paragraph (1B) or (3) has effect as if the <sup>F125</sup>(4) charge is a fixed security over the property to which it has attached.]

#### Textual Amendments

- F123** Sch. B1 para. 115(1A)(1B) inserted (26.5.2015) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\), ss. 130\(2\), 164\(3\)\(i\)\(ii\)](#)
- F124** Words in Sch. B1 para. 115(3) omitted (26.5.2015) by virtue of [Small Business, Enterprise and Employment Act 2015 \(c. 26\), ss. 130\(3\), 164\(3\)\(i\)\(ii\)](#)
- F125** Sch. B1 para. 115(4) inserted (26.5.2015) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\), ss. 130\(4\), 164\(3\)\(i\)\(ii\)](#)

#### Modifications etc. (not altering text)

- C192** Sch. B1 paras. 112-116 applied (with modifications) (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\), regs. 2, 37, Sch. 2 paras. 4-6 \(with reg. 5\) \(as amended \(4.1.2024\) by S.I. 2023/1399, regs. 1\(2\), 4, 11\)](#)
- C195** Sch. B1 paras. 112-116 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 \(7.4.2017\) by S.I. 2017/400, regs. 1\(2\), 5\(9\)\)](#)

- 116 In Scotland, the administrator in making any payment in accordance with paragraph 115 shall make such payment subject to the rights of any of the following categories of persons (which rights shall, except to the extent provided in any instrument, have the following order of priority)—
- (a) the holder of any fixed security which is over property subject to the floating charge and which ranks prior to, or pari passu with, the floating charge,
  - (b) creditors in respect of all liabilities and expenses incurred by or on behalf of the administrator,
  - (c) the administrator in respect of his liabilities, expenses and remuneration and any indemnity to which he is entitled out of the property of the company,
  - (d) the preferential creditors entitled to payment in accordance with paragraph 65,
  - (e) the holder of the floating charge in accordance with the priority of that charge in relation to any other floating charge which has attached, and
  - (f) the holder of a fixed security, other than one referred to in paragraph (a), which is over property subject to the floating charge.]

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**Modifications etc. (not altering text)**

- C192** Sch. B1 paras. 112-116 applied (with modifications) (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\)](#), regs. 2, 37, [Sch. 2 paras. 4-6](#) (with reg. 5) (as amended (4.1.2024) by [S.I. 2023/1399](#), regs. 1(2), 4, 11)
- C196** Sch. B1 paras. 112-116 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 (7.4.2017) by [S.I. 2017/400](#), regs. 1(2), 5(9))

SCHEDULE 1

Sections 14, 42.

POWERS OF ADMINISTRATOR OR ADMINISTRATIVE RECEIVER

**Modifications etc. (not altering text)**

- C197** Sch. 1 modified (1.12.1994) by [The Insolvent Partnerships Order 1994 \(S.I. 1994/2421\)](#), Sch. 2 para. 43 (as amended (1.7.2005) by [S.I. 2005/1516](#), art. 7, [Sch. 1](#))
- C198** Sch. 1 modified (15.7.2003) by [Greater London Authority Act 1999 \(c. 29\)](#), [ss. 220\(3\), 425](#), Sch. 14 paras. 11, 19 (with [Sch. 12 para. 9\(1\)](#)); [S.I. 2003/1920](#), [art. 2\(b\)](#)
- C199** Sch. 1 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
- C200** Sch. 1 applied (with modifications) (E.W.S.) (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\)](#), regs. 2, 37, [Sch. 2 paras. 4-6](#) (with reg. 5) (as amended (4.1.2024) by [S.I. 2023/1399](#), regs. 1(2), 4, 11)
- C201** Sch. 1 applied (with modifications) (E.W.) (15.3.2024) by [The Water Industry \(Special Administration\) Regulations 2024 \(S.I. 2024/205\)](#), regs. 2(2), [5\(1\)](#), 52 (with reg. 64)

- 1 Power to take possession of, collect and get in the property of the company and, for that purpose, to take such proceedings as may seem to him expedient.
- 2 Power to sell or otherwise dispose of the property of the company by public auction or private contract or, in Scotland, to sell, [<sup>F126</sup>feu,] hire out or otherwise dispose of the property of the company by public roup or private bargain.

**Textual Amendments**

- F126** Word in Sch. 1 para. 2 repealed (S.) (28.11.2004) by [2000 asp 5](#), [ss. 71, 76\(2\), 77\(2\)](#), [Sch. 13 Pt. 1](#) (with [ss. 58, 62, 75](#)); [S.S.I. 2003/456](#), [art. 2](#)

- 3 Power to raise or borrow money and grant security therefor over the property of the company.
- 4 Power to appoint a solicitor or accountant or other professionally qualified person to assist him in the performance of his functions.
- 5 Power to bring or defend any action or other legal proceedings in the name and on behalf of the company.
- 6 Power to refer to arbitration any question affecting the company.

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- 7 Power to effect and maintain insurances in respect of the business and property of the company.
- 8 Power to use the company's seal.
- 9 Power to do all acts and to execute in the name and on behalf of the company any deed, receipt or other document.
- 10 Power to draw, accept, make and endorse any bill of exchange or promissory note in the name and on behalf of the company.
- 11 Power to appoint any agent to do any business which he is unable to do himself or which can more conveniently be done by an agent and power to employ and dismiss employees.
- 12 Power to do all such things (including the carrying out of works) as may be necessary for the realisation of the property of the company.
- 13 Power to make any payment which is necessary or incidental to the performance of his functions.
- 14 Power to carry on the business of the company.
- 15 Power to establish subsidiaries of the company.
- 16 Power to transfer to subsidiaries of the company the whole or any part of the business and property of the company.
- 17 Power to grant or accept a surrender of a lease or tenancy of any of the property of the company, and to take a lease or tenancy of any property required or convenient for the business of the company.
- 18 Power to make any arrangement or compromise on behalf of the company.
- 19 Power to call up any uncalled capital of the company.
- 20 Power to rank and claim in the bankruptcy, insolvency, sequestration or liquidation of any person indebted to the company and to receive dividends, and to accede to trust deeds for the creditors of any such person.
- 21 Power to present or defend a petition for the winding up of the company.
- 22 Power to change the situation of the company's registered office.
- 23 Power to do all other things incidental to the exercise of the foregoing powers.

## SCHEDULE 2

Section 55.

### POWERS OF A SCOTTISH RECEIVER (ADDITIONAL TO THOSE CONFERRED ON HIM BY THE INSTRUMENT OF CHARGE)

**Modifications etc. (not altering text)**

**C202** Sch. 2 applied (with modifications) (S.) (6.4.2001) by [S.S.I. 2001/128, reg. 4\(1\)](#), **Sch. 2**

**C203** Sch. 10 modified (S.) (6.4.2001) by [S.S.I. 2001/128, reg. 4\(2\)](#), **Sch. 3**

**C204** [Sch. 2](#) applied (with modifications) (4.1.2024) by [S.I. 2021/716, Sch. 1 para. 3](#) (as amended by [The Payment and Electronic Money Institution Insolvency \(Amendment\) Regulations 2023 \(S.I. 2023/1399\)](#), [regs. 1\(2\)](#), **20**)



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- 1 Power to take possession of, collect and get in the property from the company or a liquidator thereof or any other person, and for that purpose, to take such proceedings as may seem to him expedient.
- 2 Power to sell, [<sup>F127</sup> feu,] hire out or otherwise dispose of the property by public roup or private bargain and with or without advertisement.

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**Textual Amendments**

**F127** Word in Sch. 2 para. 2 repealed (S.) (28.11.2004) by 2000 asp 5, ss. 71, 76(2), 77(2), Sch. 13 Pt. 1 (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

- 3 Power to raise or borrow money and grant security therefor over the property.
- 4 Power to appoint a solicitor or accountant or other professionally qualified person to assist him in the performance of his functions.
- 5 Power to bring or defend any action or other legal proceedings in the name and on behalf of the company.
- 6 Power to refer to arbitration all questions affecting the company.
- 7 Power to effect and maintain insurances in respect of the business and property of the company.
- 8 Power to use the company's seal.
- 9 Power to do all acts and to execute in the name and on behalf of the company any deed, receipt or other document.
- 10 Power to to draw, accept, make and endorse any bill of exchange or promissory note in the name and on behalf of the company.
- 11 Power to to appoint any agent to do any business which he is unable to do himself or which can more conveniently be done by an agent, and power to employ and dismiss employees.
- 12 Power to do all such things (including the carrying out of works), as may be necessary for the realisation of the property.
- 13 Power to make any payment which is necessary or incidental to the performance of his functions.
- 14 Power to carry on the business of the company or any part of it.
- 15 Power to grant or accept a surrender of a lease or tenancy of any of the property, and to take a lease or tenancy of any property required or convenient for the business of the company.
- 16 Power to make any arrangement or compromise on behalf of the company.
- 17 Power to call up any uncalled capital of the company.

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**Modifications etc. (not altering text)**

**C205** Sch. 2 para. 17 modified (S.) (6.4.2001) by S.S.I. 2001/128, reg. 4(2), Sch. 3

- 18 Power to to establish subsidiaries of the company.

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- 19 Power to to transfer to subsidiaries of the company the business of the company or any part of it and any of the property.
- 20 Power to rank and claim in the bankruptcy, insolvency, sequestration or liquidation of any person or company indebted to the company and to receive dividends, and to accede to trust deeds for creditors of any such person.
- 21 Power to present or defend a petition for the winding up of the company.
- 22 Power to change the situation of the company’s registered office.
- 23 Power to do all other things incidental to the exercise of the powers mentioned in section 55(1) of this Act or above in this Schedule.

## [<sup>F128</sup>SCHEDULE 2A

### EXCEPTIONS TO PROHIBITION ON APPOINTMENT OF ADMINISTRATIVE RECEIVER: SUPPLEMENTARY PROVISIONS

#### Textual Amendments

**F128** Sch. 2A inserted (15.9.2003) by 2002 c. 40, s. 250(2), 279, Sch. 18 (with s. 249(6)); S.I. 2003/2093, art. 2(1), Sch. 1 (subject to arts. 3-8 (as amended by S.I. 2003/2332, art. 2))

#### Modifications etc. (not altering text)

**C206** Sch. 2A extended (24.6.2003) by The Uncertificated Securities (Amendment) (Eligible Debt Securities) Regulations 2003 (S.I. 2003/1633), regs. 1, 15, Sch. 2 para. 7

**C207** Sch. 2A modified (31.12.2020) by The Railway (Licensing of Railway Undertakings) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/700), regs. 1(2), 41; 2020 c. 1, Sch. 5 para. 1(1)

#### *Capital market arrangement*

- 1 (1) For the purposes of section 72B an arrangement is a capital market arrangement if—
- (a) it involves a grant of security to a person holding it as trustee for a person who holds a capital market investment issued by a party to the arrangement, or
  - [ it involves a grant of security to—
  - <sup>F129</sup>(aa) (i) a party to the arrangement who issues a capital market investment, or
  - (ii) a person who holds the security as trustee for a party to the arrangement in connection with the issue of a capital market investment, or
  - (ab) it involves a grant of security to a person who holds the security as trustee for a party to the arrangement who agrees to provide finance to another party, or]
  - (b) at least one party guarantees the performance of obligations of another party, or
  - (c) at least one party provides security in respect of the performance of obligations of another party, or
  - (d) the arrangement involves an investment of a kind described in articles 83 to 85 of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 (S.I. 2001/544) (options, futures and contracts for differences).

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- (2) For the purposes of sub-paragraph (1)—
- (a) a reference to holding as trustee includes a reference to holding as nominee or agent,
  - (b) a reference to holding for a person who holds a capital market investment includes a reference to holding for a number of persons at least one of whom holds a capital market investment, and
  - (c) a person holds a capital market investment if he has a legal or beneficial interest in it<sup>F130</sup>; and
  - (d) the reference to the provision of finance includes the provision of an indemnity]
- (3) In section 72B(1) and this paragraph “party” to an arrangement includes a party to an agreement which—
- (a) forms part of the arrangement,
  - (b) provides for the raising of finance as part of the arrangement, or
  - (c) is necessary for the purposes of implementing the arrangement.

#### Textual Amendments

**F129** Sch. 2A para. 1(1)(aa)(ab) inserted (15.9.2003) by [The Insolvency Act 1986 \(Amendment\) \(Administrative Receivership and Capital Market Arrangements\) Order 2003 \(S.I. 2003/1468\)](#), arts. 1, 2; S.I. 2003/2093, art. 2(1), Sch. 1

**F130** Sch. 2A para. 1(2)(d) and word inserted (15.9.2003) by [The Insolvency Act 1986 \(Amendment\) \(Administrative Receivership and Capital Market Arrangements\) Order 2003 \(S.I. 2003/1468\)](#), arts. 1, 3; S.I. 2003/2093, art. 2(1), Sch. 1

#### Capital market investment

- 2 (1) For the purposes of section 72B an investment is a capital market investment if it—
- (a) is within article 77 <sup>F131</sup>or 77A] of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 (S.I. 2001/544) (debt instruments), and
  - (b) is rated, listed or traded or designed to be rated, listed or traded.
- (2) In sub-paragraph (1)—
- “rated” means rated for the purposes of investment by an internationally recognised rating agency,
- “listed” means admitted to the official list within the meaning given by section 103(1) of the Financial Services and Markets Act 2000 (c. 8) (interpretation), and
- “traded” means admitted to trading on a market established under the rules of a recognised investment exchange or on a foreign market.
- (3) In sub-paragraph (2)—
- “recognised investment exchange” has the meaning given by section 285 of the Financial Services and Markets Act 2000 (recognised investment exchange), and
- “foreign market” has the same meaning as “relevant market” in article 67(2) of the Financial Services and Markets Act 2000 (Financial Promotion) Order 2001 (S.I. 2001/1335) (foreign markets).

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### Textual Amendments

**F131** Words in Sch. 2A para. 2(1)(a) inserted (24.2.2010) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) Order 2010 \(S.I. 2010/86\)](#), art. 4, **Sch. para. 2(a)**

- 3 (1) An investment is also a capital market investment for the purposes of section 72B if it consists of a bond or commercial paper issued to one or more of the following—
- (a) an investment professional within the meaning of article 19(5) of the Financial Services and Markets Act 2000 (Financial Promotion) Order [<sup>F132</sup>2005 (S.I. 2005/1529)],
  - (b) a person who is, when the agreement mentioned in section 72B(1) is entered into, a <sup>F133</sup>... high net worth individual in relation to a communication within the meaning of article 48(2) of that order,
  - (c) a person to whom article 49(2) of that order applies (high net worth company, &c.),
  - (d) a person who is, when the agreement mentioned in section 72B(1) is entered into, a certified sophisticated investor in relation to a communication within the meaning of article 50(1) of that order, and
  - (e) a person in a State other than the United Kingdom who under the law of that State is not prohibited from investing in bonds or commercial paper.
- (2) In sub-paragraph (1)—
- “bond” shall be construed in accordance with article 77 of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 [<sup>F134</sup>, and includes any instrument falling within article 77A of that Order] (S.I. 2001/544), and
- “commercial paper” has the meaning given by article 9(3) of that order.
- (3) For the purposes of sub-paragraph (1)—
- (a) in applying article 19(5) of the Financial Promotion Order for the purposes of sub-paragraph (1)(a)—
    - (i) in article 19(5)(b), ignore the words after “exempt person”,
    - (ii) in article 19(5)(c)(i), for the words from “the controlled activity” to the end substitute “a controlled activity”, and
    - (iii) in article 19(5)(e) ignore the words from “where the communication” to the end, and
  - (b) in applying article 49(2) of that order for the purposes of sub-paragraph (1)(c), ignore article 49(2)(e).

### Textual Amendments

**F132** Words in Sch. 2A para. 3(1)(a) substituted (31.1.2024) by [The Financial Services and Markets Act 2000 \(Financial Promotion\) \(Amendment\) \(No. 2\) Order 2023 \(S.I. 2023/1411\)](#), arts. 1(2), **16(3)(a)**

**F133** Word in Sch. 2A para. 3(1)(b) omitted (31.1.2024) by virtue of [The Financial Services and Markets Act 2000 \(Financial Promotion\) \(Amendment\) \(No. 2\) Order 2023 \(S.I. 2023/1411\)](#), arts. 1(2), **16(3)(b)**

**F134** Words in Sch. 2A para. 3(2) inserted (24.2.2010) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) Order 2010 \(S.I. 2010/86\)](#), arts. 1(2), 4, **Sch.**

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### “Agreement”

- 4 For the purposes of sections 72B and 72E and this Schedule “agreement” includes an agreement or undertaking effected by—
- (a) contract,
  - (b) deed, or
  - (c) any other instrument intended to have effect in accordance with the law of England and Wales, Scotland or another jurisdiction.

### Debt

- 5 The debt of at least £50 million referred to in section 72B(1)(a) or 72E(2)(a)—
- (a) may be incurred at any time during the life of the capital market arrangement or financed project, and
  - (b) may be expressed wholly or partly in foreign currency (in which case the sterling equivalent shall be calculated as at the time when the arrangement is entered into or the project begins).

### Step-in rights

- 6 (1) For the purposes of sections 72C to 72E a project has “step-in rights” if a person who provides finance in connection with the project has a conditional entitlement under an agreement to—
- (a) assume sole or principal responsibility under an agreement for carrying out all or part of the project, or
  - (b) make arrangements for carrying out all or part of the project.
- (2) In sub-paragraph (1) a reference to the provision of finance includes a reference to the provision of an indemnity.

### Project company

- 7 (1) For the purposes of sections 72C to 72E a company is a “project company” of a project if—
- (a) it holds property for the purpose of the project,
  - (b) it has sole or principal responsibility under an agreement for carrying out all or part of the project,
  - (c) it is one of a number of companies which together carry out the project,
  - (d) it has the purpose of supplying finance to enable the project to be carried out, or
  - (e) it is the holding company of a company within any of paragraphs (a) to (d).
- (2) But a company is not a “project company” of a project if—
- (a) it performs a function within sub-paragraph (1)(a) to (d) or is within sub-paragraph (1)(e), but
  - (b) it also performs a function which is not—
    - (i) within sub-paragraph (1)(a) to (d),
    - (ii) related to a function within sub-paragraph (1)(a) to (d), or
    - (iii) related to the project.

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- (3) For the purposes of this paragraph a company carries out all or part of a project whether or not it acts wholly or partly through agents.

*“Resources”*

- 8 In section 72C “resources” includes—
- (a) funds (including payment for the provision of services or facilities),
  - (b) assets,
  - (c) professional skill,
  - (d) the grant of a concession or franchise, and
  - (e) any other commercial resource.

*“Public body”*

- 9 (1) In section 72C “public body” means—
- (a) a body which exercises public functions,
  - (b) a body specified for the purposes of this paragraph by the Secretary of State, and
  - (c) a body within a class specified for the purposes of this paragraph by the Secretary of State.
- (2) A specification under sub-paragraph (1) may be—
- (a) general, or
  - (b) for the purpose of the application of section 72C to a specified case.

*Regulated business*

- 10 (1) For the purposes of section 72D a business is regulated if it is carried on—
- (a) [<sup>F135</sup>in reliance on a licence granted to a person under section 7 of the Telecommunications Act 1984 (c. 12) (telecommunications service),]
  - (b) in reliance on a licence under section 7 [<sup>F136</sup>, 7A or 7B] of the Gas Act 1986 (c. 44) (transport and supply of gas),
  - (c) in reliance on a licence granted by virtue of section 41C of that Act (power to prescribe additional licensable activity),
  - (d) in reliance on a licence under section 6 of the Electricity Act 1989 (c. 29) (supply of electricity),
  - (e) by a water undertaker,
  - (f) by a sewerage undertaker,
  - (g) by a universal service provider within the meaning [<sup>F137</sup> of Part 3 of the Postal Services Act 2011],
  - [<sup>F138</sup>(h) by a Post Office company within the meaning of Part 1 of that Act,]
  - (i) <sup>F139</sup> .....
  - (j) in reliance on a licence under section 8 of the Railways Act 1993 (c. 43) (railway services),
  - (k) in reliance on a licence exemption under section 7 of that Act (subject to sub-paragraph (2) below),



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- (l) by the operator of a system of transport which is deemed to be a railway for a purpose of Part I of that Act by virtue of section 81(2) of that Act (tramways, &c.),<sup>F140</sup> . . .
  - (m) by the operator of a vehicle carried on flanged wheels along a system within paragraph (l)<sup>F141</sup> or
  - <sup>F142</sup>(n) in reliance on a railway undertaking licence granted pursuant to the Railway (Licensing of Railway Undertakings) Regulations 2005<sup>F143</sup> or a relevant European licence.]
- (2) Sub-paragraph (1)(k) does not apply to the operator of a railway asset on a railway unless on some part of the railway there is a permitted line speed exceeding 40 kilometres per hour.
- [ For the purposes of section 72D a business is also regulated to the extent that<sup>F144</sup>(2A) it consists in the provision of a public electronic communications network or a publicelectronic communications service.]
- [ In sub-paragraph (1)(n) “relevant European licence” has the meaning given by<sup>F145</sup>(3) section 6(2) of the Railways Act 1993.]
- <sup>F146</sup>(2B) . . . . .

#### Textual Amendments

- F135** Sch. 2A para. 10(1)(a) repealed (25.7.2003 for specified purposes, 29.12.2003 for further specified purposes) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)**, Note 1 (with Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1) (with art. 3(2) (as amended (8.12.2003) by 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3(2)** (with art. 11)
- F136** Words in Sch. 2A para. 10(1)(b) substituted (19.9.2012) by The Electricity and Gas (Smart Meters Licensable Activity) Order 2012 (S.I. 2012/2400), arts. 1, **29**
- F137** Words in Sch. 2A para. 10(1)(g) substituted (1.10.2011) by Postal Services Act 2011 (c. 5), ss. 91, 93(2) (3), **Sch. 12 para. 126(a)**; S.I. 2011/2329, **art. 3** (with arts. 4, 5)
- F138** Sch. 2A para. 10(1)(h) substituted (1.10.2011) by Postal Services Act 2011 (c. 5), ss. 91, 93(2)(3), **Sch. 12 para. 126(b)**; S.I. 2011/2329, **art. 3** (with arts. 4, 5)
- F139** Sch. 2A para. 10(1)(i) omitted (1.10.2011) by virtue of Postal Services Act 2011 (c. 5), ss. 91, 93(2)(3), **Sch. 12 para. 126(c)**; S.I. 2011/2329, **art. 3** (with arts. 4, 5)
- F140** Word in Sch. 2A para. 10(1)(l) omitted (28.11.2005) by virtue of The Railway (Licensing of Railway Undertakings) Regulations 2005 (S.I. 2005/3050), regs. 3, 4, 20, **Sch. 1 para. 2(a)** (with Sch. 4)
- F141** Sch. 2A para. 10(1)(n) and preceding word added (28.11.2005) by The Railway (Licensing of Railway Undertakings) Regulations 2005 (S.I. 2005/3050), regs. 3, 4, 20, **Sch. 1 para. 2(b)** (with Sch. 4)
- F142** Sch. 2A para. 10(1)(n) substituted (31.12.2020) by The Railway (Licensing of Railway Undertakings) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/700), regs. 1(2), **21(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F143** Words in Sch. 2A para. 10(1)(n) inserted (31.1.2022 at 11.00 p.m.) by The Railway (Licensing of Railway Undertakings) (Amendment) Regulations 2021 (S.I. 2021/1105), regs. 1(3), **9(a)**
- F144** Sch. 2A para. 10(2A) inserted (25.7.2003 for specified purposes, 29.12.2003 for further specified purposes) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 17 para. 82(b)** (with Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1) (with art. 3(2) (as amended (8.12.2003) by 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3(2)** (with art. 11)
- F145** Sch. 2A para. 10(3) inserted (31.1.2022 at 11.00 p.m.) by The Railway (Licensing of Railway Undertakings) (Amendment) Regulations 2021 (S.I. 2021/1105), regs. 1(3), **9(b)**

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**F146** Sch. 2A para. 10(2B) omitted (31.12.2020) by virtue of [The Railway \(Licensing of Railway Undertakings\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/700\)](#), regs. 1(2), **21(b)**; 2020 c. 1, Sch. 5 para. 1(1)

“Person”

11 A reference to a person in this Schedule includes a reference to a partnership or another unincorporated group of persons.]

## SCHEDULE 3

Section 162.

### ORDERS IN COURSE OF WINDING UP PRONOUNCED IN VACATION (SCOTLAND)

#### **Modifications etc. (not altering text)**

**C208** Sch. 3 applied (with modifications) (S.) (6.4.2002) by [S.S.I. 2001/128](#), reg. 4(1), **Sch. 2**

**C209** Sch. 3 applied (with modifications) (4.1.2024) by [S.I. 2021/716](#), Sch. 1 para. 3 (as amended by [The Payment and Electronic Money Institution Insolvency \(Amendment\) Regulations 2023 \(S.I. 2023/1399\)](#), regs. 1(2), **20**)

## PART I

### ORDERS WHICH ARE TO BE FINAL

Orders under section 153, as to the time for proving debts and claims.

Orders under section 195 as to meetings for ascertaining wishes of creditors or contributories.

Orders under section 198, as to the examination of witnesses in regard to the property or affairs of a company.

## PART II

### ORDERS WHICH ARE TO TAKE EFFECT UNTIL MATTER DISPOSED OF BY INNER HOUSE

Orders under section 126(1), 130(2) or (3), 147, 227 or 228, restraining or permitting the commencement or the continuance of legal proceedings.

Orders under section 135(5), limiting the powers of provisional liquidators.

Orders under section 108, appointing a liquidator to fill a vacancy.

**F147**  
...

#### **Textual Amendments**

**F147** Words in Sch. 3 Pt. II omitted (26.5.2015) by virtue of [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), ss. **120(5)**, 164(3)(i)(i)

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Orders under section 158, as to the arrest and detention of an absconding contributory and his property.

## SCHEDULE 4

Sections 165, 167.

### POWERS OF LIQUIDATOR IN A WINDING UP

#### Modifications etc. (not altering text)

- C210** Sch. 4 applied (with modifications) (S.) (6.4.2001) by [S.S.I. 2001/128, reg. 4\(1\), Sch. 2](#)
- C211** Sch. 4 excluded (1.12.2001) by [2000 c. 8, s. 376\(12\); S.I. 2001/3538, art. 2](#)
- C212** Sch. 4 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](#)
- C213** Sch. 4 applied (with modifications) (S.) (29.3.2009 at 4.00 p.m.) by [The Building Society Special Administration \(Scotland\) Rules 2009 \(S.I. 2009/806\), rules 2, 38-41](#)
- C214** Sch. 4 applied (with modifications) (6.6.2013) by [The Collective Investment in Transferable Securities \(Contractual Scheme\) Regulations 2013 \(S.I. 2013/1388\), Pt. 3 reg. 1, Sch. 2 paras. 3, 5 \(with reg. 24\)](#)
- C215** Sch. 4 applied (with modifications) (1.12.1994) by [The Insolvent Partnerships Order 1994 \(S.I. 1994/2421\), arts. 7\(3\), 8\(3\)\(9\), Sch. 3 Pt. II, Sch. 4 Pt. II \(as amended \(6.4.2017\) by S.I. 2017/540, reg. 1, Sch. 2 para. 7\(3\)\(4\) \(with reg. 4\)\)](#)
- C216** Sch. 4 applied (with modifications) (E.W.S.) (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\), regs. 2, 37, Sch. 2 paras. 4-6 \(with reg. 5\) \(as amended \(4.1.2024\) by S.I. 2023/1399, regs. 1\(2\), 4, 11\)](#)
- C217** Sch. 4 applied (with modifications) (E.W.S.) (4.1.2024) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\), Sch. 1 para. 3 \(with reg. 5\) \(as amended by S.I. 2023/1399, regs. 1\(2\), 4, 20\)](#)

## PART I

F148 ...

#### Textual Amendments

- F148** Sch. 4 Pt. I heading omitted (26.5.2015) by virtue of [Small Business, Enterprise and Employment Act 2015 \(c. 26\), ss. 120\(6\)\(c\), 164\(3\)\(i\)\(i\)](#)

#### Modifications etc. (not altering text)

- C218** Sch. 4, Pt. I (paras. 1–3), Pt. II (paras. 4, 5), Pt. III (paras. 6–13) extended by [S.I. 1990/1338, art. 2, Sch. 1 para. 2\(7\)](#)

- 1 Power to pay any class of creditors in full.
- 2 Power to make any compromise or arrangement with creditors or persons claiming to be creditors, or having or alleging themselves to have any claim (present or future, certain or contingent, ascertained or sounding only in damages) against the company, or whereby the company may be rendered liable.
- 3 <sup>F149</sup> ... power to compromise, on such terms as may be agreed—

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- (a) all calls and liabilities to calls, all debts and liabilities capable of resulting in debts, and all claims (present or future, certain or contingent, ascertained or sounding only in damages) subsisting or supposed to subsist between the company and a contributory or alleged contributory or other debtor or person apprehending liability to the company, and
- (b) all questions in any way relating to or affecting the assets or the winding up of the company,

and take any security for the discharge of any such call, debt, liability or claim and give a complete discharge in respect of it.

**Textual Amendments**

**F149** Words in Sch. 4 para. 3 omitted (26.5.2015) by virtue of [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), [ss. 120\(6\)\(a\)](#), [164\(3\)\(i\)\(i\)](#)

[<sup>F150</sup>3A Power to bring legal proceedings under section 213, 214, 238, 239, 242, 243 or 423.]

**Textual Amendments**

**F150** Sch. 4 Pt. I para. 3A inserted (15.9.2003) by [2002 c. 40](#), [ss. 253, 279](#) (with [s. 249\(6\)](#)); [S.I. 2003/2093](#), [art. 2\(1\)](#), [Sch. 1](#) (subject to [arts. 3-8](#) (as amended by [S.I. 2003/2332](#), [art. 2](#)))

**PART II**

F151  
...

**Textual Amendments**

**F151** Sch. 4 Pt. II heading omitted (26.5.2015) by virtue of [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), [ss. 120\(6\)\(c\)](#), [164\(3\)\(i\)\(i\)](#)

**Modifications etc. (not altering text)**

**C219** Sch. 4, Pt. I (paras. 1–3), Pt. II (paras. 4, 5), Pt. III (paras. 6–13) extended by [S.I. 1990/1338](#), [art. 2](#), [Sch. 1 para. 2\(7\)](#)

- 4 Power to bring or defend any action or other legal proceeding in the name and on behalf of the company.
- 5 Power to carry on the business of the company so far as may be necessary for its beneficial winding up.

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### PART III

F152  
...

#### Textual Amendments

**F152** Sch. 4 Pt. III heading omitted (26.5.2015) by virtue of [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), **ss. 120(6)(c), 164(3)(i)(i)**

#### Modifications etc. (not altering text)

**C220** Sch. 4, Pt. I (paras. 1–3), Pt. II (paras. 4, 5), Pt. III (paras. 6–13) extended by [S.I. 1990/1338, art. 2, Sch. 1 para. 2\(7\)](#)

6 Power to sell any of the company’s property by public auction or private contract with power to transfer the whole of it to any person or to sell the same in parcels.

<sup>F153</sup>6A .....

#### Textual Amendments

**F153** Sch. 4 para. 6A omitted (26.5.2015) by virtue of [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), **ss. 120(6)(b), 164(3)(i)(i)**

7 Power to do all acts and execute, in the name and on behalf of the company, all deeds, receipts and other documents and for that purpose to use, when necessary, the company’s seal.

8 Power to prove, rank and claim in the bankruptcy, insolvency or sequestration of any contributory for any balance against his estate, and to receive dividends in the bankruptcy, insolvency or sequestration in respect of that balance, as a separate debt due from the bankrupt or insolvent, and rateably with the other separate creditors.

9 Power to draw, accept, make and indorse any bill of exchange or promissory note in the name and on behalf of the company, with the same effect with respect to the company’s liability as if the bill or note had been drawn, accepted, made or indorsed by or on behalf of the company in the course of its business.

10 Power to raise on the security of the assets of the company any money requisite.

11 Power to take out in his official name letters of administration to any deceased contributory, and to do in his official name any other act necessary for obtaining payment of any money due from a contributory or his estate which cannot conveniently be done in the name of the company.

In all such cases the money due is deemed, for the purpose of enabling the liquidator to take out the letters of administration or recover the money, to be due to the liquidator himself.

12 Power to appoint an agent to do any business which the liquidator is unable to do himself.

13 Power to do all such other things as may be necessary for winding up the company’s affairs and distributing its assets.

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**Modifications etc. (not altering text)**

**C221** Sch. 4 para. 13 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](#)

[<sup>F154</sup>SCHEDULE 4ZZA

Section 233B

PROTECTION OF SUPPLIES UNDER SECTION 233B: EXCLUSIONS

**Textual Amendments**

**F154** Sch. 4ZZA inserted (26.6.2020) by [Corporate Insolvency and Governance Act 2020 \(c. 12\)](#), [s. 49\(1\)](#), [Sch. 12 para. 1](#) (with [ss. 2\(2\), 5\(2\), 14\(4\)](#))

**Modifications etc. (not altering text)**

**C222** Sch. 4ZZA applied by [S.I. 1994/2421](#), [art. 4\(3\)\(a\)](#) (as amended (26.6.2020) by [Corporate Insolvency and Governance Act 2020 \(c. 12\)](#), [s. 49\(1\)](#), [Sch. 12 para. 5](#) (with [ss. 2\(2\), 5\(2\), 14\(4\)](#)))

**PART 1**

ESSENTIAL SUPPLIES

*Essential supplies*

- 1 (1) Section 233B(3) and (4) do not apply in relation to provision of a contract if—
  - (a) the company becomes subject to a relevant insolvency procedure as specified in section 233B(2)(b) or (d), and
  - (b) the provision of the contract ceases to have effect under section 233A(1).
- (2) Section 233B(7) does not apply in relation to a supply to the company if—
  - (a) the company becomes subject to a relevant insolvency procedure as specified in section 233B(2)(b) to (f), and
  - (b) the supply is a supply mentioned in section 233(3).

**PART 2**

PERSONS INVOLVED IN FINANCIAL SERVICES

*Introductory*

- 2 Section 233B does not apply in relation to a contract for the supply of goods or services to a company (“the company”) where any of paragraphs 3 to 11 applies.

*Insurers*

- 3 (1) This paragraph applies where either the company or the supplier—



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- (a) carries on the regulated activity of effecting or carrying out contracts of insurance, and
- (b) is not an exempt person in relation to that activity.

(2) In this paragraph—

“exempt person”, in relation to a regulated activity, has the meaning given by section 417 of the Financial Services and Markets Act 2000;

“regulated activity” has the meaning given by section 22 of that Act, taken with Schedule 2 to that Act and any order under that section.

### *Banks*

4 (1) This paragraph applies where either the company or the supplier—

- (a) has permission under Part 4A of the Financial Services and Markets Act 2000 to carry on the regulated activity of accepting deposits,
- (b) is a banking group company within the meaning of Part 1 of the Banking Act 2009 (see section 81D of that Act), or
- (c) has a liability in respect of a deposit which it accepted in accordance with the Banking Act 1979 or the Banking Act 1987.

(2) In sub-paragraph (1)(a) “regulated activity” has the meaning given by section 22 of the Financial Services and Markets Act 2000, taken with Schedule 2 to that Act and any order under that section.

### *Electronic money institutions*

5 This paragraph applies where either the company or the supplier is an electronic money institution within the meaning of the Electronic Money Regulations 2011 ([S.I. 2011/99](#)) (see regulation 2 of those Regulations).

### *Investment banks and investment firms*

6 (1) This paragraph applies where either the company or the supplier is an investment bank or an investment firm.

(2) In this paragraph—

“investment bank” means a company or other entity that has permission under Part 4A of the Financial Services and Markets Act 2000 to carry on the regulated activity of—

- (a) safeguarding and administering investments,
- (b) managing an AIF or a UCITS,
- (c) acting as trustee or depositary of an AIF or a UCITS,
- (d) dealing in investments as principal, or
- (e) dealing in investments as agent;

“investment firm” has the same meaning as in the Banking Act 2009 (see section 258A of that Act), disregarding any order made under section 258A(2)(b) of that Act;

“regulated activity” has the meaning given by section 22 of the Financial Services and Markets Act 2000, taken with Schedule 2 to that Act and any order under that section.

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### *Payment institutions*

- 7 This paragraph applies where either the company or the supplier is an authorised payment institution, a small payment institution or a registered account information service provider within the meaning of the Payment Services Regulations 2017 ([S.I. 2017/752](#)) (see regulation 2 of those Regulations).

### *Operators of payment systems, infrastructure providers etc*

- 8 This paragraph applies where either the company or the supplier is—
- (a) the operator of a payment system or an infrastructure provider within the meaning of Part 5 of the Financial Services (Banking Reform) Act 2013 (see section 42 of that Act), or
  - (b) an infrastructure company within the meaning of Part 6 of that Act (see section 112 of that Act).

### *Recognised investment exchanges etc*

- 9 This paragraph applies where either the company or the supplier is a recognised investment exchange, a recognised clearing house or a recognised CSD within the meaning of the Financial Services and Markets Act 2000 (see section 285 of that Act).

### *Securitisation companies*

- 10 This paragraph applies where either the company or the supplier is a securitisation company within the meaning of the Taxation of Securitisation Companies Regulations 2006 ([S.I. 2006/3296](#)) (see regulation 4 of those Regulations).

### *Overseas activities*

- 11 This paragraph applies where either the company or the supplier does or has done anything outside the United Kingdom which, if done in the United Kingdom, would cause any of the preceding paragraphs of this Part of this Schedule to apply.

## **PART 3**

### CONTRACTS INVOLVING FINANCIAL SERVICES

#### *Introductory*

- 12 To the extent that anything to which any of paragraphs 13 to 18 applies is a contract for the supply of goods or services, section 233B does not apply in relation to it.

#### *Financial contracts*

- 13 (1) This paragraph applies to a financial contract.
- (2) “Financial contract” means—
- (a) a contract for the provision of financial services consisting of—
    - (i) lending (including the factoring and financing of commercial transactions),

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- (ii) financial leasing, or
    - (iii) providing guarantees or commitments;
  - (b) a securities contract, including—
    - (i) a contract for the purchase, sale or loan of a security or group or index of securities;
    - (ii) an option on a security or group or index of securities;
    - (iii) a repurchase or reverse repurchase transaction on any such security, group or index;
  - (c) a commodities contract, including—
    - (i) a contract for the purchase, sale or loan of a commodity or group or index of commodities for future delivery;
    - (ii) an option on a commodity or group or index of commodities;
    - (iii) a repurchase or reverse repurchase transaction on any such commodity, group or index;
  - (d) a futures or forwards contract, including a contract (other than a commodities contract) for the purchase, sale or transfer of a commodity or property of any other description, service, right or interest for a specified price at a future date;
  - (e) a swap agreement, including—
    - (i) a swap or option relating to interest rates, spot or other foreign exchange agreements, currency, an equity index or equity, a debt index or debt, commodity indexes or commodities, weather, emissions or inflation;
    - (ii) a total return, credit spread or credit swap;
    - (iii) any agreement or transaction similar to an agreement that is referred to in sub-paragraph (i) or (ii) and is the subject of recurrent dealing in the swaps or derivatives markets;
  - (f) an inter-bank borrowing agreement where the term of the borrowing is three months or less;
  - (g) a master agreement for any of the contracts or agreements referred to in paragraphs (a) to (f).
- (3) For the purposes of this paragraph “commodities” includes—
  - (a) units recognised for compliance with the requirements of [EU Directive 2003/87/EC](#) establishing a scheme for greenhouse gas emission allowance trading,
  - (b) allowances under paragraph 5 of Schedule 2 to the Climate Change Act 2008 relating to a trading scheme dealt with under Part 1 of that Schedule (schemes limiting activities relating to emissions of greenhouse gas), and
  - (c) renewables obligation certificates issued—
    - (i) by the Gas and Electricity Markets Authority under an order made under section 32B of the Electricity Act 1989, or
    - (ii) by the Northern Ireland Authority for Utility Regulation under the Energy (Northern Ireland) Order 2003 ([S.I. 2003/419 \(N.I. 6\)](#)) and pursuant to an order made under Articles 52 to 55F of that Order.

#### *Securities financing transactions*

- 14 (1) This paragraph applies to—

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- (a) a securities financing transaction, and
  - (b) a master agreement for securities financing transactions.
- (2) “Securities financing transaction” has the meaning given by Article 3(11) of [Regulation \(EU\) 2015/2365](#) on the transparency of securities financing transactions.
- (3) But for the purposes of that Article as it applies for the purposes of this paragraph, references to “commodities” in that Regulation are to be taken as including the units, allowances and certificates referred to in paragraph 13(3)(a) to (c).

#### *Derivatives*

- 15 (1) This paragraph applies to—
- (a) a derivative, and
  - (b) a master agreement for derivatives.
- (2) “Derivative” has the meaning given by Article 2(5) of [Regulation \(EU\) No. 648/2012](#).

#### *Spot contracts*

- 16 (1) This paragraph applies to—
- (a) a spot contract, and
  - (b) a master agreement for spot contracts.
- (2) “Spot contract” has the meaning given by Article 7(2) or 10(2) of Commission Delegated Regulation of 25.4.2016 supplementing [Directive 2014/65/EU](#) of the European Parliament and of the Council as regards organisational requirements and operating conditions for investment firms and defined terms for the purposes of that Directive.

#### *Capital market investments*

- 17 (1) This paragraph applies to an agreement which is, or forms part of, an arrangement involving the issue of a capital market investment.
- (2) “Capital market investment” has the meaning given by paragraph 14 of Schedule ZA1.

#### *Contracts forming part of a public-private partnership*

- 18 This paragraph applies to a contract forming part of a public-private partnership project within the meaning given by paragraph 16 of Schedule ZA1.

## **PART 4**

### OTHER EXCLUSIONS

#### *Financial markets and insolvency*

- 19 Nothing in section 233B affects the operation of—
- (a) Part 7 of the Companies Act 1989 (financial markets and insolvency),

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- (b) the Financial Markets and Insolvency Regulations 1996 (S.I. 1996/1469),
- (c) the Financial Markets and Insolvency (Settlement Finality) Regulations 1999 (S.I. 1999/2979), or
- (d) the Financial Collateral Arrangements (No.2) Regulations 2003 (S.I. 2003/3226).

#### *Set-off and netting*

- 20 Nothing in section 233B affects any set-off or netting arrangements (within the meanings given by section 48(1)(c) and (d) of the Banking Act 2009).

#### *Aircraft equipment*

- 21 Nothing in section 233B affects the International Interests in Aircraft Equipment (Cape Town Convention) Regulations 2015 (S.I. 2015/912).]

## [<sup>F155</sup>SCHEDULE 4ZA

### CONDITIONS FOR MAKING A DEBT RELIEF ORDER

#### **Textual Amendments**

**F155** Sch. 4ZA 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. 18](#); S.I. 2009/382, [art. 2](#)

## PART 1

### CONDITIONS WHICH MUST BE MET

#### *Connection with England and Wales*

- 1 (1) The debtor—
- (a) is domiciled in England and Wales on the application date; or
  - (b) at any time during the period of three years ending with that date—
    - (i) was ordinarily resident, or had a place of residence, in England and Wales; or
    - (ii) carried on business in England and Wales.
- (2) The reference in sub-paragraph (1)(b)(ii) to the debtor carrying on business includes—
- (a) the carrying on of business by a firm or partnership of which he is a member;
  - (b) the carrying on of business by an agent or manager for him or for such a firm or partnership.

#### *Debtor's previous insolvency history*

- 2 The debtor is not, on the determination date—

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- (a) an undischarged bankrupt;
- (b) subject to an interim order or voluntary arrangement under Part 8; or
- (c) subject to a bankruptcy restrictions order or a debt relief restrictions order.

- [<sup>F1563</sup> A bankruptcy application under Part 9—
- (a) has not been made before the determination date; or
  - (b) has been so made, but proceedings on the application have been finally disposed of before that date.]

**Textual Amendments**

**F156** Sch. 4ZA para. 3 substituted (6.4.2016) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\), s. 103\(3\)](#), [Sch. 19 para. 62](#); [S.I. 2016/191, art. 2](#) (with art. 3)

- 4 A creditor's petition for the debtor's bankruptcy under Part 9—
- (a) has not been presented against the debtor at any time before the determination date;
  - (b) has been so presented, but proceedings on the petition have been finally disposed of before that date; or
  - (c) has been so presented and proceedings in relation to the petition remain before the court at that date, but the person who presented the petition has consented to the making of an application for a debt relief order.
- 5 A debt relief order has not been made in relation to the debtor in the period of six years ending with the determination date.

*Limit on debtor's overall indebtedness*

- 6 (1) The total amount of the debtor's debts on the determination date, other than unliquidated debts and excluded debts, does not exceed the prescribed amount.
- (2) For this purpose an unliquidated debt is a debt that is not for a liquidated sum payable to a creditor either immediately or at some future certain time.

*Limit on debtor's monthly surplus income*

- 7 (1) The debtor's monthly surplus income (if any) on the determination date does not exceed the prescribed amount.
- (2) For this purpose “monthly surplus income” is the amount by which a person's monthly income exceeds the amount necessary for the reasonable domestic needs of himself and his family.
- (3) The rules may—
- (a) make provision as to how the debtor's monthly surplus income is to be determined;
  - (b) provide that particular descriptions of income are to be excluded for the purposes of this paragraph.

*Limit on value of debtor's property*

- 8 (1) The total value of the debtor's property on the determination date does not exceed the prescribed amount.



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- (2) The rules may—
- (a) make provision as to how the value of a person's property is to be determined;
  - (b) provide that particular descriptions of property are to be excluded for the purposes of this paragraph.

## PART 2

### OTHER CONDITIONS

- 9 (1) The debtor has not entered into a transaction with any person at an undervalue during the period between—
- (a) the start of the period of two years ending with the application date; and
  - (b) the determination date.
- (2) For this purpose a debtor enters into a transaction with a person at an undervalue if—
- (a) he makes a gift to that person or he otherwise enters into a transaction with that person on terms that provide for him to receive no consideration;
  - (b) he enters into a transaction with that person in consideration of marriage or the formation of a civil partnership; or
  - (c) he enters into a transaction with that person for a consideration the value of which, in money or money's worth, is significantly less than the value, in money or money's worth, of the consideration provided by the individual.
- 10 (1) The debtor has not given a preference to any person during the period between—
- (a) the start of the period of two years ending with the application date; and
  - (b) the determination date.
- (2) For this purpose a debtor gives a preference to a person if—
- (a) that person is one of the debtor's creditors to whom a qualifying debt is owed or is a surety or guarantor for any such debt, and
  - (b) the debtor does anything or suffers anything to be done which (in either case) has the effect of putting that person into a position which, in the event that a debt relief order is made in relation to the debtor, will be better than the position he would have been in if that thing had not been done.]

## [<sup>F157</sup>SCHEDULE 4ZB

### DEBT RELIEF RESTRICTIONS ORDERS AND UNDERTAKINGS

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#### Textual Amendments

**F157** 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.

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- (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*

- 2 (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;
  - (g) trading at a time, before the date of the determination of the application for the debt relief order, when the debtor knew or ought to have known that he was himself to be unable to pay his debts;
  - (h) incurring, before the date of the determination of the application for the debt relief order, a debt which the debtor had no reasonable expectation of being able to pay;
  - (i) failing to account satisfactorily to the court or the official receiver for a loss of property or for an insufficiency of property to meet his debts;
  - (j) carrying on any gambling, rash and hazardous speculation or unreasonable extravagance which may have materially contributed to or increased the extent of his inability to pay his debts before the application date for the debt relief order or which took place between that date and the date of the determination of the application for the debt relief order;
  - (k) neglect of business affairs of a kind which may have materially contributed to or increased the extent of his inability to pay his debts;
  - (l) fraud or fraudulent breach of trust;
  - (m) failing to co-operate with the official receiver.
- (3) The court shall also, in particular, consider whether the debtor was an undischarged bankrupt at some time during the period of six years ending with the date of the application for the debt relief order.
- (4) For the purposes of sub-paragraph (2)—
- “excessive pension contribution” shall be construed in accordance with section 342A;

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“preference” shall be construed in accordance with paragraph 10(2) of Schedule 4ZA;

“undervalue” shall be construed in accordance with paragraph 9(2) of that Schedule.

#### *Timing of application for order*

- 3 An application for a debt relief restrictions order in respect of a debtor may be made—
- (a) at any time during the moratorium period relating to the debt relief order in question, or
  - (b) after the end of that period, but only with the permission of the court.

#### *Duration of order*

- 4 (1) A debt relief restrictions order—
- (a) comes into force when it is made, and
  - (b) ceases to have effect at the end of a date specified in the order.
- (2) The date specified in a debt relief restrictions order 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 order is made, or
  - (b) after the end of the period of 15 years beginning with that date.

#### *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.

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- 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.
- (3) On an application by the debtor the court may—
- (a) annul a debt relief restrictions undertaking;
  - (b) provide for a debt relief restrictions undertaking to cease to have effect before the date specified under sub-paragraph (1)(b).

*Effect of revocation of debt relief order*

- 10 Unless the court directs otherwise, the revocation at any time of a debt relief order does not —
- (a) affect the validity of any debt relief restrictions order, interim debt relief restrictions order or debt relief restrictions undertaking which is in force in respect of the debtor;
  - (b) prevent the determination of any application for a debt relief restrictions order, or an interim debt relief restrictions order, in relation to the debtor that was instituted before that time;
  - (c) prevent the acceptance of a debt relief restrictions undertaking that was offered before that time; or
  - (d) prevent the institution of an application for a debt relief restrictions order or interim debt relief restrictions order in respect of the debtor, or the offer or acceptance of a debt relief restrictions undertaking by the debtor, after that time.]

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## [<sup>F158</sup>SCHEDULE 4A

### Textual Amendments

**F158** Sch. 4A inserted (1.4.2004) by 2002 c. 40, ss. 257(2), 279, Sch. 20 (with s. 249(6)); S.I. 2003/2093, art. 2(2), Sch. 2 (subject to arts. 3-8 (as amended by S.I. 2003/2332, art. 2))

## BANKRUPTCY RESTRICTIONS ORDER AND UNDERTAKING

### *Bankruptcy restrictions order*

- 1 (1) A bankruptcy restrictions order may be made by the court.
- (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*

- 2 (1) The court shall grant an application for a bankruptcy restrictions order if it thinks it appropriate having regard to the conduct of the bankrupt (whether before or after the making of the bankruptcy order).
- (2) The court shall, in particular, take into account any of the following kinds of behaviour on the part of the bankrupt—
  - (a) failing to keep records which account for a loss of property by the bankrupt, or by a business carried on by him, where the loss occurred in the period beginning 2 years before [<sup>F159</sup>the making of the bankruptcy application or (as the case may be) the presentation of the bankruptcy petition and ending with the date of the application for the bankruptcy restrictions order] ;
  - (b) failing to produce records of that kind on demand by the official receiver or the trustee;
  - (c) entering into a transaction at an undervalue;
  - (d) giving a preference;
  - (e) making an excessive pension contribution;
  - (f) a failure to supply goods or services which were wholly or partly paid for which gave rise to a claim provable in the bankruptcy;
  - (g) trading at a time before commencement of the bankruptcy when the bankrupt knew or ought to have known that he was himself to be unable to pay his debts;
  - (h) incurring, before commencement of the bankruptcy, a debt which the bankrupt had no reasonable expectation of being able to pay;
  - (i) failing to account satisfactorily to the court, the official receiver or the trustee for a loss of property or for an insufficiency of property to meet bankruptcy debts;
  - (j) carrying on any gambling, rash and hazardous speculation or unreasonable extravagance which may have materially contributed to or increased the extent of the bankruptcy or which took place between [<sup>F160</sup>the making of the bankruptcy application or (as the case may be) the presentation of the bankruptcy petition] and commencement of the bankruptcy;

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- (k) neglect of business affairs of a kind which may have materially contributed to or increased the extent of the bankruptcy;
  - (l) fraud or fraudulent breach of trust;
  - (m) failing to cooperate with the official receiver or the trustee.
- (3) The court shall also, in particular, consider whether the bankrupt was an undischarged bankrupt at some time during the period of six years ending with the date of the bankruptcy to which the application relates.
- (4) For the purpose of sub-paragraph (2)—
- F161 ...
- “excessive pension contribution” shall be construed in accordance with section 342A,
- “preference” shall be construed in accordance with section 340, and
- “undervalue” shall be construed in accordance with section 339.

#### Textual Amendments

- F159** Words in Sch. 4A para. 2(2)(a) substituted (6.4.2016) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\), s. 103\(3\), Sch. 19 para. 63\(2\)\(a\)](#); S.I. 2016/191, art. 2 (with art. 3)
- F160** Words in Sch. 4A para. 2(2)(j) substituted (6.4.2016) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\), s. 103\(3\), Sch. 19 para. 63\(2\)\(b\)](#); S.I. 2016/191, art. 2 (with art. 3)
- F161** Words in Sch. 4A para. 2(4) omitted (6.4.2016) by virtue of [Enterprise and Regulatory Reform Act 2013 \(c. 24\), s. 103\(3\), Sch. 19 para. 63\(3\)](#); S.I. 2016/191, art. 2 (with art. 3)

#### Timing of application for order

- 3 (1) An application for a bankruptcy restrictions order in respect of a bankrupt must be made—
- (a) before the end of the period of one year beginning with the date on which the bankruptcy commences, or
  - (b) with the permission of the court.
- (2) The period specified in sub-paragraph (1)(a) shall cease to run in respect of a bankrupt while the period set for his discharge is suspended under section 279(3).

#### Duration of order

- 4 (1) A bankruptcy restrictions order—
- (a) shall come into force when it is made, and
  - (b) shall cease to have effect at the end of a date specified in the order.
- (2) The date specified in a bankruptcy restrictions order 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 order is made, or
  - (b) after the end of the period of 15 years beginning with that date.

#### Interim bankruptcy restrictions order

- 5 (1) This paragraph applies at any time between—



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- (a) the institution of an application for a bankruptcy restrictions order, and
  - (b) the determination of the application.
- (2) The court may make an interim bankruptcy restrictions order if the court thinks that—
- (a) there are prima facie grounds to suggest that the application for the bankruptcy restrictions order will be successful, and
  - (b) it is in the public interest to make an interim order.
- (3) An interim 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.
- (4) An interim order—
- (a) shall have the same effect as a bankruptcy restrictions order, and
  - (b) shall come into force when it is made.
- (5) An interim order shall cease to have effect—
- (a) on the determination of the application for the bankruptcy restrictions order,
  - (b) on the acceptance of a bankruptcy restrictions undertaking made by the bankrupt, or
  - (c) if the court discharges the interim order on the application of the person who applied for it or of the bankrupt.
- 6 (1) This paragraph applies to a case in which both an interim bankruptcy restrictions order and a bankruptcy restrictions order are made.
- (2) Paragraph 4(2) shall have effect in relation to the bankruptcy restrictions order as if a reference to the date of that order were a reference to the date of the interim order.

#### *Bankruptcy restrictions undertaking*

- 7 (1) A bankrupt may offer a bankruptcy restrictions undertaking to the Secretary of State.
- (2) In determining whether to accept a bankruptcy 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 bankruptcy restrictions order has effect (or who is “the subject of” a bankruptcy restrictions order) includes a reference to a person in respect of whom a bankruptcy restrictions undertaking has effect.
- 9 (1) A bankruptcy restrictions undertaking—
- (a) shall come into force on being accepted by the Secretary of State, and
  - (b) shall cease 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.
- (3) On an application by the bankrupt the court may—
- (a) annul a bankruptcy restrictions undertaking;
  - (b) provide for a bankruptcy restrictions undertaking to cease to have effect before the date specified under sub-paragraph (1)(b).

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### *Effect of annulment of bankruptcy order*

- 10 Where a bankruptcy order is annulled under section 282(1)(a) or (2)—
- (a) any bankruptcy restrictions order, interim order or undertaking which is in force in respect of the bankrupt shall be annulled,
  - (b) no new bankruptcy restrictions order or interim order may be made in respect of the bankrupt, and
  - (c) no new bankruptcy restrictions undertaking by the bankrupt may be accepted.
- 11 Where a bankruptcy order is annulled under section 261<sup>F162</sup>... or 282(1)(b)—
- (a) the annulment shall not affect any bankruptcy restrictions order, interim order or undertaking in respect of the bankrupt,
  - (b) the court may make a bankruptcy restrictions order in relation to the bankrupt on an application instituted before the annulment,
  - (c) the Secretary of State may accept a bankruptcy restrictions undertaking offered before the annulment, and
  - (d) an application for a bankruptcy restrictions order or interim order in respect of the bankrupt may not be instituted after the annulment.

#### **Textual Amendments**

**F162** Word in Sch. 4A para. 11 omitted (26.5.2015) by virtue of [Small Business, Enterprise and Employment Act 2015 \(c. 26\), ss. 135\(2\)\(b\), 164\(3\)\(i\)\(iv\)](#) (with s. 135(4))

### *Registration*

- 12 The Secretary of State shall maintain a register of—
- (a) bankruptcy restrictions orders,
  - (b) interim bankruptcy restrictions orders, and
  - (c) bankruptcy restrictions undertakings.]

## SCHEDULE 5

Section 314.

### POWERS OF TRUSTEE IN BANKRUPTCY

#### PART I

F163  
...

#### **Textual Amendments**

**F163** Sch. 5 Pt. I heading omitted (26.5.2015) by virtue of [Small Business, Enterprise and Employment Act 2015 \(c. 26\), ss. 121\(3\), 164\(3\)\(i\)\(i\)](#)

- 1 Power to carry on any business of the bankrupt so far as may be necessary for winding it up beneficially and so far as the trustee is able to do so without contravening any requirement imposed by or under any enactment.

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2 Power to bring, institute or defend any action or legal proceedings relating to the property comprised in the bankrupt's estate.

[<sup>F164</sup>2A Power to bring legal proceedings under section 339, 340 or 423.]

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**Textual Amendments**

**F164** Sch. 5 Pt. 1 para. 2A inserted (15.9.2003) by 2002 c. 40, ss. 262, 279 (with s. 249(6)); S.I. 2003/2093, art. 2(1), Sch. 1 (subject to arts. 3-8 (as amended by S.I. 2003/2332, art. 2))

3 Power to accept as the consideration for the sale of any property comprised in the bankrupt's estate a sum of money payable at a future time subject to such stipulations as to security or otherwise as the creditors' committee or the court thinks fit.

4 Power to mortgage or pledge any part of the property comprised in the bankrupt's estate for the purpose of raising money for the payment of his debts.

5 Power, where any right, option or other power forms part of the bankrupt's estate, to make payments or incur liabilities with a view to obtaining, for the benefit of the creditors, any property which is the subject of the right, option or power.

6 [<sup>F165</sup>Power to refer to arbitration, or compromise on such terms as may be agreed on, any debts, claims or liabilities subsisting or supposed to subsist between the bankrupt and any person who may have incurred any liability to the bankrupt.]

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**Textual Amendments**

**F165** Sch. 5 para. 6 omitted (E.W.) (6.4.2010) by virtue of [The Legislative Reform \(Insolvency\) \(Miscellaneous Provisions\) Order 2010 \(S.I. 2010/18\)](#), art. 11(1)(a) (with art. 12(5))

7 Power to make such compromise or other arrangement as may be thought expedient with creditors, or persons claiming to be creditors, in respect of bankruptcy debts.

8 Power to make such compromise or other arrangement as ay be thought expedient with respect to any claim arising out of or incidental to the bankrupt's estate made or capable of being made on the trustee by any person [<sup>F166</sup>or by the trustee on any person].

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**Textual Amendments**

**F166** Words in Sch. 5 para. 8 omitted (E.W.) (6.4.2010) by virtue of [The Legislative Reform \(Insolvency\) \(Miscellaneous Provisions\) Order 2010 \(S.I. 2010/18\)](#), art. 11(1)(b) (with art. 12(5))

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## PART II

F167  
...

### Textual Amendments

**F167** Sch. 5 Pt. II heading omitted (26.5.2015) by virtue of [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), **ss. 121(3), 164(3)(i)(i)**

- 9 Power to sell any part of the property for the time being comprised in the bankrupt's estate, including the goodwill and book debts of any business.
- [<sup>F168</sup>9A Power to refer to arbitration, or compromise on such terms as may be agreed, any debts, claims or liabilities subsisting or supposed to subsist between the bankrupt and any person who may have incurred any liability to the bankrupt.

### Textual Amendments

**F168** Sch. 5 paras. 9A 9B inserted (E.W.) (6.4.2010) by [The Legislative Reform \(Insolvency\) \(Miscellaneous Provisions\) Order 2010 \(S.I. 2010/18\)](#), **art. 11(2)** (with [art. 12\(5\)](#))

- 9B Power to make such compromise or other arrangement as may be thought expedient with respect to any claim arising out of or incidental to the bankrupt's estate made or capable of being made by the trustee on any person.]

### Textual Amendments

**F168** Sch. 5 paras. 9A 9B inserted (E.W.) (6.4.2010) by [The Legislative Reform \(Insolvency\) \(Miscellaneous Provisions\) Order 2010 \(S.I. 2010/18\)](#), **art. 11(2)** (with [art. 12\(5\)](#))

- 10 Power to give receipts for any money received by him, being receipts which effectually discharge the person paying the money from all responsibility in respect of its application.
- 11 Power to prove, rank, claim and draw a dividend in respect of such debts due to the bankrupt as are comprised in his estate.
- 12 Power to exercise in relation to any property comprised in the bankrupt's estate any powers the capacity to exercise which is vested in him under Parts VIII to XI of this Act.
- 13 Power to deal with any property comprised in the estate to which the bankrupt is beneficially entitled as tenant in tail in the same manner as the bankrupt might have dealt with it.

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## PART III

F169  
...

### Textual Amendments

**F169** Sch. 5 Pt. III heading omitted (26.5.2015) by virtue of [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), **ss. 121(3), 164(3)(i)(i)**

- 14 For the purposes of, or in connection with, the exercise of any of his powers under Parts VIII to XI of this Act, the trustee may, by his official name—
- (a) hold property of every description,
  - (b) make contracts,
  - (c) sue and be sued,
  - (d) enter into engagements binding on himself and, in respect of the bankrupt's estate, on his successors in office,
  - (e) employ an agent,
  - (f) execute any power of attorney, deed or other instrument;
- and he may do any other act which is necessary or expedient for the purposes of or in connection with the exercise of those powers.

## SCHEDULE 6

Section 386.

### THE CATEGORIES OF PREFERENTIAL DEBTS

#### Modifications etc. (not altering text)

- C223** Sch. 6 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**
- C224** Sch. 6 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**
- C225** Sch. 6 applied (with modifications) (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\)](#), **regs. 2, 37, Sch. 1 para. 3** (with reg. 5) (as amended (4.1.2024) by S.I. 2023/1399, **regs. 1(2), 4, 11**)

#### *Category 1: Debts due to Inland Revenue*

- 1 <sup>[F170]</sup>Sums due at the relevant date from the debtor on account of deductions of income tax from <sup>[F171]</sup>taxable earnings (as defined by section 10 of the Income Tax (Earnings and Pensions) Act 2003) paid during the period of 12 months next before that date.

The deductions here referred to are those which the debtor was liable to make under <sup>[F172]</sup>PAYE regulations, less the amount of the repayments of income tax which the debtor was liable to make during that period.]

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#### Textual Amendments

- F170** Sch. 6 para. 1 ceased to have effect (15.9.2003) and repealed (prosp.) by 2002 c. 40, ss. 251(1)(a), 278, 279, Sch. 26 (with s. 249(6)); S.I. 2003/2093, art. 2(1), Sch. 1 (subject to arts. 3-8 (as amended by S.I. 2003/2332, art. 2))
- F171** Words in Sch. 6 para. 1 substituted (6.4.2003 with effect as mentioned in s. 723(1)(a)(b)) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\)](#), ss. 722, 723, **Sch. 6 Pt. 2 para. 154(a)** (subject to transitional provisions and savings in Sch. 7)
- F172** Words in Sch. 6 para. 1 substituted (6.4.2003 with effect as mentioned in s. 723(1)(a)(b)) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\)](#), ss. 722, 723, **Sch. 6 Pt. 2 para. 154(b)** (subject to transitional provisions and savings in Sch. 7)

2

[<sup>F173</sup>Sums due to the relevant date from the debtor in respect of such deductions as are required to be made by the debtor for that period under section [<sup>F174</sup>559 of the Income and Corporation Taxes Act 1988] (sub-contractors in the construction industry).]

#### Textual Amendments

- F173** Sch. 6 para. 2 ceased to have effect (15.9.2003) and repealed (prosp.) by 2002 c. 40, ss. 251(1)(a), 278, 279, Sch. 26 (with s. 249(6)); S.I. 2003/2093, art. 2(1), Sch. 1 (subject to arts. 3-8 (as amended by S.I. 2003/2332, art. 2))
- F174** Words substituted by [Income and Corporation Taxes Act 1988 \(c. 1, SIF 63:1\)](#), s. 844, Sch. 29 para. 32, **Sch. 30 para. 6(1)**

### *Category 2: Debts due to Customs and Excise*

3

[<sup>F175</sup>Any value added tax which is referable to the period of 6 months next before the relevant date (which period is referred to below as “the 6-month period”).

For the purposes of this paragraph—

- (a) where the whole of the prescribed accounting period to which any value added tax is attributable falls within the 6-month period, the whole amount of that tax is referable to that period; and
- (b) in any other case the amount of any value added tax which is referable to the 6-month period is the proportion of the tax which is equal to such proportion (if any) of the accounting reference period in question as falls within the 6-month period;

and in sub-paragraph (a) “prescribed” means prescribed by regulations under the <sup>M1</sup>Value Added Tax Act [<sup>F176</sup>1994].]

#### Textual Amendments

- F175** Sch. 6 para. 3 ceased to have effect (15.9.2003) and repealed (prosp.) by 2002 c. 40, ss. 251(1)(b), 278, 279, Sch. 26 (with s. 249(6)); S.I. 2003/2093, art. 2(1), Sch. 1 (subject to arts. 3-8 (as amended by S.I. 2003/2332, art. 2))
- F176** Words in Sch. 6 para. 3 substituted (1.9.1994) by 1994 c. 23, ss. 100(1), 101(1), **Sch. 14 para. 8** (with Sch. 13 para. 9)

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### Marginal Citations

**M1** 1983 c. 55.

[<sup>F177</sup>  
<sup>F178</sup>3A] Any insurance premium tax which is referable to the period of 6 months next before the relevant date (which period is referred to below as “the 6-month period”).

For the purposes of this paragraph—

- (a) where the whole of the accounting period to which any insurance premium tax is attributable falls within the 6-month period, the whole amount of that tax is referable to that period; and
- (b) in any other case the amount of any insurance premium tax which is referable to the 6-month period is the proportion of the tax which is equal to such proportion (if any) of the accounting period in question as falls within the 6-month period;

and references here to accounting periods shall be construed in accordance with Part III of the Finance Act 1994.]]

### Textual Amendments

**F177** Sch. 6 para. 3A ceased to have effect (15.9.2003) and repealed (prosp.) by 2002 c. 40, ss. 251(1)(b), 278, 279, Sch. 26 (with s. 249(6)); S.I. 2003/2093, art. 2(1), Sch. 1 (subject to arts. 3-8 (as amended by S.I. 2003/2332, art. 2))

**F178** Sch. 6 para. 3A inserted (3.5.1994) by 1994 c. 9, s. 64, Sch. 7 Pt. III para. 7(2)

[<sup>F179</sup>  
<sup>F180</sup>3B] Any landfill tax which is referable to the period of 6 months next before the relevant date (which period is referred to below as “the 6-month period”).

For the purposes of this paragraph—

- (a) where the whole of the accounting period to which any landfill tax is attributable falls within the 6-month period, the whole amount of that tax is referable to that period; and
- (b) in any other case the amount of any landfill tax which is referable to the 6-month period is the proportion of the tax which is equal to such proportion (if any) of the accounting period in question as falls within the 6-month period;

and references here to accounting periods shall be construed in accordance with Part III of the Finance Act 1996.]]

### Textual Amendments

**F179** Sch. 6 para. 3B ceased to have effect (15.9.2003) and repealed (prosp.) by 2002 c. 40, ss. 251(1)(b), 278, 279, Sch. 26 (with s. 249(6)); S.I. 2003/2093, art. 2(1), Sch. 1 (subject to arts. 3-8 (as amended by S.I. 2003/2332, art. 2))

**F180** Sch. 6 para. 3B inserted (29.4.1996) by 1996 c. 8, s. 60, Sch. 5 Pt. III para. 12(1)

[<sup>F181</sup>  
<sup>F182</sup>3C] Any climate change levy which is referable to the period of 6 months next before the relevant date (which period is referred to below as “the 6-month period”).

For the purposes of this paragraph—



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- (a) where the whole of the accounting period to which any climate change levy is attributable falls within the 6-month period, the whole amount of that levy is referable to that period; and
- (b) in any other case the amount of any climate change levy which is referable to the 6-month period is the proportion of the levy which is equal to such proportion (if any) of the accounting period in question as falls within the 6-month period;

and references here to accounting periods shall be construed in accordance with Schedule 6 to the Finance Act 2000.]]

#### Textual Amendments

**F181** Sch. 6 para. 3C ceased to have effect (15.9.2003) and repealed (prosp.) by 2002 c. 40, ss. 251(1)(b), 278, 279, Sch. 26 (with s. 249(6)); S.I. 2003/2093, art. 2(1), Sch. 1 (subject to arts. 3-8 (as amended by S.I. 2003/2332, art. 2))

**F182** Sch. 6 para. 3C inserted (28.7.2000) by 2000 c. 17, s. 30, Sch. 7 para. 3(1)(b)(2)

<sup>F183</sup>  
<sup>F184</sup>3D Any aggregates levy which is referable to the period of 6 months next before the relevant date (which period is referred to below as “the 6-month period”).

For the purposes of this paragraph—

- (a) where the whole of the accounting period to which any aggregates levy is attributable falls within the 6-month period, the whole amount of that levy is referable to that period; and
- (b) in any other case the amount of any aggregates levy which is referable to the 6-month period is the proportion of the levy which is equal to such proportion (if any) of the accounting period in question as falls within the 6-month period;

and references here to accounting periods shall be construed in accordance with Part 2 of the Finance Act 2001.]]

#### Textual Amendments

**F183** Sch. 6 para. 3D ceased to have effect (15.9.2003) and repealed (prosp.) by 2002 c. 40, ss. 251(1)(b), 278, 279, Sch. 26 (with s. 249(6)); S.I. 2003/2093, art. 2(1), Sch. 1 (subject to arts. 3-8 (as amended by S.I. 2003/2332, art. 2))

**F184** Sch. 6 para. 3D inserted (11.5.2001) by 2001 c. 9, s. 27, Sch. 5 para. 17(b)(2)

4

<sup>F185</sup>The amount of any car tax which is due at the relevant date from the debtor and which became due within a period of 12 months next before that date.]

#### Textual Amendments

**F185** Sch. 6 para. 4 ceased to have effect (15.9.2003) and repealed (prosp.) by 2002 c. 40, ss. 251(1)(b), 278, 279, Sch. 26 (with s. 249(6)); S.I. 2003/2093, art. 2(1), Sch. 1 (subject to arts. 3-8 (as amended by S.I. 2003/2332, art. 2))

5

<sup>F186</sup>Any amount which is due—

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- (a) by way of general betting duty [<sup>F187</sup>, bingo duty or gaming duty], or
- (b) under section 12(1) of the <sup>M2</sup>Betting and Gaming Duties Act 1981 (general betting duty and pool betting duty recoverable from agent collecting stakes), <sup>F188</sup> . . .

<sup>F188</sup>(c) . . . . .

from the debtor at the relevant date and which became due within the period of 12 months next before that date.]

**Textual Amendments**

**F186** Sch. 6 para. 5 ceased to have effect (15.9.2003) and repealed (prosp.) by 2002 c. 40, ss. 251(1)(b), 278, 279, Sch. 26 (with s. 249(6)); S.I. 2003/2093, art. 2(1), Sch. 1 (subject to arts. 3-8 (as amended by S.I. 2003/2332, art. 2))

**F187** Words in Sch. 6 para. 5(a) substituted (19.3.1997) by 1997 c. 16, ss. 13(2), 15, Sch. 2 Pt. II para. 6

**F188** Sch. 6 para. 5(c) and word preceding it repealed (19.3.1997 but without application in relation to any amount due in respect of duty chargeable for a period beginning before 1.10.1997) by 1997 c. 16, s. 113, Sch. 18 Pt. II Notes 1, 2

**Marginal Citations**

**M2** 1981 c. 63.

[<sup>F189</sup>  
<sup>F190</sup>5A The amount of any excise duty on beer which is due at the relevant date from the debtor and which became due within a period of 6 months next before that date.]]

**Textual Amendments**

**F189** Sch. 6 para. 5A ceased to have effect (15.9.2003) and repealed (prosp.) by 2002 c. 40, ss. 251(1)(b), 278, 279, Sch. 26 (with s. 249(6)); S.I. 2003/2093, art. 2(1), Sch. 1 (subject to arts. 3-8 (as amended by S.I. 2003/2332, art. 2))

**F190** Sch. 6 para. 5A inserted (1.6.1993) by Finance Act 1991 (c. 31), s. 7, Sch. 2 para. 22; S.I. 1993/1152, art. 3, Sch. 1 Pt. II

[<sup>F191</sup>  
<sup>F192</sup>5B Any amount which is due by way of lottery duty from the debtor at the relevant date and which became due within the period of 12 months next before that date.]]

**Textual Amendments**

**F191** Sch. 6 para. 5B ceased to have effect (15.9.2003) and repealed (prosp.) by 2002 c. 40, ss. 251(1)(b), 278, 279, Sch. 26 (with s. 249(6)); S.I. 2003/2093, art. 2(1), Sch. 1 (subject to arts. 3-8 (as amended by S.I. 2003/2332, art. 2))

**F192** Sch. 6 para. 5B inserted (1.12.1993) by 1993 c. 34, ss. 36(2), 40(2)(3); S.I. 1993/2842, art. 3(1)

[<sup>F193</sup>  
<sup>F194</sup>5C Any amount which is due by way of air passenger duty from the debtor at the relevant date and which became due within the period of six months next before that date.]]

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#### Textual Amendments

- F193** Sch. 6 para. 5C ceased to have effect (15.9.2003) and repealed (prosp.) by 2002 c. 40, ss. 251(1)(b), 278, 279, Sch. 26 (with s. 249(6)); S.I. 2003/2093, art. 2(1), Sch. 1 (subject to arts. 3-8 (as amended by S.I. 2003/2332, art. 2))
- F194** Sch. 6 para. 5C inserted (3.5.1994 with application to any carriage of a passenger on an aircraft which begins after 31.10.1994) by 1994 c. 9, ss. 40(2), 44, Sch. 6 para. 13(1)

### *Category 3: Social security contributions*

6

[<sup>F195</sup>All sums which on the relevant date are due from the debtor on account of Class 1 or Class 2 contributions under the [<sup>F196</sup>Social Security Contributions and Benefits Act 1992] or the <sup>M3</sup> Social Security (Northern Ireland) Act 1975 and which became due from the debtor in the 12 months next before the relevant date.]

#### Textual Amendments

- F195** Sch. 6 para. 6 ceased to have effect (15.9.2003) and repealed (prosp.) by 2002 c. 40, ss. 251(1)(c), 278, 279, Sch. 26 (with s. 249(6)); S.I. 2003/2093, art. 2(1), Sch. 1 (subject to arts. 3-8 (as amended by S.I. 2003/2332, art. 2))
- F196** Words in Sch. 6 para. 6 substituted (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 4, 7(2), Sch. 2 para.73

#### Marginal Citations

- M3** 1975 c. 15

7

[<sup>F197</sup>All sums which on the relevant date have been assessed on and are due from the debtor on account of Class 4 contributions under either of those Acts of 1975, being sums which—

- (a) are due to the Commissioners of Inland Revenue (rather than to the Secretary of State or a Northern Ireland department), and
- (b) are assessed on the debtor up to 5th April next before the relevant date, but not exceeding, in the whole, any one year's assessment.]

#### Textual Amendments

- F197** Sch. 6 para. 7 ceased to have effect (15.9.2003) and repealed (prosp.) by 2002 c. 40, ss. 251(1)(c), 278, 279, Sch. 26 (with s. 249(6)); S.I. 2003/2093, art. 2(1), Sch. 1 (subject to arts. 3-8 (as amended by S.I. 2003/2332, art. 2))

### *Category 4: Contributions to occupational pension schemes, etc.*

8

Any sum which is owed by the debtor and is a sum to which [<sup>F198</sup>Schedule 4 to the Pension Schemes Act 1993]applies (contributions to occupational pension schemes and state scheme premiums).

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### Textual Amendments

**F198** Words in Sch. 6 para. 8 substituted (7.2.1994) by 1993 c. 48, s. 190, **Sch. 8 para.18** (with s. 6(8)); S.I. 1994/86, **art. 2**

### *Category 5: Remuneration, etc., of employees*

- 9 So much of any amount which—
- (a) is owed by the debtor to a person who is or has been an employee of the debtor, and
  - (b) is payable by way of remuneration in respect of the whole or any part of the period of 4 months next before the relevant date,
- as does not exceed so much as may be prescribed by order made by the Secretary of State.
- 10 An amount owed by way of accrued holiday remuneration, in respect of any period of employment before the relevant date, to a person whose employment by the debtor has been terminated, whether before, on or after that date.
- 11 So much of any sum owed in respect of money advanced for the purpose as has been applied for the payment of a debt which, if it had not been paid, would have been a debt falling within paragraph 9 or 10.
- 12 So much of any amount which—
- (a) is ordered (whether before or after the relevant date) to be paid by the debtor under the <sup>M4</sup>Reserve Forces (Safeguard of Employment) Act 1985, and
  - (b) is so ordered in respect of a default made by the debtor before that date in the discharge of his obligations under that Act,
- as does not exceed such amount as may be prescribed by order made by the Secretary of State.

### Marginal Citations

**M4** 1985 c. 17.

### *Interpretation for Category 5*

- 13 (1) For the purposes of paragraphs 9 to 12, a sum is payable by the debtor to a person by way of remuneration in respect of any period if—
- (a) it is paid as wages or salary (whether payable for time or for piece work or earned wholly or partly by way of commission) in respect of services rendered to the debtor in that period, or
  - (b) it is an amount falling within the following sub-paragraph and is payable by the debtor in respect of that period.
- [<sup>F199</sup>(2) An amount falls within this sub-paragraph if it is—
- (a) a guarantee payment under Part III of the Employment Rights Act 1996 (employee without work to do);
  - (b) any payment for time off under section 53 (time off to look for work or arrange training) or section 56 (time off for ante-natal care) of that Act or

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- under section 169 of the Trade Union and Labour Relations (Consolidation) Act 1992 (time off for carrying out trade union duties etc.);
- (c) remuneration on suspension on medical grounds, or on maternity grounds, under Part VII of the Employment Rights Act 1996; or
  - (d) remuneration under a protective award under section 189 of the Trade Union and Labour Relations (Consolidation) Act 1992 (redundancy dismissal with compensation).]

#### Textual Amendments

**F199** Sch. 6 para. 13(2) substituted (22.8.1996) by 1996 c. 18, ss. 240, 243, **Sch. 1 para. 29** (with ss. 191-195, 202)

- 14 (1) This paragraph relates to a case in which a person's employment has been terminated by or in consequence of his employer going into liquidation or being <sup>F200</sup>adjudged<sup>F200</sup> made bankrupt or (his employer being a company not in liquidation) by or in consequence of—
- (a) a receiver being appointed as mentioned in section 40 of this Act (debenture-holders secured by floating charge), or
  - (b) the appointment of a receiver under section 53(6) or 54(5) of this Act (Scottish company with property subject to floating charge), or
  - (c) the taking of possession by debenture-holders (so secured), as mentioned in <sup>F201</sup>section 754 of the Companies Act 2006] .
- (2) For the purposes of paragraphs 9 to 12, holiday remuneration is deemed to have accrued to that person in respect of any period of employment if, by virtue of his contract of employment or of any enactment that remuneration would have accrued in respect of that period if his employment had continued until he became entitled to be allowed the holiday.
- (3) The reference in sub-paragraph (2) to any enactment includes an order or direction made under an enactment.

#### Textual Amendments

**F200** Word in Sch. 6 para. 14(1) substituted (E.W.) (6.4.2016) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 19 para. 64**; S.I. 2016/191, art. 2 (with art. 3)

**F201** Words in Sch. 6 para. 14(1)(c) substituted (6.4.2008) by The Companies Act 2006 (Consequential Amendments etc) Order 2008 (S.I. 2008/948), art. 3(1), **Sch. 1 para. 104** (with arts. 6, 11, 12)

- 15 Without prejudice to paragraphs 13 and 14—
- (a) any remuneration payable by the debtor to a person in respect of a period of holiday or of absence from work through sickness or other good cause is deemed to be wages or (as the case may be) salary in respect of services rendered to the debtor in that period <sup>F202</sup>...
  - <sup>F202</sup>(b) .....

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#### Textual Amendments

**F202** Sch. 6 para. 15(b) and word omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(n), [Sch. 6 para. 28](#)

### *[<sup>F203</sup>Category 6: Levies on coal and steel production*

#### Textual Amendments

**F203** Sch. 6 para. 15A inserted by [S.I. 1987/2093](#), [reg. 2\(1\)\(3\)](#)

- 15A Any sums due at the relevant date from the debtor in respect of—
- (a) the levies on the production of coal and steel referred to in Articles 49 and 50 of the E.C.S.C. Treaty, or
  - (b) any surcharge for delay provided for in Article 50(3) of that Treaty and Article 6 of Decision 3/52 of the High Authority of the Coal and Steel Community.]

### *[<sup>F204</sup>Category 6A: Debts owed to the Financial Services Compensation Scheme*

#### Textual Amendments

**F204** Sch. 6 para. 15AA and cross-heading inserted (26.3.2015) by [The Deposit Guarantee Scheme Regulations 2015 \(S.I. 2015/486\)](#), [regs. 1\(2\)](#), [14\(3\)\(a\)](#)

- 15AA. Any debt owed by the debtor to the scheme manager of the Financial Services Compensation Scheme under section 215(2A) of the Financial Services and Markets Act 2000.]

### *[<sup>F205</sup>Category 7: Deposits covered by Financial Services Compensation Scheme*

#### Textual Amendments

**F205** Sch. 6 paras. 15B, 15C and cross-headings inserted (31.12.2014) by [Financial Services \(Banking Reform\) Act 2013 \(c. 33\)](#), [ss. 13\(1\)](#), [148\(5\)](#); [S.I. 2014/3160](#), [art. 2\(1\)\(a\)](#)

- 15B So much of any amount owed at the relevant date by the debtor in respect of an eligible deposit as does not exceed the compensation that would be payable in respect of the deposit under the Financial Services Compensation Scheme to the person or persons to whom the amount is owed.

### *[<sup>F206</sup>Category 8: Other deposits*

#### Textual Amendments

**F206** Sch. 6 paras. 15BA, 15BB and cross-heading inserted (1.1.2015) by [The Banks and Building Societies \(Depositor Preference and Priorities\) Order 2014 \(S.I. 2014/3486\)](#), [arts. 1\(2\)](#), [11\(2\)](#) (with [art. 3](#))

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- 15BA So much of any amount owed at the relevant date by the debtor to one or more eligible persons in respect of an eligible deposit as exceeds any compensation that would be payable in respect of the deposit under the Financial Services Compensation Scheme to that person or those persons.
- 15BB An amount owed at the relevant date by the debtor to one or more eligible persons in respect of a deposit that—
- (a) was made through a [<sup>F207</sup>non-UK] branch of a credit institution authorised by the competent authority of [<sup>F208</sup>the United Kingdom], and
  - (b) would have been an eligible deposit if it had been made through [<sup>F209</sup>a UK] branch of that credit institution.]

#### Textual Amendments

**F207** Words in Sch. 6 para. 15BB(a) substituted (31.12.2020) by [The Bank Recovery and Resolution and Miscellaneous Provisions \(Amendment\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1394\)](#), reg. 1(2), **Sch. 2 para. 2(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)

**F208** Words in Sch. 6 para. 15BB(a) substituted (31.12.2020) by [The Bank Recovery and Resolution and Miscellaneous Provisions \(Amendment\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1394\)](#), reg. 1(2), **Sch. 2 para. 2(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

**F209** Words in Sch. 6 para. 15BB(b) substituted (31.12.2020) by [The Bank Recovery and Resolution and Miscellaneous Provisions \(Amendment\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1394\)](#), reg. 1(2), **Sch. 2 para. 2(b)**; 2020 c. 1, Sch. 5 para. 1(1)

#### Modifications etc. (not altering text)

**C226** Sch. 6 para. 15BB modified (31.12.2020) by [The Gibraltar \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/680\)](#), regs. 1(2), **11(3)(4)(6)** (with reg. 11(8)-(10)) (as amended by [S.I. 2020/1301](#), regs. 1, 3, Sch. para. 40(f)); 2020 c. 1, Sch. 5 para. 1(1)

### *Interpretation for [<sup>F210</sup>categories 6A, 7 and 8.]*

#### Textual Amendments

**F210** Words in Sch. 6 para. 15C heading substituted (26.3.2015) by [The Deposit Guarantee Scheme Regulations 2015 \(S.I. 2015/486\)](#), regs. 1(2), **14(3)(b)**

15C [ In paragraph 15AA “the scheme manager” has the meaning given in section 212(1) <sup>F211</sup>(A1) of the Financial Services and Markets Act 2000.]

- (1) In [<sup>F212</sup>paragraphs 15B to 15BB] “eligible deposit” means a deposit in respect of which the person, or any of the persons, to whom it is owed would be eligible for compensation under the Financial Services Compensation Scheme.
- (2) For [<sup>F213</sup>the purposes of those paragraphs and this paragraph] a “deposit” means rights of the kind described in—
  - (a) paragraph 22 of Schedule 2 to the Financial Services and Markets Act 2000 (deposits), or
  - (b) section 1(2)(b) of the Dormant Bank and Building Society Accounts Act 2008 (balances transferred under that Act to authorised reclaim fund).]

[<sup>F214</sup>(3) In paragraphs 15BA and 15BB, “eligible person” means—



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- (a) an individual, or
- [<sup>F215</sup>(b) any micro, small and medium-sized enterprise, as defined with regard to the annual turnover criterion referred to in Article 2(1) of the Annex to Commission recommendation 2003/361/EC.]

(4) In paragraph 15BB—

- (a) “credit institution” has the meaning given in Article 4.1(1) of the capital requirements regulation;
- [<sup>F216</sup>(b) “non-UK branch” means a branch, as defined in Article 4.1(17) of the capital requirements regulation, which is established outside the United Kingdom;
- (c) “UK branch” means a branch, as so defined, which is established in the United Kingdom,]

and for this purpose “the capital requirements regulation” means Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26th June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 [<sup>F217</sup>, as it [<sup>F218</sup>forms part of [<sup>F219</sup>assimilated] law]].]

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**Textual Amendments**

- F211** Sch. 6 para. 15C(A1) inserted (26.3.2015) by [The Deposit Guarantee Scheme Regulations 2015 \(S.I. 2015/486\)](#), regs. 1(2), **14(3)(c)**
- F212** Words in Sch. 6 para. 15C(1) substituted (1.1.2015) by [The Banks and Building Societies \(Depositor Preference and Priorities\) Order 2014 \(S.I. 2014/3486\)](#), arts. 1(2), **11(4)(a)** (with art. 3)
- F213** Words in Sch. 6 para. 15C(2) substituted (1.1.2015) by [The Banks and Building Societies \(Depositor Preference and Priorities\) Order 2014 \(S.I. 2014/3486\)](#), arts. 1(2), **11(4)(b)** (with art. 3)
- F214** Sch. 6 para. 15C(3)(4) and words inserted (1.1.2015) by [The Banks and Building Societies \(Depositor Preference and Priorities\) Order 2014 \(S.I. 2014/3486\)](#), arts. 1(2), **11(4)(c)** (with art. 3)
- F215** Sch. 6 para. 15C(3)(b) substituted (31.12.2020) by [The Bank Recovery and Resolution and Miscellaneous Provisions \(Amendment\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1394\)](#), reg. 1(2), **Sch. 2 para. 3(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F216** Sch. 6 para. 15C(4)(b)(c) substituted (31.12.2020) by [The Bank Recovery and Resolution and Miscellaneous Provisions \(Amendment\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1394\)](#), reg. 1(2), **Sch. 2 para. 3(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F217** Words in Sch. 6 para. 15C(4) inserted (21.12.2018) by [The Bank Recovery and Resolution and Miscellaneous Provisions \(Amendment\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1394\)](#), reg. 1(3), **Sch. 2 para. 3(b)(ii)** (as amended (31.12.2020) by [S.I. 2020/1385](#), reg. 1(4), **Sch. para. 1(1)(2)(k)(ii)**)
- F218** Words in Sch. 6 para. 15C(4) substituted (31.12.2020 immediately before IP completion day) by [The Securities Financing Transactions, Securitisation and Miscellaneous Amendments \(EU Exit\) Regulations 2020 \(S.I. 2020/1385\)](#), regs. 1(4), **37**
- F219** Word in Sch. 6 para. 15C(4) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendment\) Regulations 2023 \(S.I. 2023/1424\)](#), reg. 1(2), **Sch. para. 22**

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**Modifications etc. (not altering text)**

- C227** Sch. 6 para. 15C modified (31.12.2020) by [The Gibraltar \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/680\)](#), regs. 1(2), **11(3)(4)(6)** (with reg. 11(8)-(10)) (as amended by [S.I. 2020/1301](#), regs. 1, 3, Sch. para. 40(f); 2020 c. 1, Sch. 5 para. 1(1))

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*<sup>F220</sup>Category 9: Certain HMRC debts*

**Textual Amendments**

**F220** Sch. 6 para. 15D and cross-heading inserted (with application in accordance with s. 98(7) of the amending Act) by [Finance Act 2020 \(c. 14\)](#), [s. 98\(2\)](#)

- 15D (1) Any amount owed at the relevant date by the debtor to the Commissioners in respect of—
- (a) value added tax, or
  - (b) a relevant deduction.
- (2) In sub-paragraph (1), the reference to “any amount” is subject to any regulations under section 99(1) of the Finance Act 2020.
- (3) For the purposes of sub-paragraph (1)(b) a deduction is “relevant” if—
- (a) the debtor is required, by virtue of an enactment, to make the deduction from a payment made to another person and to pay an amount to the Commissioners on account of the deduction,
  - (b) the payment to the Commissioners is credited against any liabilities of the other person, and
  - (c) the deduction is of a kind specified in regulations under section 99(3) of the Finance Act 2020.
- (4) In this paragraph “the Commissioners” means the Commissioners for Her Majesty’s Revenue and Customs.]

*Orders*

- 16 An order under paragraph 9 or 12—
- (a) may contain such transitional provisions as may appear to the Secretary of State necessary or expedient;
  - (b) shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

<sup>F221</sup>SCHEDULE 7

Section 396.

**Textual Amendments**

**F221** Sch. 7 omitted (1.10.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), [s. 115\(7\)](#), [Sch. 6 para. 21](#) (with [Sch. 6 para. 23](#)); [S.I. 2015/1732](#), [art. 2\(e\)\(vi\)](#)

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## SCHEDULE 8

Section 411.

### PROVISIONS CAPABLE OF INCLUSION IN COMPANY INSOLVENCY RULES

#### Modifications etc. (not altering text)

- C228** Sch. 8 applied (with modifications) (S.) (6.4.2001 to the extent that that Sch. does not apply to voluntary arrangements or administrations within the meaning of Pts. I, II of the Act) by [S.S.I. 2001/128](#), [reg. 4\(1\)](#), [Sch. 2](#)
- C229** Sch. 8 applied in part (with modifications) (4.1.2024) by [S.I. 2021/716](#), Sch. 1 para. 3 (as amended by [The Payment and Electronic Money Institution Insolvency \(Amendment\) Regulations 2023 \(S.I. 2023/1399\)](#), [regs. 1\(2\)](#), [20](#))
- C230** Sch. 8 applied (with modifications) (E.W.) (15.3.2024) by [The Water Industry \(Special Administration\) Regulations 2024 \(S.I. 2024/205\)](#), [regs. 2\(2\)](#), [5\(1\)](#) (with [reg. 64](#))

#### Courts

- 1 Provision for supplementing, in relation to the insolvency or winding up of companies, any provision made by or under section 117 of this Act (jurisdiction in relation to winding up).
- 2 (1) Provision for regulating the practice and procedure of any court exercising jurisdiction for the purposes of <sup>[[F222](#)]</sup>Parts A1] to VII of this Act or <sup>[[F223](#)]</sup>the Companies Acts] so far as relating to, and to matters connected with or arising out of, the insolvency or winding up of companies, being any provision that could be made by rules of court.
- <sup>[[F224](#)]</sup>(2) Rules made by virtue of this paragraph about the consequence of failure to comply with practice or procedure may, in particular, include provision about the termination of administration.]

#### Textual Amendments

- F222** Words in Sch. 8 para. 2 substituted (26.6.2020) by [Corporate Insolvency and Governance Act 2020 \(c. 12\)](#), s. 49(1), [Sch. 3 para. 32\(2\)](#) (with [ss. 2\(2\)](#), [5\(2\)](#))
- F223** Words in Sch. 8 para. 2(1) substituted (1.10.2007) by [The Companies Act 2006 \(Commencement No. 3, Consequential Amendments, Transitional Provisions and Savings\) Order 2007 \(S.I. 2007/2194\)](#), art. 10(1), [Sch. 4 para. 44](#) (with art. 12)
- F224** Sch. 8 para. 2 renumbered as Sch. 8 para. 2(1) and Sch. 8 para. 2(2) inserted (15.9.2003) by [2002 c. 40](#), [ss. 248\(3\)](#), [279](#), [Sch. 17 para. 38\(2\)](#) (with [s. 249\(1\)-\(3\)\(6\)](#)); [S.I. 2003/2093](#), [art. 2\(1\)](#), Sch. 1 (subject to [arts. 3-8](#) (as amended by [S.I. 2003/2332](#), art. 2))

#### Notices, etc.

- 3 Provision requiring notice of any proceedings in connection with or arising out of the insolvency or winding up of a company to be given or published in the manner prescribed by the rules.
- 4 Provision with respect to the form, manner of serving, contents and proof of any petition, application, order, notice, statement or other document required to be presented, made, given, published or prepared under any enactment or subordinate

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legislation relating to, or to matters connected with or arising out of, the insolvency or winding up of companies.

- 5 Provision specifying the persons to whom any notice is to be given.
- [<sup>F225</sup>5A Provision for enabling a creditor of a company to elect to be, or to cease to be, an opted-out creditor in relation to an office-holder of the company (within the meaning of section 248A), including, in particular, provision—
- (a) for requiring an office-holder to provide information to creditors about how they may elect to be, or cease to be, opted-out creditors;
  - (b) for deeming an election to be, or cease to be, an opted-out creditor in relation to a particular office-holder of a company to be such an election also in relation to any other office-holder of the company.]

**Textual Amendments**

**F225** Sch. 8 para. 5A inserted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), [ss. 124\(5\)](#), [164\(1\)](#); [S.I. 2015/1329](#), [reg. 3\(d\)](#); [S.I. 2016/1020](#), [reg. 4\(c\)](#); [S.I. 2019/816](#), [reg. 4\(b\)](#)

*Registration of voluntary arrangements*

- 6 Provision for the registration of voluntary arrangements approved under Part I of this Act, including provision for the keeping and inspection of a register.

*Provisional liquidator*

- 7 Provision as to the manner in which a provisional liquidator appointed under section 135 is to carry out his functions.

*Conduct of insolvency*

- 8 Provision with respect to the certification of any person as, and as to the proof that a person is, [<sup>F226</sup>the monitor in relation to a moratorium under Part A1 or] the liquidator, administrator or administrative receiver of a company.

**Textual Amendments**

**F226** Words in [Sch. 8 para. 8](#) inserted (26.6.2020) by [Corporate Insolvency and Governance Act 2020 \(c. 12\)](#), [s. 49\(1\)](#), [Sch. 3 para. 32\(3\)](#) (with [ss. 2\(2\)](#), [5\(2\)](#))

- [<sup>F227</sup>8A(1) Provision about the making of decisions by creditors and contributories, including provision—
- (a) prescribing particular procedures by which creditors and contributories may make decisions;
  - (b) authorising the use of other procedures for creditors and contributories to make decisions, if those procedures comply with prescribed requirements.
- (2) Provision under sub-paragraph (1) may in particular include provision about—
- (a) how creditors and contributories may request that a creditors' meeting or a contributories' meeting be held,

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- (b) the rights of creditors, contributories and others to be given notice of, and participate in, procedures,
- (c) creditors' and contributories' rights to vote in procedures,
- (d) the period within which any right to participate or vote is to be exercised,
- (e) the proportion of creditors or contributories that must vote for a proposal for it to be approved,
- (f) how the value of any debt or contribution should be determined,
- (g) the time at which decisions taken by a procedure are to be treated as having been made.]

#### Textual Amendments

**F227** Sch. 8 para. 8A inserted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\), ss. 122\(3\), 164\(1\)](#); S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(a) (with reg. 5) (as amended by S.I. 2017/363, reg. 3); S.I. 2019/816, reg. 4(a) (with reg. 5)

- 9 The following provision with respect to meetings of a company's creditors, contributories or members—
- (a) provision as to the manner of summoning a meeting (including provision as to how any power to require a meeting is to be exercised, provision as to the manner of determining the value of any debt or contribution for the purposes of any such power and provision making the exercise of any such power subject to the deposit of a sum sufficient to cover the expenses likely to be incurred in summoning and holding a meeting);
  - (b) provision specifying the time and place at which a meeting may be held and the period of notice required for a meeting;
  - (c) provision as to the procedure to be followed at a meeting (including the manner in which decisions may be reached by a meeting and the manner in which the value of any vote at a meeting is to be determined);
  - (d) provision for requiring a person who is or has been an officer of the company to attend a meeting;
  - (e) provision creating, in the prescribed circumstances, a presumption that a meeting has been duly summoned and held;
  - (f) provision as to the manner of proving the decisions of a meeting.

[<sup>F228</sup>9A Provision about how a company's creditors may nominate a person to be liquidator, including in the case of a voluntary winding up provision conferring functions on the directors of the company.]

#### Textual Amendments

**F228** Sch. 8 para. 9A inserted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\), s. 164\(1\), Sch. 9 para. 58](#); S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3); S.I. 2019/816, reg. 4(c) (with reg. 5)

- 10 (1) Provision as to the [<sup>F229</sup>establishment,] functions, membership and proceedings of a committee [<sup>F230</sup>provided for by][<sup>F231</sup>section 49, 68, 101, 141 or 142 of, or paragraph 57 of Schedule B1 to, this Act].

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- (2) The following provision with respect to the establishment of a committee under section 101, 141 or 142 of this Act, that is to say—
- (a) provision for resolving differences between <sup>F232</sup>... the company's creditors and <sup>F232</sup>... its contributories or members;
  - (b) provision authorising the establishment of the committee without [<sup>F233</sup>seeking a decision from] contributories in a case where a company is being wound up on grounds including its inability to pay its debts; and
  - (c) provision modifying the requirements of this Act with respect to the establishment of the committee in a case where a winding-up order has been made immediately upon the discharge of an administration order.

#### Textual Amendments

- F229** Word in Sch. 8 para. 10(1) inserted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), s. 164(1), [Sch. 9 para. 59\(2\)\(a\)](#); S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3); S.I. 2019/816, reg. 4(c) (with reg. 5)
- F230** Words in Sch. 8 para. 10(1) substituted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), s. 164(1), [Sch. 9 para. 59\(2\)\(b\)](#); S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3); S.I. 2019/816, reg. 4(c) (with reg. 5)
- F231** Words in Sch. 8 para. 10 substituted (15.9.2003) by 2002 c. 40, ss. 248(3), 279, [Sch. 17 para. 38\(3\)](#) (with s. 249(1)-(3)(6)); S.I. 2003/2093, [art. 2\(1\)](#), Sch. 1 (subject to arts. 3-8 (as amended by S.I. 2003/2332, art. 2))
- F232** Words in Sch. 8 para. 10(2)(a) omitted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by virtue of [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), s. 164(1), [Sch. 9 para. 59\(3\)\(a\)](#); S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3); S.I. 2019/816, reg. 4(c) (with reg. 5)
- F233** Words in Sch. 8 para. 10(2)(b) substituted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), s. 164(1), [Sch. 9 para. 59\(3\)\(b\)](#); S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3); S.I. 2019/816, reg. 4(c) (with reg. 5)

- 11 Provision as to the manner in which any requirement that may be imposed on a person under any of Parts I to VII of this Act by the official receiver, the liquidator, administrator or administrative receiver of a company or a special manager appointed under section 177 is to be so imposed.
- 12 Provision as to the debts that may be proved in a winding up, as to the manner and conditions of proving a debt and as to the manner and expenses of establishing the value of any debt or security.
- 13 Provision with respect to the manner of the distribution of the property of a company that is being wound up, including provision with respect to unclaimed funds and dividends.
- [<sup>F234</sup>13A Provision for a creditor who has not proved a small debt to be treated as having done so for purposes relating to the distribution of a company's property (and for provisions of, or contained in legislation made under, this Act to apply accordingly).]



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#### Textual Amendments

**F234** Sch. 8 para. 13A inserted (26.5.2015) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), ss. 131, 164(3)(i)(iii)

- 14 Provision which, with or without modifications, applies in relation to the winding up of companies any enactment contained in Parts VIII to XI of this Act or in the Bankruptcy (Scotland) Act [<sup>F235</sup>2016].

#### Textual Amendments

**F235** Word in Sch. 8 para. 14 substituted (30.11.2016) by [The Bankruptcy \(Scotland\) Act 2016 \(Consequential Provisions and Modifications\) Order 2016 \(S.I. 2016/1034\)](#), art. 1, **Sch. 1 para. 4(11)**

- [<sup>F236</sup>14A Provision about the application of section 176A of this Act which may include, in particular—
- (a) provision enabling a receiver to institute winding up proceedings;
  - (b) provision requiring a receiver to institute winding up proceedings.]

#### Textual Amendments

**F236** Sch. 8 para. 14A inserted (15.9.2003) by [2002 c. 40](#), ss. 248(3), 279, [Sch. 17 para. 38\(4\)](#) (with s. 249(1)-(3)(6)); [S.I. 2003/2093](#), **art. 2(1)**, [Sch. 1](#) (subject to [arts. 3-8](#) (as amended by [S.I. 2003/2332](#), art. 2))

### Administration

- [<sup>F237</sup>14B Provision which—
- (a) applies in relation to administration, with or without modifications, a provision of Parts IV to VII of this Act, or
  - (b) serves a purpose in relation to administration similar to a purpose that may be served by the rules in relation to winding up by virtue of a provision of this Schedule.]

#### Textual Amendments

**F237** Sch. 8 para. 14B inserted (15.9.2003) by [2002 c. 40](#), ss. 248(3), 279, [Sch. 17 para. 38\(5\)](#) (with s. 249(1)-(3)(6)); [S.I. 2003/2093](#), **art. 2(1)**, [Sch. 1](#) (subject to [arts. 3-8](#) (as amended by [S.I. 2003/2332](#), art. 2))

### Financial provisions

- 15 Provision as to the amount, or manner of determining the amount, payable to the liquidator, administrator or administrative receiver of a company or a special manager appointed under section 177, by way of remuneration for the carrying out of functions in connection with or arising out of the insolvency or winding up of a company.
- 16 Provision with respect to the manner in which moneys received by the liquidator of a company in the course of carrying out his functions as such are to be invested or otherwise handled and with respect to the payment of interest on sums which,



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in pursuance of rules made by virtue of this paragraph, have been paid into the Insolvency Services Account.

[<sup>F238</sup>16A Provision enabling the Secretary of State to set the rate of interest paid on sums which have been paid into the Insolvency Services Account.]

#### Textual Amendments

**F238** S. 16A inserted (18.12.2003) by 2002 c. 40, ss. 271(1), 279 (with s. 249(6)); S.I. 2003/3340, art. 3

17 Provision as to the fees, costs, charges and other expenses that may be treated as the expenses of a winding up.

18 Provision as to the fees, costs, charges and other expenses that may be treated as properly incurred by the administrator or administrative receiver of a company.

19 Provision as to the fees, costs, charges and other expenses that may be incurred for any of the purposes of Part I of this Act or in the administration of any voluntary arrangement approved under that Part.

#### *Information and records*

20 Provision requiring registrars and other officers of courts having jurisdiction in England and Wales in relation to, or to matters connected with or arising out of, the insolvency or winding up of companies—

- (a) to keep books and other records with respect to the exercise of that jurisdiction, and
- (b) to make returns to the Secretary of State of the business of those courts.

21 Provision requiring a creditor, member or contributory, or such a committee as is mentioned in paragraph 10 above, to be supplied (on payment in prescribed cases of the prescribed fee) with such information and with copies of such documents as may be prescribed.

22 Provision as to the manner in which public examinations under section 133 and 134 of this Act and proceedings under sections 236 and 237 are to be conducted, as to the circumstances in which records of such examinations or proceedings are to be made available to prescribed persons and as to the costs of such examinations and proceedings.

23 Provision imposing requirements with respect to—

- (a) the preparation and keeping by the liquidator, administrator or administrative receiver of a company, or by the supervisor of a voluntary arrangement approved under Part I of this Act, of prescribed books, accounts and other records;
- (b) the production of those books, accounts and records for inspection by prescribed persons;
- (c) the auditing of accounts kept by the liquidator, administrator or administrative receiver of a company, or the supervisor of such a voluntary arrangement; and
- (d) the issue by the administrator or administrative receiver of a company of such a certificate as is mentioned in section 22(3)(b) of the <sup>M5</sup>Value Added Tax Act 1983 (refund of tax in cases of bad debts) and the supply of copies of the certificate to creditors of the company.

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**Marginal Citations**

**M5** 1983 c. 55.

- 24 Provision requiring the person who is the supervisor of a voluntary arrangement approved under Part I, when it appears to him that the voluntary arrangement has been fully implemented and that nothing remains to be done by him under the arrangement—
- (a) to give notice of that fact to persons bound by the voluntary arrangement, and
  - (b) to report to those persons on the carrying out of the functions conferred on the supervisor of the arrangement.
- 25 Provision as to the manner in which the liquidator of a company is to act in relation to the books, papers and other records of the company, including provision authorising their disposal.
- 26 Provision imposing requirements in connection with the carrying out of functions under section [F2397A] of the <sup>M6</sup>Company Directors Disqualification Act 1986 (including, in particular, requirements with respect to the making of periodic returns).

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**Textual Amendments**

**F239** Word in Sch. 8 para. 26 substituted (6.4.2016) by [The Enterprise and Regulatory Reform Act 2013 \(Consequential Amendments\) \(Bankruptcy\) and the Small Business, Enterprise and Employment Act 2015 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/481\)](#), regs. 1, 3

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**Marginal Citations**

**M6** 1986 c. 46.

*General*

- 27 Provision conferring power on the Secretary of State [F240or the Treasury] to make regulations with respect to so much of any matter that may be provided for in the rules as relates to the carrying out of the functions of the liquidator, administrator or administrative receiver of a company.

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**Textual Amendments**

**F240** Words in Sch. 8 para. 27 substituted (17.2.2009 for certain purposes, otherwise 21.2.2009) by [Banking Act 2009 \(c. 1\), ss. 125\(7\), 263\(1\)\(2\) \(with s. 247\); S.I. 2009/296, arts. 2, 3, Sch. para. 2](#)

- 28 Provision conferring a discretion on the court.
- 29 Provision conferring power on the court to make orders for the purpose of securing compliance with obligations imposed by or under [F241section 47, 66, 131, 143(2) or 235 of, or paragraph 47 of Schedule B1 to, this Act] or section 7(4) of the Company Directors Disqualification Act 1986.

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**Textual Amendments**

**F241** Words in Sch. 8 para. 29 substituted (15.9.2003) by 2002 c. 40, ss. 248(3), 279, Sch. 17 para. 38(6) (with s. 249(1)-(3)(6)); S.I. 2003/2093, art. 2(1), Sch. 1 (subject to arts. 3-8 (as amended by S.I. 2003/2332, art. 2))

- 30 Provision making non-compliance with any of the rules a criminal offence.
- 31 Provision making different provision for different cases or descriptions of cases, including different provisions for different areas.

SCHEDULE 9

Section 412.

PROVISIONS CAPABLE OF INCLUSION IN INDIVIDUAL INSOLVENCY RULES

*Courts*

- 1 Provision with respect to the arrangement and disposition of the business under [F242 Parts 7A to 11] of this Act of courts having jurisdiction for the purpose of those Parts, including provision for the allocation of proceedings under those Parts to particular courts and for the transfer of such proceedings from one court to another.

**Textual Amendments**

**F242** Words in Sch. 9 para. 1 substituted (24.2.2009 for certain purposes otherwise 6.4.2009) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. 108(3), 148(5), Sch. 20 para. 14(2); S.I. 2009/382, art. 2

- 2 Provision for enabling [F243 an insolvency and companies court judge]<sup>F244</sup>... to exercise such of the jurisdiction conferred for those purposes on the High Court<sup>F245</sup>... as may be prescribed.

**Textual Amendments**

**F243** Words in Sch. 9 para. 2 substituted (26.2.2018) by *The Alteration of Judicial Titles (Registrar in Bankruptcy of the High Court) Order 2018* (S.I. 2018/130), art. 1, Sch. para. 7(c)

**F244** Words in Sch. 9 para. 2 omitted (22.4.2014) by virtue of *Crime and Courts Act 2013* (c. 22), s. 61(3), Sch. 9 para. 93(1)(i); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

**F245** Words in Sch. 9 para. 2 omitted (22.4.2014) by virtue of *Crime and Courts Act 2013* (c. 22), s. 61(3), Sch. 9 para. 93(1)(ii); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

- 3 Provision for regulating the practice and procedure of any court exercising jurisdiction for the purposes of those Parts, being any provision that could be made by rules of court.
- 4 Provision conferring rights of audience, in courts exercising jurisdiction for the purposes of those Parts, on the official receiver and on solicitors.

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### *[<sup>F246</sup>Adjudicators*

#### **Textual Amendments**

**F246** Sch. 9 para. 4A 4B and crossheading inserted (25.4.2013 for specified purposes, 6.4.2016 in so far as not already in force) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(1)(i)(3), [Sch. 19 para. 65\(2\)](#); S.I. 2016/191, art. 2 (with art. 3)

- 4A Provision for regulating the practice and procedure of adjudicators in the discharge of functions for the purposes of Part 9 of this Act.
- 4B Provision about the form and content of a bankruptcy application (including an application for a review of an adjudicator's determination).]

### *[<sup>F247</sup>Appeals against determinations by adjudicators*

#### **Textual Amendments**

**F247** Sch. 9 para. 4C and crossheading inserted (25.4.2013 for specified purposes, 6.4.2016 in so far as not already in force) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(1)(i)(3), [Sch. 19 para. 65\(3\)](#); S.I. 2016/191, art. 2 (with art. 3)

- 4C Provision about the making and determining of appeals to the court against a determination by an adjudicator, including provision—
- (a) enabling the court to make a bankruptcy order on such an appeal, and
  - (b) about where such appeals lie.]

### *Notices, etc.*

- 5 Provision requiring notice of any proceedings under [<sup>F248</sup>Parts 7A to 11] of this Act or of any matter relating to or arising out of a proposal under Part VIII or a bankruptcy to be given or published in the prescribed manner.

#### **Textual Amendments**

**F248** Words in Sch. 9 para. 5 substituted (24.2.2009 for certain purposes otherwise 6.4.2009) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), ss. 108(3), 148(5), [Sch. 20 para. 14\(3\)](#); S.I. 2009/382, [art. 2](#)

- 6 Provision with respect to the form, manner of serving, contents and proof of any petition, application, order, notice, statement or other document required to be presented, made, given, published or prepared under any enactment contained in [<sup>F249</sup>Parts 7A to 11] or subordinate legislation under those Parts or Part XV (including provision requiring prescribed matters to be verified by affidavit).

#### **Textual Amendments**

**F249** Words in Sch. 9 para. 6 substituted (24.2.2009 for certain purposes otherwise 6.4.2009) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), ss. 108(3), 148(5), [Sch. 20 para. 14\(4\)](#); S.I. 2009/382, [art. 2](#)

- 7 Provision specifying the persons to whom any notice under Parts VIII to XI is to be given.

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- [<sup>F250</sup>7A Provision for enabling a creditor of an individual to elect to be, or to cease to be, an opted-out creditor in relation to an office-holder for the individual (within the meaning of section 383A), including, in particular, provision—
- (a) for requiring an office-holder to provide information to creditors about how they may elect to be, or cease to be, opted-out creditors;
  - (b) for deeming an election to be, or cease to be, an opted-out creditor in relation to a particular office-holder for an individual to be such an election also in relation to any other office-holder for the individual.]

**Textual Amendments**

**F250** Sch. 9 para. 7A inserted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), **ss. 125(5)**, 164(1); S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(d)

*[<sup>F251</sup>Debt relief orders*

**Textual Amendments**

**F251** Sch. 9 paras. 7A-7E and cross-headings inserted (24.2.2009 for certain purposes otherwise 6.4.2009) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), **ss. 108(3)**, 148(5), **Sch. 20 para. 14(5)**; S.I. 2009/382, **art. 2**

- <sup>F250</sup>7A Provision as to the manner in which the official receiver is to carry out his functions under Part 7A.

**Textual Amendments**

**F250** Sch. 9 para. 7A inserted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), **ss. 125(5)**, 164(1); S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(d)

- 7B Provision as to the manner in which any requirement that may be imposed by the official receiver on a person under Part 7A is to take effect.
- 7C Provision modifying the application of Part 7A in relation to an individual who has died at a time when a moratorium period under a debt relief order applies in relation to him.

*Debt relief restrictions orders and undertakings*

- 7D Provision about debt relief restrictions orders, interim orders and undertakings, including provision about evidence.

*Register of debt relief orders and debt relief restrictions orders etc*

- 7E Provision about the register required to be maintained by section 251W and the information to be contained in it, including provision—
- (a) enabling the amalgamation of the register with another register;
  - (b) enabling inspection of the register by the public.]

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*Registration of voluntary arrangements*

- 8 Provision for the registration of voluntary arrangements approved under Part VIII of this Act, including provision for the keeping and inspection of a register.

*Official receiver acting on voluntary arrangement*

- [<sup>F252</sup>8A Provision about the official receiver acting as nominee or supervisor in relation to a voluntary arrangement under Part VIII of this Act, including—
- (a) provision requiring the official receiver to act in specified circumstances;
  - (b) provision about remuneration;
  - (c) provision prescribing terms or conditions to be treated as forming part of a voluntary arrangement in relation to which the official receiver acts as nominee or supervisor;
  - (d) provision enabling those terms or conditions to be varied or excluded, in specified circumstances or subject to specified conditions, by express provision in an arrangement.]

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**Textual Amendments**

**F252** Sch. 9 para. 8A inserted (1.4.2004) by 2002 c. 40, ss. 269, 279, Sch. 23 para. 16(2) (with s. 249(6)); S.I. 2003/2093, art. 2(2), Sch. 2 (subject to arts. 3-8 (as amended by S.I. 2003/2332, art. 2))

*Interim receiver*

- 9 Provision as to the manner in which an interim receiver appointed under section 286 is to carry out his functions, including any such provision as is specified in relation to the trustee of a bankrupt's estate in paragraph 21 or 27 below.

*Receiver or manager*

- <sup>F253</sup>10 .....

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**Textual Amendments**

**F253** Sch. 9 para. 10 omitted (6.4.2017) by virtue of Small Business, Enterprise and Employment Act 2015 (c. 26), s. 164(1), Sch. 10 para. 10; S.I. 2016/1020, reg. 4(f)

*Administration of individual insolvency*

- 11 Provision with respect to the certification of the appointment of any person as trustee of a bankrupt's estate and as to the proof of that appointment.

- [<sup>F254</sup>11(1) Provision about the making of decisions by creditors, including provision—
- (a) prescribing particular procedures by which creditors may make decisions;
  - (b) authorising the use of other procedures for creditors to make decisions, if those procedures comply with prescribed requirements.
- (2) Provision under sub-paragraph (1) may in particular include provision about—
- (a) how creditors may request that a creditors' meeting be held,

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- (b) the rights of creditors and others to be given notice of, and participate in, procedures,
- (c) creditors' rights to vote in procedures,
- (d) the period within which any right to participate or vote is to be exercised,
- (e) the proportion of creditors that must vote for a proposal for it to be approved,
- (f) how the value of any debt should be determined,
- (g) the time at which decisions taken by a procedure are to be treated as having been made.]

#### Textual Amendments

**F254** Sch. 9 para. 11A inserted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), [ss. 123\(3\)](#), [164\(1\)](#); [S.I. 2015/1329, reg. 3\(d\)](#); [S.I. 2016/1020, reg. 4\(b\)](#) (with [reg. 5](#)) (as amended by [S.I. 2017/363, reg. 3](#))

- 12 The following provision with respect to meetings of creditors—
- (a) provision as to the manner of summoning a meeting (including provision as to how any power to require a meeting is to be exercised, provision as to the manner of determining the value of any debt for the purposes of any such power and provision making the exercise of any such power subject to the deposit of a sum sufficient to cover the expenses likely to be incurred in summoning and holding a meeting);
  - (b) provision specifying the time and place at which a meeting may be held and the period of notice required for a meeting;
  - (c) provision as to the procedure to be followed at such a meeting (including the manner in which decisions may be reached by a meeting and the manner in which the value of any vote at a meeting is to be determined);
  - (d) provision for requiring a bankrupt or debtor to attend a meeting;
  - (e) provision creating, in the prescribed circumstances, a presumption that a meeting has been duly summoned and held; and
  - (f) provision as to the manner of proving the decisions of a meeting.

[<sup>F255</sup>12A Provision about how a bankrupt's creditors may appoint a person as trustee.]

#### Textual Amendments

**F255** Sch. 9 para. 12A inserted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), [s. 164\(1\)](#), [Sch. 9 para. 86](#); [S.I. 2015/1329, reg. 3\(d\)](#); [S.I. 2016/1020, reg. 4\(e\)](#) (with [reg. 5](#)) (as amended by [S.I. 2017/363, reg. 3](#))

- 13 Provision as to the [<sup>F256</sup>establishment,] functions, membership and proceedings of a creditors' committee [<sup>F257</sup>provided for by] section 301.

#### Textual Amendments

**F256** Word in Sch. 9 para. 13 inserted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), [s. 164\(1\)](#), [Sch. 9 para. 87\(a\)](#); [S.I. 2015/1329, reg. 3\(d\)](#); [S.I. 2016/1020, reg. 4\(e\)](#) (with [reg. 5](#)) (as amended by [S.I. 2017/363, reg. 3](#))



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**F257** Words in Sch. 9 para. 13 substituted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\), s. 164\(1\), Sch. 9 para. 87\(b\)](#); S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3)

- 14 Provision as to the manner in which any requirement that may be imposed on a person under Parts VIII to XI of this Act by the official receiver, the trustee of a bankrupt's estate or a special manager appointed under section 370 is to be so imposed and, in the case of any requirement imposed under section 305(3) (information etc. to be given by the trustee to the official receiver), provision conferring power on the court to make orders for the purpose of securing compliance with that requirement.
- 15 Provision as to the manner in which any requirement imposed by virtue of section 310(3) (compliance with income payments order) is to take effect.
- 16 Provision as to the terms and conditions that may be included in a charge under section 313 (dwelling house forming part of bankrupt's estate).
- 17 Provision as to the debts that may be proved in any bankruptcy, as to the manner and conditions of proving a debt and as to the manner and expenses of establishing the value of any debt or security.
- 18 Provision with respect to the manner of the distribution of a bankrupt's estate, including provision with respect to unclaimed funds and dividends.
- [<sup>F258</sup>18A Provision for a creditor who has not proved a small debt to be treated as having done so for purposes relating to the distribution of a bankrupt's estate (and for provisions of, or contained in legislation made under, this Act to apply accordingly).]

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#### Textual Amendments

**F258** Sch. 9 para. 18A inserted (26.5.2015) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\), ss. 132, 164\(3\)\(i\)\(iii\)](#)

- 19 Provision modifying the application of Parts VIII to XI of this Act in relation to a debtor or bankrupt who has died.

#### *Financial provisions*

- 20 Provision as to the amount, or manner of determining the amount, payable to an interim receiver, the trustee of a bankrupt's estate or a special manager appointed under section 370 by way of remuneration for the performance of functions in connection with or arising out of the bankruptcy of any person.
- 21 Provision with respect to the manner in which moneys received by the trustee of a bankrupt's estate in the course of carrying out his functions as such are to be [<sup>F259</sup>invested or otherwise handled and with respect to the payment of interest on sums which, in pursuance of rules made by virtue of this paragraph, have been paid into the Insolvency Services Account].

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**Textual Amendments**

**F259** Words in Sch. 9 para. 21 substituted (2.4.2001) by 2000 c. 39, s. 13(1); S.I. 2001/766, art. 2(b) (subject to transitional provisions in art. 3)

[<sup>F260</sup>21A Provision enabling the Secretary of State to set the rate of interest paid on sums which have been paid into the Insolvency Services Account.]

**Textual Amendments**

**F260** Sch. 9 para. 21A inserted (18.12.2003) by 2002 c. 40, ss. 271(2), 279 (with s. 249(6)); S.I. 2003/3340, art. 3

- 22 Provision as to the fees, costs, charges and other expenses that may be treated as the expenses of a bankruptcy.
- 23 Provision as to the fees, costs, charges and other expenses that may be incurred for any of the purposes of Part VIII of this Act or in the administration of any voluntary arrangement approved under that Part.

*Information and records*

- 24 Provision requiring registrars and other officers of courts having jurisdiction for the purposes of Parts VIII to XI—
- (a) to keep books and other records with respect to the exercise of that jurisdiction <sup>F261</sup> ..., and
  - (b) to make returns to the Secretary of State of the business of those courts.

**Textual Amendments**

**F261** Words in Sch. 9 para. 24(a) omitted (1.10.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), Sch. 6 para. 2(11)(g) (with Sch. 6 para. 3); S.I. 2015/1732, art. 2(e)(i)

- [<sup>F262</sup>24A Provision requiring adjudicators—
- (a) to keep files and other records relating to bankruptcy applications and bankruptcies resulting from bankruptcy applications,
  - (b) to make files and records available for inspection by persons of a prescribed description, and
  - (c) to provide files and records, or copies of them, to persons of a prescribed description.

**Textual Amendments**

**F262** Sch. 9 paras. 24A-24D inserted (E.W) (25.4.2013 for specified purposes, 6.4.2016 in so far as not already in force) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(1)(i)(3), Sch. 19 para. 65(4); S.I. 2016/191, art. 2 (with art. 3)

- 24B Provision requiring an adjudicator to make returns to the Secretary of State of the adjudicator's business under Part 9 of this Act.

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**Textual Amendments**

**F262** Sch. 9 paras. 24A-24D inserted (E.W) (25.4.2013 for specified purposes, 6.4.2016 in so far as not already in force) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\), s. 103\(1\)\(i\)\(3\)](#), [Sch. 19 para. 65\(4\)](#); [S.I. 2016/191, art. 2 \(with art. 3\)](#)

- 24C Provision requiring official receivers—
- (a) to keep files and other records relating to bankruptcy applications and bankruptcies resulting from bankruptcy applications, and
  - (b) to make files and records available for inspection by persons of a prescribed description.

**Textual Amendments**

**F262** Sch. 9 paras. 24A-24D inserted (E.W) (25.4.2013 for specified purposes, 6.4.2016 in so far as not already in force) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\), s. 103\(1\)\(i\)\(3\)](#), [Sch. 19 para. 65\(4\)](#); [S.I. 2016/191, art. 2 \(with art. 3\)](#)

- 24D Provision requiring a person to whom notice is given under section 293(2), 295(3), 298(7) or (8) or section 299(1)(a) or (3)(a)—
- (a) to keep files and other records of notices given under the section in question, and
  - (b) to make files and records available for inspection by persons of a prescribed description.]

**Textual Amendments**

**F262** Sch. 9 paras. 24A-24D inserted (E.W) (25.4.2013 for specified purposes, 6.4.2016 in so far as not already in force) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\), s. 103\(1\)\(i\)\(3\)](#), [Sch. 19 para. 65\(4\)](#); [S.I. 2016/191, art. 2 \(with art. 3\)](#)

- 25 Provision requiring a creditor or a committee established under section 301 to be supplied (on payment in prescribed cases of the prescribed fee) with such information and with copies of such documents as may be prescribed.
- 26 Provision as to the manner in which public examinations under section 290 and proceedings under sections 366 to 368 are to be conducted, as to the circumstances in which records of such examinations and proceedings are to be made available to prescribed persons and as to the costs of such examinations and proceedings.
- 27 Provision imposing requirements with respect to—
- (a) the preparation and keeping by the trustee of a bankrupt's estate, or the supervisor of a voluntary arrangement approved under Part VIII, of prescribed books, accounts and other records;
  - (b) the production of those books, accounts and records for inspection by prescribed persons; and
  - (c) the auditing of accounts kept by the trustee of a bankrupt's estate or the supervisor of such a voluntary arrangement.
- 28 Provision requiring the person who is the supervisor of a voluntary arrangement approved under Part VIII, when it appears to him that the voluntary arrangement has been fully implemented and that nothing remains to be done by him under it—

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- (a) to give notice of that fact to persons bound by the voluntary arrangement, and
  - (b) to report to those persons on the carrying out of the functions conferred on the supervisor of it.
- 29 Provision as to the manner in which the trustee of a bankrupt’s estate is to act in relation to the books, papers and other records of the bankrupt, including provision authorising their disposal.

*Bankruptcy restrictions orders and undertakings*

- [<sup>F263</sup>29A Provision about bankruptcy restrictions orders, interim orders and undertakings, including—
- (a) provision about evidence;
  - (b) provision enabling the amalgamation of the register mentioned in paragraph 12 of Schedule 4A with another register;
  - (c) provision enabling inspection of that register by the public.]

**Textual Amendments**

**F263** Sch. 9 para. 29A inserted (1.4.2004) by 2002 c. 40, ss. 269, 279, Sch. 23 para. 16(3) (with s. 249(6)); S.I. 2003/2093, art. 2(2), Sch. 2 (subject to arts. 3-8 (as amended by S.I. 2003/2332, art. 2))

*General*

- 30 Provision conferring power on the Secretary of State to make regulations with respect to so much of any matter that may be provided for in the rules as relates to the carrying out of the functions of an interim receiver appointed under section 286<sup>F264</sup> ... or of a trustee of a bankrupt’s estate.

**Textual Amendments**

**F264** Words in Sch. 9 para. 30 omitted (6.4.2017) by virtue of Small Business, Enterprise and Employment Act 2015 (c. 26), s. 164(1), Sch. 10 para. 11; S.I. 2016/1020, reg. 4(f)

- 31 Provision conferring a discretion on the court.
- 32 Provision making non-compliance with any of the rule a criminal offence.
- 33 Provision making different provision for different cases including different provision for different areas.

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SCHEDULE 10

Section 430.

PUNISHMENT OF OFFENCES UNDER THIS ACT

**Modifications etc. (not altering text)**

- C231** 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**
- C232** 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**
- C233** 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
- C234** 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)**)
- C235** 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
- C236** Sch. 10 applied (with modifications) (6.6.2013) by [The Collective Investment in Transferable Securities \(Contractual Scheme\) Regulations 2013 \(S.I. 2013/1388\)](#), Pt. 3reg. 1, Sch. 2 paras. 3, **5** Table (with reg. 24)
- C237** Sch. 10 applied (with modifications) (E.W.S.) (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\)](#), regs. 2, **37** (with reg. 5) (as amended (4.1.2024) by S.I. 2023/1399, regs. 1(2), 4, 11)
- C238** Sch. 10 applied in part (with modifications) (E.W.S.) (4.1.2024) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\)](#), **Sch. 1 para. 3** (with reg. 5) (as amended by S.I. 2023/1399, regs. 1(2), 4, 20)
- C239** Sch. 10 applied (with modifications) (E.W.) (15.3.2024) by [The Water Industry \(Special Administration\) Regulations 2024 \(S.I. 2024/205\)](#), regs. 2(2), **5(1)**, 53 (with reg. 64)

<sup>F265</sup>Note: .....

Section of Act creating offence	General nature of offence	Mode of prosecution	Punishment Daily default fine (where applicable)
<sup>F266</sup> A8(4)	Directors failing to notify monitor of beginning	1.On indictment 2.Summary.	2 years or a fine or both <sup>F267</sup> On conviction in England and Wales: the general limit in a magistrates' court] or a fine or both.

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- |                           |   |                               |   |
|---------------------------|---|-------------------------------|---|
|                           | of moratorium.  |                               | On conviction in Scotland: 12 months or the statutory maximum or both.]   |
| [ <sup>F266</sup> A8(5)]  | Monitor failing to notify creditors etc of beginning of moratorium.                 | Summary.                      | Level 3 on the standard scale.]   |
| [ <sup>F266</sup> A17(6)] | Directors failing to notify monitor of change in end of moratorium.                 | 1.On indictment<br>2.Summary. | 2 years or a fine or both<br>[ <sup>F268</sup> On conviction in England and Wales: the general limit in a magistrates' court] or a fine or both.<br>On conviction in Scotland: 12 months or the statutory maximum or both.] |
| [ <sup>F266</sup> A17(7)] | Monitor failing to notify creditors etc of change in end of moratorium.             | Summary.                      | Level 3 on the standard scale.]   |
| [ <sup>F266</sup> A19(5)] | Company or officer failing to state in correspondence etc that moratorium in force. | Summary.                      | Level 3 on the standard scale.]   |
| [ <sup>F266</sup> A24(4)] | Directors failing to notify monitor of insolvency proceedings etc.                  | 1.On indictment<br>2.Summary. | 2 years or a fine or both<br>[ <sup>F269</sup> On conviction in England and Wales: the general limit in a magistrates' court] or a fine or both.<br>On conviction in Scotland: 12 months or the statutory maximum or both.] |

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[<sup>F266</sup>A25(3) Company 1.On A fine  
(a) obtaining indictment On conviction in  
credit 2.Summary.England and Wales:  
without a fine. On conviction  
disclosing in Scotland: the  
existence statutory maximum.]  
of  
moratorium.

[<sup>F266</sup>A25(3) Obtaining 1.On 2 years or a fine or  
(b) credit for indictment both  
company 2.Summary.[<sup>F270</sup>On conviction in  
without England and Wales:  
disclosing the general limit in  
existence a magistrates' court]  
of or a fine or both.  
moratorium. On conviction in  
Scotland: 12 months  
or the statutory  
maximum or both.]

[<sup>F266</sup>A26(4) Company 1.On A fine  
(a) granting indictment On conviction in  
security 2.Summary.England and Wales:  
without a fine. On conviction  
monitor's in Scotland: the  
consent. statutory maximum.]

[<sup>F266</sup>A26(4) Authorising1.On 2 years or a fine or  
(b) or indictment both  
permitting 2.Summary.[<sup>F271</sup>On conviction in  
company England and Wales:  
to do so. the general limit in  
a magistrates' court]  
or a fine or both.  
On conviction in  
Scotland: 12 months  
or the statutory  
maximum or both.]

[<sup>F266</sup>A27(1) Company 1.On A fine  
(a) entering indictment On conviction in  
into 2.Summary.England and Wales:  
market a fine. On conviction  
contract, in Scotland: the  
etc. statutory maximum.]

[<sup>F266</sup>A27(1) Authorising1.On 2 years or a fine or  
(b) or indictment both  
permitting 2.Summary.[<sup>F272</sup>On conviction in  
company England and Wales:  
to do so. the general limit in  
a magistrates' court]  
or a fine or both.  
On conviction in



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- |                           |   |   |
|---------------------------|---|---|
|                           |   | Scotland: 12 months<br>or the statutory<br>maximum or both.]  |
| [ <sup>F266</sup> A28(5)] | Company 1. On<br>(a) making indictment<br>unauthorised.<br>payments.                          | A fine<br>On conviction in<br>England and Wales:<br>a fine. On conviction<br>in Scotland: the<br>statutory maximum.]  |
| [ <sup>F266</sup> A28(5)] | Authorising 1. On<br>(b) or indictment<br>permitting 2. Summary<br>company<br>to do so.       | 2 years or a fine or<br>both<br>[ <sup>F273</sup> On conviction in<br>England and Wales:<br>the general limit in<br>a magistrates' court]<br>or a fine or both.<br>On conviction in<br>Scotland: 12 months<br>or the statutory<br>maximum or both.] |
| [ <sup>F266</sup> A29(6)] | Company 1. On<br>(a) making indictment<br>unauthorised.<br>disposal<br>of<br>property.        | A fine<br>On conviction in<br>England and Wales:<br>a fine. On conviction<br>in Scotland: the<br>statutory maximum.]  |
| [ <sup>F266</sup> A29(6)] | Authorising 1. On<br>(b) or indictment<br>permitting 2. Summary<br>such a<br>disposal.        | 2 years or a fine or<br>both<br>[ <sup>F274</sup> On conviction in<br>England and Wales:<br>the general limit in<br>a magistrates' court]<br>or a fine or both.<br>On conviction in<br>Scotland: 12 months<br>or the statutory<br>maximum or both.] |
| [ <sup>F266</sup> A30(2)] | Unauthorised 1. On<br>(a) disposal indictment<br>of hire- 2. Summary<br>purchase<br>property. | A fine<br>On conviction in<br>England and Wales:<br>a fine. On conviction<br>in Scotland: the<br>statutory maximum.]  |
| [ <sup>F266</sup> A30(2)] | Authorising 1. On<br>(b) or indictment<br>permitting 2. Summary<br>such a<br>disposal.        | 2 years or a fine or<br>both<br>[ <sup>F275</sup> On conviction in<br>England and Wales:<br>the general limit in<br>a magistrates' court]   |

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- or a fine or both.  
On conviction in  
Scotland: 12 months  
or the statutory  
maximum or both.]
- [<sup>F266</sup>A31(8) Directors failing to send to registrar copy of court order permitting disposal of charged property. Summary. Level 3 on the standard scale.]
- [<sup>F266</sup>A31(10)(a) Company failing to comply with requirements relating to disposal of charged property. 1. On indictment A fine On conviction in England and Wales: a fine. On conviction in Scotland: the statutory maximum.] 2. Summary.]
- [<sup>F266</sup>A31(10)(b) Authorising or permitting such a failure. 1. On indictment 2 years or a fine or both 2. Summary. [<sup>F276</sup>On conviction in England and Wales: the general limit in a magistrates' court] or a fine or both. On conviction in Scotland: 12 months or the statutory maximum or both.]
- [<sup>F266</sup>A32(4)(a) Company failing to comply with requirements relating to disposal of hire-purchase property. 1. On indictment A fine On conviction in England and Wales: a fine. On conviction in Scotland: the statutory maximum.] 2. Summary.]
- [<sup>F266</sup>A32(4)(b) Authorising or 1. On indictment 2 years or a fine or both

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|---|---------------------------------------|--|
| <p>permitting such a failure.</p>   | <p>2.Summary.</p>                     | <p>[<sup>F277</sup>On conviction in England and Wales: the general limit in a magistrates' court] or a fine or both. On conviction in Scotland: 12 months or the statutory maximum or both.]</p>                           |
| <p>[<sup>F266</sup>A32(6) Directors failing to send to registrar copy of court order permitting disposal of hire-purchase property.</p> | <p>Summary.</p>                       | <p>Level 3 on the standard scale.]</p>   |
| <p>[<sup>F266</sup>A39(9) Monitor failing to notify creditors etc of change in monitor.</p>   | <p>Summary.</p>                       | <p>Level 3 on the standard scale.]</p>   |
| <p>[<sup>F266</sup>A46(1) Fraud or privity to fraud during or in anticipation of moratorium.</p>  | <p>1.On indictment<br/>2.Summary.</p> | <p>2 years or a fine or both [<sup>F278</sup>On conviction in England and Wales: the general limit in a magistrates' court] or a fine or both. On conviction in Scotland: 12 months or the statutory maximum or both.]</p> |
| <p>[<sup>F266</sup>A46(4) Knowingly taking in pawn or pledge, or otherwise receiving, company property.</p>                             | <p>1.On indictment<br/>2.Summary.</p> | <p>2 years or a fine or both [<sup>F279</sup>On conviction in England and Wales: the general limit in a magistrates' court] or a fine or both. On conviction in Scotland: 12 months or the statutory maximum or both.]</p> |

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[<sup>F266</sup>A47(1) False representation or fraud for purpose of obtaining or extending moratorium. 1. On indictment both 2. Summary. [<sup>F280</sup>On conviction in England and Wales: the general limit in a magistrates' court] or a fine or both. On conviction in Scotland: 12 months or the statutory maximum or both.]

[<sup>F266</sup>A49(5) Directors failing to notify regulator of qualifying decision in relation to regulated company 1. On indictment both 2. Summary. [<sup>F281</sup>On conviction in England and Wales: the general limit in a magistrates' court] or a fine or both. On conviction in Scotland: 12 months or the statutory maximum or both.]

[<sup>F282</sup>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.]

F283	F283	F283	F283	
...	...	...	...	
F283	F283	F283	F283	F283
...	...	...	...	...
F283	F283	F283	F283	F283
...	...	...	...	...
F283	F283	F283	F283	F283
...	...	...	...	...

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F283	F283	F283	F283	F283
...	...	...	...	...
F283	F283	F283	F283	F283
...	...	...	...	...
F283	F283	F283	F283	F283
...	...	...	...	...
30	Body corporate acting as receiver.	1.On indictment	A fine. The statutory maximum.	
31	F284 ... bankrupt [F285 or person in respect of whom a debt relief order is made] acting as receiver or manager.	1.On indictment	2 years or a fine, or both. 2.Summary6 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)	Administrat receiver failing to file [F286 copy] of order permitting disposal of	Summary.	One-fifth of the statutory maximum.	One-fiftieth of the statutory maximum.

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	charged property.			
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 receiver appointed.	1. On indictment 2. Summary.	A fine. The statutory maximum.	One-tenth of the statutory maximum.
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).	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	Summary.	One-fifth of the	One-fiftieth

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	registrar copy of instrument of appointment of receiver.		statutory maximum.	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 publish	Summary.	One-fifth of the statutory maximum.	One- fiftieth of the



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	notice of his appointment.		statutory maximum.
66(6)	Failing to comply with provisions concerning statement of affairs, where receiver appointed.	1. On indictment 2. Summary	A fine, or the statutory maximum. 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	Summary.	One-fifth of the statutory maximum. One-fiftieth of the statutory maximum.

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- prescribed time.
- [<sup>F287</sup>92A(2)] Liquidator Summary Level 3  
 failing on the  
 to send standard  
 progress scale]  
 report to  
 members  
<sup>F288</sup>
- ...
- [<sup>F289</sup>93(3)] [<sup>F289</sup>Liquidator Summary.] [<sup>F289</sup>One-fifth of the  
 failing to statutory maximum.]  
 summon  
 general  
 meeting  
 of  
 company  
 at each  
 year's  
 end.]
- [<sup>F290</sup>94(4)] Liquidator Summary. Level 3  
 failing to on the  
 send to standard  
 company scale]  
 members  
 a copy of  
 account  
 of  
 winding  
 up
- [<sup>F290</sup>94(5)] Liquidator Summary. Level 3 One tenth  
 failing to on the of level  
 send to standard 3 on the  
 registrar scale standard  
 a copy of scale]  
 account  
 of  
 winding  
 up
- 95(8) Liquidator Summary. The statutory  
 failing to maximum.  
 comply  
 with  
 [<sup>F291</sup>s.  
 95(1) to  
 (4A)],  
 where  
 company  
 insolvent.

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F292	F292	F292	F292
...	...	...	...
99(3)	Directors failing to <sup>F293</sup> send statement in prescribed form to creditors].	1.On indictment 2.Summary	A fine. The statutory maximum.
<sup>F294</sup> 104A(2)	Liquidator failing to send progress report to members and creditors <sup>F295</sup>	Summary	Level 3 on the standard scale]
...	...		
<sup>F296</sup> 105(3)]	<sup>F296</sup> Liquidator failing to summon company general meeting and creditors' meeting at each year's end.]	<sup>F296</sup> Summary	<sup>F296</sup> One-fifth of the statutory maximum.]
<sup>F297</sup> 106(5)	Liquidator failing to send to company members and creditors a copy of account of winding up	Summary	Level 3 on the standard scale]
<sup>F297</sup> 106(6)	Liquidator failing to send to registrar a copy of	Summary	Level 3 on the standard scale One tenth of level 3 on the standard scale.]

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	account of winding up			
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 to statement of affairs, where liquidator appointed.	1.On indictment 2.Summary	A fine. The statutory maximum.	One-tenth of the statutory maximum.
164	Giving, offering etc. 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	Summary.	One-fifth of the statutory maximum.	

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	notification that company being wound up.			
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 [F <sup>286</sup> 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<br>2. Summary. | 7 years or a fine, or both.<br>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<br>2. Summary. | 7 years or a fine, or both.<br>6 months or the statutory maximum, or both. |  |
| 206(5) | Knowingly taking in pawn or pledge, or otherwise receiving, company property.                                 | 1. On indictment<br>2. Summary. | 7 years or a fine, or both.<br>6 months or the statutory maximum, or both. |  |
| 207    | Officer of company entering into transaction in fraud of company's creditors.                                 | 1. On indictment<br>2. Summary. | 2 years or a fine, or both.<br>6 months or the statutory maximum, or both. |  |
| 208    | Officer of company misconducting.   | 1. On indictment<br>2. Summary. | 7 years or a fine, or both.  |  |

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	himself in course of winding up.		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 company's affairs.	1. On indictment 2. Summary	7 years or a fine, or both. 6 months or the statutory maximum, or both.
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	1. On indictment 2. Summary	A fine. One-tenth of the statutory maximum. statutory maximum.



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- office-  
holder.
- [<sup>F298</sup>251O(1)] False 1. On 7 years or  
representations indictment a fine, or  
or 2. both.  
omissions Summary 12  
in making months  
an or the  
application statutory  
for a debt maximum,  
relief or both.  
order.
- 251O(2) (a) Failing to 1. On 2 years or  
comply indictment a fine, or  
with 2. both.  
duty in Summary 12  
connection months  
with an or the  
application statutory  
for a debt maximum,  
relief or both.  
order.
- 251O(2) (b) False 1. On 7 years or  
representations indictment a fine, or  
or 2. both.  
omissions Summary 12  
in months  
connection or the  
with duty statutory  
in relation maximum,  
to an or both.  
application  
for a debt  
relief  
order.
- 251O(4) (a) Failing to 1. On 2 years or  
comply indictment a fine, or  
with 2. both.  
duty in Summary 12  
connection months  
with a or the  
debt relief statutory  
order. maximum,  
or both.
- 251O(4) (b) False 1. On 7 years or  
representations indictment a fine, or  
or 2. both.  
omissions Summary 12  
in months  
connection or the

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	with a duty in relation to a debt relief order.		statutory maximum, or both.
251P(1)	Failing to deliver books, records and papers to official receiver, concealing or destroying them or making false entries in them by person in respect of whom a debt relief order is made.	1. On indictment 2. Summary	7 years or a fine, or both. 12 months or the statutory maximum, or both.
251P(2)	Person in respect of whom debt relief order is made doing anything falling within paragraphs (c) to (e) of section 251P(1) during the period of 12 months ending with the application date or doing anything	1. On indictment 2. Summary	7 years or a fine, or both. 12 months or the statutory maximum, or both.

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- falling  
 within  
 paragraphs  
 (b) to  
 (e) of  
 section 251P(1)  
 after that  
 date but  
 before the  
 effective  
 date.
- 251Q(1) Fraudulent disposal of property by person in respect of whom a debt relief order is made. 1. On indictment 2 years or a fine, or both. 2. Summary 12 months or the statutory maximum, or both.
- 251R(1) Disposal of property that is not paid for by person in respect of whom a debt relief order is made. 1. On indictment 7 years or a fine, or both. 2. Summary 12 months or the statutory maximum, or both.
- 251R(2) Obtaining property in respect of which money is owed by a person in respect of whom a debt relief order is made. 1. On indictment 7 years or a fine, or both. 2. Summary 12 months or the statutory maximum, or both.
- 251S(1) Person in respect of whom a debt relief order is made. 1. On indictment 2 years or a fine, or both. 2. Summary 12 months

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- |                   |                 |             |                       |
|-------------------|-----------------|-------------|-----------------------|
|                   | made            |             | or the                |
|                   | obtaining       |             | statutory             |
|                   | credit or       |             | maximum,              |
|                   | engaging        |             | or both.]             |
|                   | in              |             |                       |
|                   | business        |             |                       |
|                   | without         |             |                       |
|                   | disclosing      |             |                       |
|                   | his status      |             |                       |
|                   | or name.        |             |                       |
| [ <sup>F299</sup> | False           | 1.On        | 7 years or a fine, or |
| 262A(1).          | representation  | indictment  | both.                 |
|                   | or fraud        | 2.Summary   | 6 months or the       |
|                   | for             |             | statutory maximum,    |
|                   | purpose         |             | or both.]             |
|                   | of              |             |                       |
|                   | obtaining       |             |                       |
|                   | creditors’      |             |                       |
|                   | approval        |             |                       |
|                   | of              |             |                       |
|                   | proposed        |             |                       |
|                   | voluntary       |             |                       |
|                   | arrangement.    |             |                       |
| [ <sup>F300</sup> | False           | (1) On      | (1) 7 years or a      |
| 2630              | representations | indictment  | fine, or both.        |
|                   | or              | (2) Summary | (2) 12 months or      |
|                   | omissions       |             | the statutory         |
|                   | in              |             | maximum, or           |
|                   | connection      |             | both.]                |
|                   | with a          |             |                       |
|                   | bankruptcy      |             |                       |
|                   | application.    |             |                       |
| 353(1)            | Bankrupt        | 1.On        | 7 years or a fine, or |
|                   | failing to      | indictment  | both.                 |
|                   | disclose        | 2.Summary   | 6 months or the       |
|                   | property        |             | statutory maximum,    |
|                   | or              |             | or both.              |
|                   | disposals       |             |                       |
|                   | to official     |             |                       |
|                   | receiver        |             |                       |
|                   | or trustee.     |             |                       |
| 354(1)            | Bankrupt        | 1.On        | 7 years or a fine, or |
|                   | failing to      | indictment  | both.                 |
|                   | deliver         | 2.Summary   | 6 months or the       |
|                   | property        |             | statutory maximum,    |
|                   | to, or          |             | or both.              |
|                   | concealing      |             |                       |
|                   | property        |             |                       |
|                   | from,           |             |                       |
|                   | official        |             |                       |

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- |        |   |                  |   |
|--------|---|------------------|---|
|        | receiver<br>or trustee.   |                  |   |
| 354(2) | Bankrupt removing property which he is required to deliver to official receiver or trustee.     | 1. On indictment | 7 years or a fine, or both.                 |
|        |   | 2. Summary       | 6 months or the statutory maximum, or both. |
| 354(3) | Bankrupt failing to account for loss of substantial part of property.                           | 1. On indictment | 2 years or a fine, or both.                 |
|        |   | 2. Summary       | 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 | 7 years or a fine, or both.                 |
|        |   | 2. Summary       | 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 | 7 years or a fine, or both.                 |
|        |   | 2. Summary       | 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 | 7 years or a fine, or both.                 |
|        |   | 2. Summary       | 6 months or the statutory maximum, or both. |

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- 356(1) Bankrupt making material omission in statement relating to his affairs. 1. On indictment 7 years or a fine, or both. 2. Summary 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 7 years or a fine, or both. 2. Summary 6 months or the statutory maximum, or both.
- 357 Bankrupt fraudulently disposing of property. 1. On indictment 2 years or a fine, or both. 2. Summary 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 years or a fine, or both. 2. Summary 6 months or the statutory maximum, or both.
- 359(1) Bankrupt disposing of property obtained on credit and not paid for. 1. On indictment 7 years or a fine, or both. 2. Summary 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 7 years or a fine, or both. 2. Summary 6 months or the statutory maximum, or both.

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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 years or a fine, or both. 2. Summary 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 years or a fine, or both. 2. Summary 6 months or the statutory maximum, or both.

F301 F301 F301 F301

... ...

F301 F301 F301 F301

... ...

389 Acting as insolvency practitioner when not qualified. 1. On indictment 2 years or a fine, or both. 2. Summary 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. On indictment 2 years or a fine, or both. 2. Summary 6 months or the statutory maximum, or both.

F302 F302 F302 F302





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...	...	...	...
[ <sup>F303</sup> Sch. B1, para. 18(7).	Making false statement in statutory declaration where administrator appointed by holder of floating charge.	1. On indictment. Summary.	2 years, or a fine or both. 6 months, or the statutory maximum or both.]
[ <sup>F303</sup> Sch. B1, para. 20.	Holder of floating charge failing to notify administrator or others of commencement of appointment.	1. On indictment. Summary.	2 years, or a fine or both. 6 months, or the statutory maximum or both.] One-tenth of the statutory maximum.
[ <sup>F303</sup> Sch. B1, para. 27(4).	Making false statement in statutory declaration where appointment of administrator proposed by company or directors.	1. On indictment. Summary.	2 years, or a fine or both. 6 months, or the statutory maximum or both.]
[ <sup>F303</sup> Sch. B1, para. 29(7).	Making false statement in statutory declaration where administrator appointed by company	1. On indictment. Summary.	2 years, or a fine or both. 6 months, or the statutory maximum or both.]

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	or directors.			
[ <sup>F303</sup> Sch. B1, para. 32.	Company or directors failing to notify administrator or others of commencement of appointment.	1. On indictment. 2. Summary.	2 years, or a fine or both. 6 months, or the statutory maximum or both.	One-tenth of the statutory maximum.]
[ <sup>F303</sup> Sch. B1, para. 45(2).	Administrator company or officer failing to state in business document that administrator appointed.	Summary.	One-fifth of the statutory maximum.]	
[ <sup>F303</sup> Sch. B1, para. 46(9).	Administrator failing to give notice of his appointment.	Summary.	One-fifth of the statutory maximum.	One- fiftieth of the statutory maximum.]
[ <sup>F303</sup> Sch. B1, para. 48(4).	Failing to comply with provisions about statement of affairs where administrator appointed.	1. On indictment. 2. Summary.	A fine. The statutory maximum.	One-tenth of the statutory maximum.]
[ <sup>F303</sup> Sch. B1, para. 49(7).	Administrator failing to send out statement of his proposals.	Summary.	One-fifth of the statutory maximum.	One- fiftieth of the statutory maximum.]
[ <sup>F303</sup> Sch. B1, para. 51(5).	Administrator failing to [ <sup>F304</sup> seek	Summary.	One-fifth of the statutory maximum.	One- fiftieth of the statutory maximum.]

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	creditors' decision].			
[ <sup>F303</sup> Sch. B1, para. 53(3).	AdministratSummary. failing to report decision taken [by creditors].	One-fifth of the statutory maximum.	One-fiftieth of the statutory maximum.]	
[ <sup>F303</sup> Sch. B1, para. 54(7).	AdministratSummary. failing to report [creditors' decision on] revised proposal.	One-fifth of the statutory maximum.	One-fiftieth of the statutory maximum.]	
[ <sup>F303</sup> Sch. B1, para. 56(2).	AdministratSummary. failing to [seek creditors' decision].	One-fifth of the statutory maximum.	One-fiftieth of the statutory maximum.]	
[ <sup>F303</sup> Sch. B1, para. 71(6).	AdministratSummary. failing to file court order enabling disposal of charged property.	One-fifth of the statutory maximum.	One-fiftieth of the statutory maximum.]	
[ <sup>F303</sup> Sch. B1, para. 72(5).	AdministratSummary. failing to file court order enabling disposal of hire-purchase property.	One-fifth of the statutory maximum.	One-fiftieth of the statutory maximum.]	
[ <sup>F303</sup> Sch. B1, para. 77(3).	AdministratSummary. failing to notify Registrar of Companies of automatic	One-fifth of the statutory maximum.	One-fiftieth of the statutory maximum.]	

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	end of administration.			
[ <sup>F303</sup> Sch. B1, para. 78(6).	AdministratSummary. failing to give notice of extension by consent of term of office.	Summary. failing to give notice of extension by consent of term of office.	One-fifth of the statutory maximum.	One- fiftieth of the statutory maximum.]
[ <sup>F303</sup> Sch. B1, para. 80(6).	AdministratSummary. failing to give notice of termination of administration where objective achieved.	Summary. failing to give notice of termination of administration where objective achieved.	One-fifth of the statutory maximum.	One- fiftieth of the statutory maximum.]
[ <sup>F303</sup> Sch. B1, para. 84(9).	AdministratSummary. failing to comply with provisions where company moves to dissolution.	Summary. failing to comply with provisions where company moves to dissolution.	One-fifth of the statutory maximum.	One- fiftieth of the statutory maximum.]
[ <sup>F303</sup> Sch. B1, para. 86(3).	AdministratSummary. failing to notify Registrar of Companies where court terminates administration.	Summary. failing to notify Registrar of Companies where court terminates administration.	One-fifth of the statutory maximum.	One- fiftieth of the statutory maximum.]
[ <sup>F303</sup> Sch. B1, para. 89(3).	AdministratSummary. failing to give notice on ceasing to be qualified.	Summary. failing to give notice on ceasing to be qualified.	One-fifth of the statutory maximum.	One- fiftieth of the statutory maximum.]

F308	F308	F308	F308
...	...	...	...

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### Textual Amendments

- F265** Note in Sch. 10 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIV** Group 2
- F266** Entries in Sch. 10 inserted (26.6.2020) by Corporate Insolvency and Governance Act 2020 (c. 12), s. 49(1), **Sch. 3 para. 33(3)** (with ss. 2(2), 5(2))
- F267** Words in Sch. 10 Table substituted (7.2.2023 at 12.00 p.m.) by The Judicial Review and Courts Act 2022 (Magistrates' Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), regs. 1(2), **6(2)(a)**
- F268** Words in Sch. 10 Table substituted (7.2.2023 at 12.00 p.m.) by The Judicial Review and Courts Act 2022 (Magistrates' Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), regs. 1(2), **6(2)(b)**
- F269** Words in Sch. 10 Table substituted (7.2.2023 at 12.00 p.m.) by The Judicial Review and Courts Act 2022 (Magistrates' Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), regs. 1(2), **6(2)(c)**
- F270** Words in Sch. 10 Table substituted (7.2.2023 at 12.00 p.m.) by The Judicial Review and Courts Act 2022 (Magistrates' Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), regs. 1(2), **6(2)(d)**
- F271** Words in Sch. 10 Table substituted (7.2.2023 at 12.00 p.m.) by The Judicial Review and Courts Act 2022 (Magistrates' Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), regs. 1(2), **6(2)(e)**
- F272** Words in Sch. 10 Table substituted (7.2.2023 at 12.00 p.m.) by The Judicial Review and Courts Act 2022 (Magistrates' Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), regs. 1(2), **6(2)(f)**
- F273** Words in Sch. 10 Table substituted (7.2.2023 at 12.00 p.m.) by The Judicial Review and Courts Act 2022 (Magistrates' Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), regs. 1(2), **6(2)(g)**
- F274** Words in Sch. 10 Table substituted (7.2.2023 at 12.00 p.m.) by The Judicial Review and Courts Act 2022 (Magistrates' Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), regs. 1(2), **6(2)(h)**
- F275** Words in Sch. 10 Table substituted (7.2.2023 at 12.00 p.m.) by The Judicial Review and Courts Act 2022 (Magistrates' Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), regs. 1(2), **6(2)(i)**
- F276** Words in Sch. 10 Table substituted (7.2.2023 at 12.00 p.m.) by The Judicial Review and Courts Act 2022 (Magistrates' Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), regs. 1(2), **6(2)(j)**
- F277** Words in Sch. 10 Table substituted (7.2.2023 at 12.00 p.m.) by The Judicial Review and Courts Act 2022 (Magistrates' Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), regs. 1(2), **6(2)(k)**
- F278** Words in Sch. 10 Table substituted (7.2.2023 at 12.00 p.m.) by The Judicial Review and Courts Act 2022 (Magistrates' Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), regs. 1(2), **6(2)(l)**
- F279** Words in Sch. 10 Table substituted (7.2.2023 at 12.00 p.m.) by The Judicial Review and Courts Act 2022 (Magistrates' Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), regs. 1(2), **6(2)(m)**
- F280** Words in Sch. 10 Table substituted (7.2.2023 at 12.00 p.m.) by The Judicial Review and Courts Act 2022 (Magistrates' Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), regs. 1(2), **6(2)(n)**
- F281** Words in Sch. 10 Table substituted (7.2.2023 at 12.00 p.m.) by The Judicial Review and Courts Act 2022 (Magistrates' Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), regs. 1(2), **6(2)(o)**
- F282** 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)
- F283** Entries in Sch. 10 repealed (15.9.2003) by 2002 c. 40, ss. 248(3), 278, 279, Sch. 17 para. 39(3)(a)-(h), Sch. 26 (with s. 249(1)-(3)(6)); S.I. 2003/2093, **art. 2(1)**, Sch. 1 (subject to arts. 3-8 (as amended by S.I. 2003/2332, art. 2))
- F284** Word in entry in Sch. 10 repealed (1.4.2004) by 2002 c. 40, ss. 269, 278, 279, Sch. 23 para. 17(a), Sch. 26 (with s. 249(6)); S.I. 2003/2093, **art. 2(2)**, Sch. 2 (subject to arts. 3-8 (as amended by S.I. 2003/2332, art. 2))
- F285** Words in Table in Sch. 10 inserted (24.2.2009 for certain purposes otherwise 6.4.2009) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. 108(3), 148(5), **Sch. 20 para. 15(2)** (with Sch. 20 para. 15(4)); S.I. 2009/382, **art. 2**
- F286** Words in Sch. 10 substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009, (S.I. 2009/1941) arts. 2(1), 8, {Sch. 1 para. 80} (with art. 10, Sch. 1 para. 84)
- F287** Entry in Sch. 10 inserted (6.4.2010) by The Legislative Reform (Insolvency) (Miscellaneous Provisions) Order 2010 (S.I. 2010/18), **art. 6(5)(a)**

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- F288** Words in Sch. 10 omitted (26.5.2015) by virtue of [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), [ss. 136\(4\)\(a\)](#), [164\(3\)\(i\)\(v\)](#)
- F289** Words in Sch. 10 repealed (S.) (1.4.2016 for specified purposes, 6.4.2019 in so far as not already in force) by [The Public Services Reform \(Insolvency\) \(Scotland\) Order 2016 \(S.S.I. 2016/141\)](#), [arts. 1\(3\)\(4\)](#), [5\(3\)](#) (with [arts. 14, 15](#)) (see [S.I. 2019/816](#), [reg. 4\(a\)](#))
- F290** Words in Sch. 10 substituted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), [s. 164\(1\)](#), [Sch. 9 para. 53\(2\)](#); [S.I. 2015/1329](#), [reg. 3\(d\)](#); [S.I. 2016/1020](#), [reg. 4\(e\)](#) (with [reg. 5](#)) (as amended by [S.I. 2017/363](#), [reg. 3](#); [S.I. 2019/816](#), [reg. 4\(c\)](#) (with [reg. 5](#)))
- F291** Words in Sch. 10 substituted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), [s. 164\(1\)](#), [Sch. 9 para. 53\(3\)](#); [S.I. 2015/1329](#), [reg. 3\(d\)](#); [S.I. 2016/1020](#), [reg. 4\(e\)](#) (with [reg. 5](#)) (as amended by [S.I. 2017/363](#), [reg. 3](#); [S.I. 2019/816](#), [reg. 4\(c\)](#) (with [reg. 5](#)))
- F292** Words in Sch. 10 omitted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by virtue of [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), [s. 164\(1\)](#), [Sch. 9 para. 53\(4\)](#); [S.I. 2015/1329](#), [reg. 3\(d\)](#); [S.I. 2016/1020](#), [reg. 4\(e\)](#) (with [reg. 5](#)) (as amended by [S.I. 2017/363](#), [reg. 3](#); [S.I. 2019/816](#), [reg. 4\(c\)](#) (with [reg. 5](#)))
- F293** Words in Sch. 10 substituted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), [s. 164\(1\)](#), [Sch. 9 para. 53\(5\)](#); [S.I. 2015/1329](#), [reg. 3\(d\)](#); [S.I. 2016/1020](#), [reg. 4\(e\)](#) (with [reg. 5](#)) (as amended by [S.I. 2017/363](#), [reg. 3](#); [S.I. 2019/816](#), [reg. 4\(c\)](#) (with [reg. 5](#)))
- F294** Entry in Sch. 10 inserted (6.4.2010) by [The Legislative Reform \(Insolvency\) \(Miscellaneous Provisions\) Order 2010 \(S.I. 2010/18\)](#), [art. 6\(5\)\(b\)](#)
- F295** Words in Sch. 10 omitted (26.5.2015) by virtue of [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), [ss. 136\(4\)\(b\)](#), [164\(3\)\(i\)\(v\)](#)
- F296** Words in Sch. 10 repealed (S.) (1.4.2016 for specified purposes, 6.4.2019 in so far as not already in force) by [The Public Services Reform \(Insolvency\) \(Scotland\) Order 2016 \(S.S.I. 2016/141\)](#), [arts. 1\(3\)\(4\)](#), [6\(3\)](#) (with [arts. 14, 15](#)) (see [S.I. 2019/816](#), [reg. 4\(a\)](#))
- F297** Words in Sch. 10 substituted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), [s. 164\(1\)](#), [Sch. 9 para. 53\(6\)](#); [S.I. 2015/1329](#), [reg. 3\(d\)](#); [S.I. 2016/1020](#), [reg. 4\(e\)](#) (with [reg. 5](#)) (as amended by [S.I. 2017/363](#), [reg. 3](#); [S.I. 2019/816](#), [reg. 4\(c\)](#) (with [reg. 5](#)))
- F298** Entries in Sch. 10 inserted (24.2.2009 for certain purposes otherwise 6.4.2009) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), [ss. 108\(3\)](#), [148\(5\)](#), [Sch. 20 para. 15\(3\)](#) (with [Sch. 20 para. 15\(4\)](#)); [S.I. 2009/382](#), [art. 2](#)
- F299** 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](#))
- F300** Words in Sch. 10 inserted (6.4.2016) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), [s. 103\(3\)](#), [Sch. 19 para. 66](#) (with [Sch. 19 para. 66\(2\)](#)); [S.I. 2016/191](#), [art. 2](#) (with [art. 3](#))
- F301** Entry in Sch. 10 repealed (1.4.2004) by [2002 c. 40](#), [ss. 269, 279](#), [Sch. 23 para. 17\(b\)](#), [Sch. 26](#) (with [s. 249\(6\)](#)); [S.I. 2003/2093](#), [art. 2\(2\)](#), [Sch. 2](#) (subject to [arts. 3-8](#) (as amended by [S.I. 2003/2332](#), [art. 2](#)))
- F302** Entries in Sch. 10 omitted (26.6.2020) by virtue of [Corporate Insolvency and Governance Act 2020 \(c. 12\)](#), [s. 49\(1\)](#), [Sch. 3 para. 33\(2\)](#) (with [ss. 2\(2\)](#), [5\(2\)](#))
- F303** Entries in Sch. 10 inserted (15.9.2003) by [2002 c. 40](#), [ss. 248\(3\)](#), [279](#), [Sch. 17 para. 39\(2\)](#) (with [s. 249\(1\)-\(3\)\(6\)](#)); [S.I. 2003/2093](#), [art. 2\(1\)](#), [Sch. 1](#) (subject to [arts. 3-8](#) (as amended by [S.I. 2003/2332](#), [art. 2](#)))
- F304** Words in Sch. 10 substituted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), [s. 164\(1\)](#), [Sch. 9 para. 11\(2\)](#); [S.I. 2015/1329](#), [reg. 3\(d\)](#); [S.I. 2016/1020](#), [reg. 4\(e\)](#) (with [reg. 5](#)) (as amended by [S.I. 2017/363](#), [reg. 3](#); [S.I. 2019/816](#), [reg. 4\(c\)](#) (with [reg. 5](#)))
- F305** Words in Sch. 10 substituted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), [s. 164\(1\)](#), [Sch. 9 para. 11\(3\)](#); [S.I. 2015/1329](#), [reg. 3\(d\)](#); [S.I. 2016/1020](#), [reg. 4\(e\)](#) (with [reg. 5](#)) (as amended by [S.I. 2017/363](#), [reg. 3](#); [S.I. 2019/816](#), [reg. 4\(c\)](#) (with [reg. 5](#)))

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- F306** Words in Sch. 10 inserted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), s. 164(1), [Sch. 9 para. 11\(4\)](#); S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3); S.I. 2019/816, reg. 4(c) (with reg. 5)
- F307** Words in Sch. 10 substituted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), s. 164(1), [Sch. 9 para. 11\(5\)](#); S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3); S.I. 2019/816, reg. 4(c) (with reg. 5)
- F308** Words in Sch. 10 omitted (1.10.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), [Sch. 6 para. 22\(5\)\(b\)](#); S.I. 2015/1732, art. 2(e)(vi) (with art. 7)

#### Modifications etc. (not altering text)

- C240** Sch. 10: entry relating to s. 93(3) modified (S.) (6.4.2001) by [S.S.I. 2001/128](#), reg. 4(2), [Sch. 3](#)
- C241** Sch. 10: entry relating to s. 105(3) modified (S.) (6.4.2001) by [S.S.I. 2001/128](#), reg. 4(2), [Sch. 3](#)

#### Textual Amendments

- F265** Note in Sch. 10 repealed (5.11.1993) by [1993 c. 50](#), s. 1(1), [Sch. 1 Pt. XIV](#) Group 2
- F266** Entries in Sch. 10 inserted (26.6.2020) by [Corporate Insolvency and Governance Act 2020 \(c. 12\)](#), s. 49(1), [Sch. 3 para. 33\(3\)](#) (with ss. 2(2), 5(2))
- F267** Words in Sch. 10 Table substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), [6\(2\)\(a\)](#)
- F268** Words in Sch. 10 Table substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), [6\(2\)\(b\)](#)
- F269** Words in Sch. 10 Table substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), [6\(2\)\(c\)](#)
- F270** Words in Sch. 10 Table substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), [6\(2\)\(d\)](#)
- F271** Words in Sch. 10 Table substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), [6\(2\)\(e\)](#)
- F272** Words in Sch. 10 Table substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), [6\(2\)\(f\)](#)
- F273** Words in Sch. 10 Table substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), [6\(2\)\(g\)](#)
- F274** Words in Sch. 10 Table substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), [6\(2\)\(h\)](#)
- F275** Words in Sch. 10 Table substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), [6\(2\)\(i\)](#)
- F276** Words in Sch. 10 Table substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), [6\(2\)\(j\)](#)
- F277** Words in Sch. 10 Table substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), [6\(2\)\(k\)](#)
- F278** Words in Sch. 10 Table substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), [6\(2\)\(l\)](#)
- F279** Words in Sch. 10 Table substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), [6\(2\)\(m\)](#)
- F280** Words in Sch. 10 Table substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), [6\(2\)\(n\)](#)
- F281** Words in Sch. 10 Table substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), [6\(2\)\(o\)](#)
- F282** 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)



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- F283** Entries in Sch. 10 repealed (15.9.2003) by 2002 c. 40, ss. 248(3), 278, 279, Sch. 17 para. 39(3)(a)-(h), Sch. 26 (with s. 249(1)-(3)(6)); S.I. 2003/2093, **art. 2(1)**, Sch. 1 (subject to arts. 3-8 (as amended by S.I. 2003/2332, art. 2))
- F284** Word in entry in Sch. 10 repealed (1.4.2004) by 2002 c. 40, ss. 269, 278, 279, Sch. 23 para. 17(a), Sch. 26 (with s. 249(6)); S.I. 2003/2093, **art. 2(2)**, Sch. 2 (subject to arts. 3-8 (as amended by S.I. 2003/2332, art. 2))
- F285** Words in Table in Sch. 10 inserted (24.2.2009 for certain purposes otherwise 6.4.2009) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. 108(3), 148(5), **Sch. 20 para. 15(2)** (with Sch. 20 para. 15(4)); S.I. 2009/382, **art. 2**
- F286** Words in Sch. 10 substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009, (S.I. 2009/1941) arts. 2(1), 8, {Sch. 1 para. 80} (with art. 10, Sch. 1 para. 84)
- F287** Entry in Sch. 10 inserted (6.4.2010) by The Legislative Reform (Insolvency) (Miscellaneous Provisions) Order 2010 (S.I. 2010/18), **art. 6(5)(a)**
- F288** Words in Sch. 10 omitted (26.5.2015) by virtue of Small Business, Enterprise and Employment Act 2015 (c. 26), **ss. 136(4)(a)**, 164(3)(i)(v)
- F289** Words in Sch. 10 repealed (S.) (1.4.2016 for specified purposes, 6.4.2019 in so far as not already in force) by The Public Services Reform (Insolvency) (Scotland) Order 2016 (S.S.I. 2016/141), **arts. 1(3)(4)**, 5(3) (with arts. 14, 15) (see S.I. 2019/816, reg. 4(a))
- F290** Words in Sch. 10 substituted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by Small Business, Enterprise and Employment Act 2015 (c. 26), s. 164(1), **Sch. 9 para. 53(2)**; S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3); S.I. 2019/816, reg. 4(c) (with reg. 5)
- F291** Words in Sch. 10 substituted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by Small Business, Enterprise and Employment Act 2015 (c. 26), s. 164(1), **Sch. 9 para. 53(3)**; S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3); S.I. 2019/816, reg. 4(c) (with reg. 5)
- F292** Words in Sch. 10 omitted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by virtue of Small Business, Enterprise and Employment Act 2015 (c. 26), s. 164(1), **Sch. 9 para. 53(4)**; S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3); S.I. 2019/816, reg. 4(c) (with reg. 5)
- F293** Words in Sch. 10 substituted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by Small Business, Enterprise and Employment Act 2015 (c. 26), s. 164(1), **Sch. 9 para. 53(5)**; S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3); S.I. 2019/816, reg. 4(c) (with reg. 5)
- F294** Entry in Sch. 10 inserted (6.4.2010) by The Legislative Reform (Insolvency) (Miscellaneous Provisions) Order 2010 (S.I. 2010/18), **art. 6(5)(b)**
- F295** Words in Sch. 10 omitted (26.5.2015) by virtue of Small Business, Enterprise and Employment Act 2015 (c. 26), **ss. 136(4)(b)**, 164(3)(i)(v)
- F296** Words in Sch. 10 repealed (S.) (1.4.2016 for specified purposes, 6.4.2019 in so far as not already in force) by The Public Services Reform (Insolvency) (Scotland) Order 2016 (S.S.I. 2016/141), **arts. 1(3)(4)**, 6(3) (with arts. 14, 15) (see S.I. 2019/816, reg. 4(a))
- F297** Words in Sch. 10 substituted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by Small Business, Enterprise and Employment Act 2015 (c. 26), s. 164(1), **Sch. 9 para. 53(6)**; S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3); S.I. 2019/816, reg. 4(c) (with reg. 5)
- F298** Entries in Sch. 10 inserted (24.2.2009 for certain purposes otherwise 6.4.2009) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. 108(3), 148(5), **Sch. 20 para. 15(3)** (with Sch. 20 para. 15(4)); S.I. 2009/382, **art. 2**
- F299** 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)
- F300** Words in Sch. 10 inserted (6.4.2016) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 19 para. 66** (with Sch. 19 para. 66(2)); S.I. 2016/191, art. 2 (with art. 3)

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- F301** Entry in Sch. 10 repealed (1.4.2004) by 2002 c. 40, ss. 269, 279, Sch. 23 para. 17(b), Sch. 26 (with s. 249(6)); S.I. 2003/2093, art. 2(2), Sch. 2 (subject to arts. 3-8 (as amended by S.I. 2003/2332, art. 2))
- F302** Entries in Sch. 10 omitted (26.6.2020) by virtue of Corporate Insolvency and Governance Act 2020 (c. 12), s. 49(1), Sch. 3 para. 33(2) (with ss. 2(2), 5(2))
- F303** Entries in Sch. 10 inserted (15.9.2003) by 2002 c. 40, ss. 248(3), 279, Sch. 17 para. 39(2) (with s. 249(1)-(3)(6)); S.I. 2003/2093, art. 2(1), Sch. 1 (subject to arts. 3-8 (as amended by S.I. 2003/2332, art. 2))
- F304** Words in Sch. 10 substituted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by Small Business, Enterprise and Employment Act 2015 (c. 26), s. 164(1), Sch. 9 para. 11(2); S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3); S.I. 2019/816, reg. 4(c) (with reg. 5)
- F305** Words in Sch. 10 substituted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by Small Business, Enterprise and Employment Act 2015 (c. 26), s. 164(1), Sch. 9 para. 11(3); S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3); S.I. 2019/816, reg. 4(c) (with reg. 5)
- F306** Words in Sch. 10 inserted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by Small Business, Enterprise and Employment Act 2015 (c. 26), s. 164(1), Sch. 9 para. 11(4); S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3); S.I. 2019/816, reg. 4(c) (with reg. 5)
- F307** Words in Sch. 10 substituted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by Small Business, Enterprise and Employment Act 2015 (c. 26), s. 164(1), Sch. 9 para. 11(5); S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3); S.I. 2019/816, reg. 4(c) (with reg. 5)
- F308** Words in Sch. 10 omitted (1.10.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), Sch. 6 para. 22(5)(b); S.I. 2015/1732, art. 2(e)(vi) (with art. 7)

**Modifications etc. (not altering text)**

- C240** Sch. 10: entry relating to s. 93(3) modified (S.) (6.4.2001) by S.S.I. 2001/128, reg. 4(2), Sch. 3
- C241** Sch. 10: entry relating to s. 105(3) modified (S.) (6.4.2001) by S.S.I. 2001/128, reg. 4(2), Sch. 3

SCHEDULE 11

Section 437.

TRANSITIONAL PROVISIONS AND SAVINGS

PART I

COMPANY INSOLVENCY AND WINDING UP

*Administration orders*

- 1 (1) Where any right to appoint an administrative receiver of a company is conferred by any debentures or floating charge created before the appointed day, the conditions precedent to the exercise of that right are deemed to include the presentation of a petition applying for an administration order to be made in relation to the company.
- (2) “Administrative receiver” here has the meaning assigned by section 251.

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### *Receivers and managers (England and Wales)*

- 2 (1) In relation to any receiver or manager of a company's property who was appointed before the appointed day, the new law does not apply; and the relevant provisions of the former law continue to have effect.
- (2) "The new law" here means Chapter I of Part III, and Part VI, of this Act; and "the former law" means [<sup>F309</sup>the Companies Act 1985] and so much of this Act as replaces provisions of that Act (without the amendments in paragraphs 15 to 17 of Schedule 6 to the <sup>M7</sup>Insolvency Act 1985, or the associated repeals by that Act), and any provision of the Insolvency Act 1985 which was in force before the appointed day.
- (3) This paragraph is without prejudice to the power conferred by this Act under which rules under section 411 may make transitional provision in connection with the coming into force of those rules; and such provision may apply those rules in relation to the receiver or manager of a company's property notwithstanding that he was appointed before the coming into force of the rules or section 411.

#### **Textual Amendments**

**F309** Words in Sch. 11 para. 2(2) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009, (S.I. 2009/1941) arts. 2(1), 8, {Sch. 1 para. 83} (with art. 10, Sch. 1 para. 84)

#### **Marginal Citations**

**M7** 1985 c. 65.

### *Receivers (Scotland)*

- 3 (1) In relation to any receiver appointed under section 467 of the Companies Act before the appointed day, the new law does not apply and the relevant provisions of the former law continue to have effect.
- (2) "The new law" here means Chapter II of Part III, and Part VI, of this Act; and "the former law" means [<sup>F310</sup>the Companies Act 1985] and so much of this Act as replaces provisions of that Act (without the amendments in paragraphs 18 to 22 of Schedule 6 to the Insolvency Act 1985 or the associated repeals made by the Act), and any provision of the Insolvency Act 1985 which was in force before the appointed day.
- (3) This paragraph is without prejudice to the power conferred by this Act under which rules under section 411 may make transitional provision in connection with the coming into force of those rules; and such provision may apply those rules in relation to a receiver appointed under section 467 notwithstanding that he was appointed before the coming into force of the rules or section 411.

#### **Textual Amendments**

**F310** Words in Sch. 11 para. 3(2) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009, (S.I. 2009/1941) arts. 2(1), 8, {Sch. 1 para. 83} (with art. 10, Sch. 1 para. 84)

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*Winding up already in progress*

- 4 (1) In relation to any winding up which has commenced, or is treated as having commenced, before the appointed day, the new law does not apply, and the former law continues to have effect, subject to the following paragraphs.
- (2) “The new law” here means any provisions in the first Group of Parts of this Act which replace sections 66 to 87 and 89 to 105 of the <sup>M8</sup>Insolvency Act 1985; and “the former law” means Parts XX and XXI of the [<sup>F311</sup>the Companies Act 1985](without the amendments in paragraphs 23 to 52 of Schedule 6 to the Insolvency Act 1985, or the associated repeals made by the Act).

**Textual Amendments**

**F311** Words in Sch. 11 para. 4(2) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009, (S.I. 2009/1941) arts. 2(1), 8, {Sch. 1 para. 83} (with art. 10, Sch. 1 para. 84)

**Marginal Citations**

**M8** 1985 c. 65.

*Statement of affairs*

- 5 (1) Where a winding up by the court in England and Wales has commenced, or is treated as having commenced, before the appointed day, the official receiver or (on appeal from a refusal by him) the court may, at any time on or after that day—
- (a) release a person from an obligation imposed on him by or under section 528 of [<sup>F312</sup>the Companies Act 1985] (statement of affairs), or
- (b) extend the period specified in subsection (6) of that section.
- (2) Accordingly, on and after the appointed day, section 528(6) has effect in relation to a winding up to which this paragraph applies with the omission of the words from “or within” onwards.

**Textual Amendments**

**F312** Words in Sch. 11 para. 5(1) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009, (S.I. 2009/1941) arts. 2(1), 8, {Sch. 1 para. 83} (with art. 10, Sch. 1 para. 84)

*Provisions relating to liquidator*

- 6 (1) This paragraph applies as regards the liquidator in the case of winding up by the court in England and Wales commenced, or treated as having commenced, before the appointed day.
- (2) The official receiver may, at any time when he is liquidator of the company, apply to the Secretary of State for the appointment of a liquidator in his (the official receiver’s) place; and on any such application the Secretary of State shall either make an appointment or decline to make one.

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- (3) Where immediately before the appointed day the liquidator of the company has not made an application under section 545 of [<sup>F313</sup>the Companies Act 1985] (release of liquidators), then—
- (a) except where the Secretary of State otherwise directs, sections 146(1) and (2) and 172(8) of this Act apply, and section 545 does not apply, in relation to any liquidator of that company who holds office on or at any time after the appointed day and is not the official receiver;
  - (b) section 146(3) applies in relation to the carrying out at any time after that day by any liquidator of the company of any of his functions; and
  - (c) a liquidator in relation to whom section 172(8) has effect by virtue of this paragraph has his release with effect from the time specified in section 174(4) (d) of this Act.
- (4) Subsection (6) of section 174 of this Act has effect for the purposes of subparagraph (3)(c) above as it has for the purposes of that section, but as if the reference to section 212 were to section 631 of [<sup>F314</sup>the Companies Act 1985].
- (5) The liquidator may employ a solicitor to assist him in the carrying out of his functions without the permission of the committee of inspection; but if he does so employ a solicitor he shall inform the committee of inspection that he has done so.

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**Textual Amendments**

**F313** Words in Sch. 11 para. 6(3) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009, (S.I. 2009/1941) arts. 2(1), 8, {Sch. 1 para. 83} (with art. 10, Sch. 1 para. 84)

**F314** Words in Sch. 11 para. 6(4) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009, (S.I. 2009/1941) arts. 2(1), 8, {Sch. 1 para. 83} (with art. 10, Sch. 1 para. 84)

*Winding up under supervision of the court*

- 7 The repeals in Part II of Schedule 10 the <sup>M9</sup>Insolvency Act 1985 of references (in [<sup>F315</sup>the Companies Act 1985] and elsewhere) to a winding up under the supervision of the court do not affect the operation of the enactments in which the references are contained in relation to any case in which an order under section 606 of [<sup>F315</sup>the Companies Act 1985] (power to order winding up under supervision) was made before the appointed day.

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**Textual Amendments**

**F315** Words in Sch. 11 para. 7 substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009, (S.I. 2009/1941) arts. 2(1), 8, {Sch. 1 para. 83} (with art. 10, Sch. 1 para. 84)

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**Marginal Citations**

**M9** 1985 c. 65.

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*Saving for power to make rules*

- 8 (1) Paragraphs 4 to 7 are without prejudice to the power conferred by this Act under which rules made under section 411 may make transitional provision in connection with the coming into force of those rules.
- (2) Such provision may apply those rules in relation to a winding up notwithstanding that the winding up commenced, or is treated as having commenced, before the coming into force of the rules or section 411.

*Setting aside of preferences and other transactions*

- 9 (1) Where a provision in Part VI of this Act applies in relation to a winding up or in relation to a case in which an administration order has been made, a preference given, floating charge created or other transaction entered into before the appointed day shall not be set aside under the provision except to the extent that it could have been set aside under the law in force immediately before that day, assuming for this purpose that any relevant administration order had been winding-up order.
- (2) The references above to setting aside a preference, floating charge or other transaction include the making of an order which varies or reverses any effect of a preference, floating charge or other transaction.

## PART II

### INDIVIDUAL INSOLVENCY

*Bankruptcy (general)*

- 10 (1) Subject to the following provisions of this Part of this Schedule, so much of this Act as replaces Part III of the <sup>M10</sup>Insolvency Act 1985 does not apply in relation to any case in which a petition in bankruptcy was presented, or a receiving order or adjudication in bankruptcy was made, before the appointed day.
- (2) In relation to any such case as is mentioned above, the enactments specified in Schedule 8 to that Act, so far as they relate to bankruptcy, and those specified in Parts III and IV of Schedule 10 to that Act, so far as they so relate, have effect without the amendments and repeals specified in those Schedules.
- (3) Where any subordinate legislation made under an enactment referred to in sub-paragraph (2) is in force immediately before the appointed day, that subordinate legislation continues to have effect on and after that day in relation to any such case as is mentioned in sub-paragraph (1).

**Marginal Citations**

**M10** 1985 c. 65.

- 11 (1) In relation to any such case as is mentioned in paragraph 10(1) the references in any enactment or subordinate legislation to a petition, order or other matter which is provided for under the <sup>M11</sup>Bankruptcy Act 1914 and corresponds to a petition, order or other matter provided for under provisions of this Act replacing Part III of the Insolvency Act 1985 continue on and after the appointed day to have effect



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as references to the petition, order or matter provided for by the Act of 1914; but otherwise those references have effect on and after that day as references to the petition, order or matter provided for by those provisions of this Act.

- (2) Without prejudice to sub-paragraph (1), in determining for the purposes of section 279 of this Act (period of bankruptcy) or paragraph 13 below whether any person was an undischarged bankrupt at a time before the appointed day, an adjudication in bankruptcy and an annulment of a bankruptcy under the Act of 1914 are to be taken into account in the same way, respectively, as a bankruptcy order under the provisions of this Act replacing Part III of the Insolvency Act 1985 and the annulment under section 282 of this Act of such an order.

#### Marginal Citations

**M11** 1914 c. 59.

- 12 Transactions entered into before the appointed day have effect on and after that day as if references to acts of bankruptcy in the provisions for giving effect to those transactions continued to be references to acts of bankruptcy within the meaning of the Bankruptcy Act 1914, but as if such acts included failure to comply with a statutory demand served under section 268 of this Act.

#### *Discharge from old bankruptcy*

- 13 (1) Where a person—
- (a) was adjudged bankrupt before the appointed day or is adjudged bankrupt on or after that day on a petition presented before that day, and
  - (b) that person was not an undischarged bankrupt at any time in the period of 15 years ending with the adjudication,
- that person is deemed (if not previously discharged) to be discharged from his bankruptcy for the purposes of the <sup>M12</sup>Bankruptcy Act 1914 at the end of the discharge period.
- (2) Subject to sub-paragraph (3) below, the discharge period for the purposes of this paragraph is—
- (a) in the case of a person adjudged bankrupt before the appointed day, the period of 3 years beginning with that day, and
  - (b) in the case of a person who is adjudged bankrupt on or after that day on a petition presented before that day, the period of 3 years beginning with the date of the adjudication.
- (3) Where the court exercising jurisdiction in relation to a bankruptcy to which this paragraph applies is satisfied, on the application of the official receiver, that the bankrupt has failed, or is failing, to comply with any of his obligations under the Bankruptcy Act 1914, any rules made under that Act or any such rules as are mentioned in paragraph 19(1) below, the court may order that the discharge period shall cease to run for such period, or until the fulfilment of such conditions (including a condition requiring the court to be satisfied as to any matter) as may be specified in the order.

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**Marginal Citations**

**M12** 1914 c. 59.

*Provisions relating to trustee*

- 14 (1) This paragraph applies as regards the trustee in the case of a person adjudged bankrupt before the appointed day, or adjudged bankrupt on or after that day on a petition presented before that day.
- (2) The official receiver may at any time when he is the trustee of the bankrupt's estate apply to the Secretary of State for the appointment of a person as trustee instead of the official receiver; and on any such application the Secretary of State shall either make an appointment or decline to make one.
- (3) Where on the appointed day the trustee of a bankrupt's estate has not made an application under section 93 of the Bankruptcy Act 1914 (release of trustee), then—
- (a) except where the Secretary of State otherwise directs, sections 298(8), 304 and 331(1) to (3) of this Act apply, and section 93 of the Act of 1914 does not apply, in relation to any trustee of the bankrupt's estate who holds office on or at any time after the appointed day and is not the official receiver;
  - (b) section 331(4) of this Act applies in relation to the carrying out at any time on or after the appointed day by the trustee of the bankrupt's estate of any of his functions; and
  - (c) a trustee in relation to whom section 298(8) of this Act has effect by virtue of this paragraph has his release with effect from the time specified in section 299(3)(d).
- (4) Subsection (5) of this section 299 has effect for the purposes of sub-paragraph (3)(c) as it has for the purposes of that section 8.
- (5) In the application of subsection (3) of section 331 in relation to a case by virtue of this paragraph, the reference in that subsection to section 330(1) has effect as a reference to section 67 of the <sup>M13</sup>Bankruptcy Act 1914.
- (6) The trustee of the bankrupt's estate may employ a solicitor to assist him in the carrying out of his functions without the permission of the committee of inspection; but if he does so employ a solicitor, he shall inform the committee of inspection that he has done so.

**Marginal Citations**

**M13** 1914 c. 59.

*Copyright*

- 15 (1) Where a person who is adjudged bankrupt on a petition presented on or after the appointed day is liable, by virtue of a transaction entered into before that day, to pay royalties or a share of the profits to any person in respect of any copyright or interest in copyright comprised in the bankrupt's estate, section 60 of the Bankruptcy Act 1914 (limitation on trustee's powers in relation to copyright) applies in relation to



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the trustee of that estate as it applies in relation to a trustee in bankruptcy under the Act of 1914.

#### *Second bankruptcy*

- 16 (1) Sections 334 and 335 of this Act apply with the following modifications where the earlier bankruptcy (within the meaning of section 334) is a bankruptcy in relation to which the Act of 1914 applies instead of the second Group of Parts in this Act, that is to say—
- (a) references to property vested in the existing trustee under section 307(3) of this Act have effect as references to such property vested in that trustee as was acquired by or devolved on the bankrupt after the commencement (within the meaning of the Act of 1914) of the earlier bankruptcy; and
  - (b) references to an order under section 310 of this Act have effect as references to an order under section 51 of the Act of 1914.
- (2) Section 39 of the Act of 1914 (second bankruptcy) does not apply where a person is an undischarged bankrupt under that Act is adjudged bankrupt under this Act.

#### *Setting aside of preferences and other transactions*

- 17 (1) A performance given, assignment made or other transaction entered into before the appointed day shall not be set aside under any of sections 339 to 344 of this Act except to the extent that it could have been set aside under the law in force immediately before that day.
- (2) References in sub-paragraph (1) to setting aside a preference, assignment or other transaction include the making of any order which varies or reverses any effect of a preference, assignment or other transaction.

#### *Bankruptcy offences*

- 18 (1) Where a bankruptcy order is made under this Act on or after the appointed day, a person is not guilty of an offence under Chapter VI of Part IX in respect of anything done before that day; but, notwithstanding the repeal by the <sup>M14</sup>Insolvency Act 1985 of the <sup>M15</sup>Bankruptcy Act 1914, is guilty of an offence under the Act of 1914 in respect of anything done before the appointed day which would have been an offence under that Act if the making of the bankruptcy order had been the making of a receiving order under that Act.
- (2) Subsection (5) of section 350 of this Act applies (instead of sections 157(2), 158(2), 161 and 165 of the Act of 1914) in relation to proceedings for an offence under that Act which are instituted (whether by virtue of sub-paragraph (1) or otherwise) after the appointed day.

#### **Marginal Citations**

**M14** 1985 c. 65.

**M15** 1914 c. 59.

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*Power to make rules*

- 19 (1) The preceding provisions of this Part of this Schedule are without prejudice to the power conferred by this Act under which rules under section 412 may make transitional provision in connection with the coming into force of those rules; and such provision may apply those rules in relation to a bankruptcy notwithstanding that it arose from a petition presented before either the coming into force of the rules or the appointed day.
- (2) Rules under section 412 may provide for such notices served before the appointed day as may be prescribed to be treated for the purposes of this Act as statutory demands served under section 268.

**PART III**

TRANSITIONAL EFFECT OF PART XVI

- 20 (1) A transaction entered into before the appointed day shall not be set aside under Part XVI of this Act except to the extent that it could have been set aside under the law in force immediately before that day.
- (2) References above to setting aside a transaction include the making of any order which varies or reverses any effect of a transaction.

**PART IV**

INSOLVENCY PRACTITIONERS

- 21 Where an individual began to act as an insolvency practitioner in relation to any person before the appointed day, nothing in section 390(2) or (3) prevents that individual from being qualified to act as an insolvency practitioner in relation to that person.

**PART V**

GENERAL TRANSITIONAL PROVISIONS AND SAVINGS

*Interpretation for this Part*

- 22 In this Part of this Schedule, “the former enactments” means so much of [F316the Companies Act 1985] as is repealed and replaced by this Act, the M16Insolvency Act 1985 and the other enactments repealed by this Act.

**Textual Amendments**

**F316** Words in Sch. 11 para. 22 substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009, (S.I. 2009/1941) arts. 2(1), 8, {Sch. 1 para. 83} (with art. 10, Sch. 1 para. 84)

**Marginal Citations**

**M16** 1985 c. 65.

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### *General saving for past acts and events*

- 23 So far as anything done or treated as done under or for the purposes of any provision of the former enactments could have been done under or for the purposes of the corresponding provision of this Act, it is not invalidated by the repeal of that provision by has effect as if done under or for the purposes of the corresponding provision; and any order, regulation, rule or other instrument made or having effect under any provision of the former enactments shall, insofar as its effect is preserved by this paragraph, be treated for all purposes as made and having effect under the corresponding provision.

### *Periods of time*

- 24 Where any period of time specified in a provision of the former enactments is current immediately before the appointed day, this Act has effect as if the corresponding provision had been in force when the period began to run; and (without prejudice to the foregoing) any period of time so specified and current is deemed for the purposes of this Act—

- (a) to run from the date or event from which it was running immediately before the appointed day, and
- (b) to expire (subject to any provision of this Act for its extension) whenever it would have expired if this Act had not been passed;

and any rights, priorities, liabilities, reliefs, obligations, requirements, powers, duties or exemptions dependent on the beginning, duration or end of such period as above mentioned shall be under this Act as they were or would have been under the former enactments.

### *Internal cross-references in this Act*

- 25 Where in any provision of this Act there is a reference to another such provision, and the first-mentioned provision operates, or is capable of operating, in relation to things done or omitted, or events occurring or not occurring, in the past (including in particular past act of compliance with any enactment, failures of compliance, contraventions, offences and convictions of offences), the reference to the other provision is to be read as including a reference to the corresponding provision of the former enactments.

### *Punishment of offences*

- 26 (1) Offences committed before the appointed day under any provision of the former enactments may, notwithstanding any repeal by this Act, be prosecuted and punished after that day as if this Act had not passed.
- (2) A contravention of any provision of the former enactments committed before the appointed day shall not be visited with any severer punishment under or by virtue of this Act than would have been applicable under that provision at the time of the contravention; but where an offence for the continuance of which a penalty was provided has been committed under any provision of the former enactments, proceedings may be taken under this Act in respect of the continuance of the offence on and after the appointed day in the like manner as if the offence had been committed under the corresponding provision of this Act.

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*References elsewhere to the former enactments*

- 27 (1) A reference in any enactment, instrument or document (whether express or implied, and in whatever phraseology) to a provision of the former enactments (including the corresponding provision of any yet earlier enactment) is to be read, where necessary to retain for the enactment, instrument or document the same force and effect as it would have had but for the passing of this Act, as, or as including, a reference to the corresponding provision by which it is replaced in this Act.
- (2) The generality of the preceding sub-paragraph is not affected by any specific conversion of references made by this Act, nor by the inclusion in any provision of this Act of a reference (whether express or implied, and in whatever phraseology) to the provision of the former enactments corresponding to that provision, or to a provision of the former enactments which is replaced by a corresponding provision of this Act.

*Saving for power to repeal provisions in section 51*

- 28 The Secretary of State may by order in a statutory instrument repeal subsections (3) to (5) of section 51 of this Act and the entries in Schedule 10 relating to subsections (4) and (5) of that section.

*Saving for Interpretation Act 1978 ss. 16, 17*

- 29 Nothing in this Schedule is to be taken as prejudicing sections 16 and 17 of the <sup>M17</sup>Interpretation Act 1978 (savings from, and effect of, repeals); and for the purposes of section 17(2) of that Act (construction of references to enactments repealed and replaced, etc.), so much of section 18 of the <sup>M18</sup>Insolvency Act 1985 as is replaced by a provision of this Act is deemed to have been repealed by this Act and not by the <sup>M19</sup>Company Directors Disqualification Act 1986.

**Marginal Citations**

**M17** 1978 c. 30.

**M18** 1985 c. 65.

**M19** 1986 c. 46.

SCHEDULE 12

Section 438

ENACTMENTS REPEALED

Chapter	Short title	Extent of repeal
1970 c. 8.	The Insolvency Services (Accounting and Investment) Act 1970.	The whole Act.
1976 c. 60	The Insolvency Act 1976.	Section 3.
1985 c. 6.	The Companies Act 1985.	In section 463(4), the words “Subject to section 617”.

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1985 c. 65.

The Insolvency Act 1985.

Sections 467 to 485.

In section 486, in the definition of “company” the words “other than in Chapter II of this Part”; and the definitions of “instrument of appointment”, “prescribed”, “receiver” and “register of charges”.

Sections 488 to 650.

Sections 659 to 664.

Sections 665 to 674.

Section 709(4).

Section 710(4).

Section 724.

Schedule 16.

In Schedule 24, the entries relating to section 467; all entries thereafter up to and including section 641(2); and the entry relating to section 710(4).

Sections 1 to 11.

Section 15.

Section 17.

Section 19.

Sections 20 to 107.

Section 108(1) and (3) to (7).

Sections 109 to 211.

Sections 212 to 214.

Section 216.

Section 217(1) to (3).

Sections 221 to 234.

In section 235, subsections (2) to (5).

In section 236, subsections (3) to (5).

In Schedule 1, paragraphs 1 to 4, and sub-paragraph (4) of paragraph 5.

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		Schedules 3 to 5.
		In Schedule 6, paragraphs 5, 6, 9, 15 to 17, 20 to 22, 25 to 44 and 48 to 52.
		Schedule 7.
		In Schedule 9, paragraphs 1 and 4 to 24.
		Schedule 10.
1985 c. 66.	The Bankruptcy (Scotland) Act 1985.	In Schedule 7, paragraphs 19 to 22.
1986 c. 44.	The Gas Act 1986.	In Schedule 7, paragraph 31.

SCHEDULE 13

Section 439(1)

CONSEQUENTIAL AMENDMENTS OF COMPANIES ACT 1985

PART I

INTERNAL AND OTHER SECTION REFERENCES AMENDED OR RE-AMENDED

Section of Act	Consequential amendment or re-amendment
F317	F317
...	...
F318	F318
...	...
F319	F319
...	...
F320	F320
...	...
F321	F321
...	...
Section 153(3)	In paragraph (f), for “section 582” substitute “section 110 of the Insolvency Act”.  In paragraph (g), for “Chapter II of Part II of the Insolvency Act 1985” substitute “Part I of the Insolvency Act”.
Section 156(3)	For “section 517” substitute “section 122 of the Insolvency Act”.
F322	F322

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Section 196

F323

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F323

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F324

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Section 441(1)

F325

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F324

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Section 462(5)

Section 463(2)

Section 463(3)

...

For this section substitute—“196.—(1) The following applies in the case of a company registered in England and Wales, where debentures of the company are secured by a charge which, as created, was a floating charge.(2) If possession is taken, by or on behalf of the holders of any of the debentures, of any property comprised in or subject to charge, and the company is not at that time in course of being wound up, the company’s preferential debts shall be paid out of assets coming to the hands of the person taking possession in priority to any claims for principal or interest in respect of the debentures.(3) “Preferential debts” means the categories of debts listed in Schedule 6 to the Insolvency Act; and for the purposes of that Schedule “the relevant date” is the date of possession being taken as above mentioned.(4) Payments made under this section shall be recouped, as far as may be, out of the assets of the company available for payment of general creditors.”

F323

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F324

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For “section 13 of the Insolvency Act 1985” substitute “section 8 of the Company Directors Disqualification Act 1986”.

F325

...

F324

...

After “this Part” insert “and Part III of the Insolvency Act 1986”.

For “Part XX (except section 623(4))” substitute “Part IV of the Insolvency Act (except section 185)”.

For this subsection substitute—“(3) Nothing in this section derogates from the provisions of sections 53(7) and 54(6) of the Insolvency Act (attachment of floating charge on appointment of receiver), or prejudices the

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	operation of sections 175 and 176 of that Act (payment of preferential debts in winding up)".
Section 464(6)	For “section 89 of the Insolvency Act 1985” substitute “sections 175 and 176 of the Insolvency Act”.
F326	F326
...	...
F327	F327
...	...
Section 711(2)	In paragraph (b), for “section 600” substitute “section 109 of the Insolvency Act”.
Section 733	In subsection (1), omit “295(7)”.
	F323
	...

#### Textual Amendments

- F317** Sch. 13 Pt. 1: entry repealed (1.10.2009) by [Companies Act 2006 \(c. 46\)](#), ss. 1295, 1300(2), [Sch. 16](#); [S.I. 2008/2860](#), [art. 4](#), Sch. 1 Pt. 1
- F318** Sch. 13 Pt. 1: entry repealed (1.10.2009) by [Companies Act 2006 \(c. 46\)](#), ss. 1295, 1300(2), [Sch. 16](#); [S.I. 2008/2860](#), [art. 4](#), Sch. 1 Pt. 1
- F319** Sch. 13 Pt. 1: entry repealed (1.10.2009) by [Companies Act 2006 \(c. 46\)](#), ss. 1295, 1300(2), [Sch. 16](#); [S.I. 2008/2860](#), [art. 4](#), Sch. 1 Pt. 1
- F320** Sch. 13 Pt. 1: entry repealed (1.10.2009) by [Companies Act 2006 \(c. 46\)](#), ss. 1295, 1300(2), [Sch. 16](#); [S.I. 2008/2860](#), [art. 4](#), Sch. 1 Pt. 1
- F321** Sch. 13 Pt. 1: entry repealed (1.10.2009) by [Companies Act 2006 \(c. 46\)](#), ss. 1295, 1300(2), [Sch. 16](#); [S.I. 2008/2860](#), [art. 4](#), Sch. 1 Pt. 1
- F322** Sch. 13 Pt. 1: entry repealed (1.10.2009) by [Companies Act 2006 \(c. 46\)](#), ss. 1295, 1300(2), [Sch. 16](#); [S.I. 2008/2860](#), [art. 4](#), Sch. 1 Pt. 1
- F323** Entries in Pt. I of Sch. 13, relating to sections 222(4), 225 and 733(3) repealed by [Companies Act 1989 \(c. 40, SIF 27\)](#), ss. 212, 213(2), [Sch. 24](#)
- F324** Sch. 13 Pt. 1: entries repealed (1.10.2007) by [Companies Act 2006 \(c. 46\)](#), ss. 1295, 1300(2), [Sch. 16](#); [S.I. 2007/2194](#), arts. 1(3)(a), [8](#), Sch 2 Pt. 1
- F325** Sch. 13 Pt. 1: entry repealed (6.4.2005) by [Companies \(Audit, Investigations and Community Enterprise\) Act 2004 \(c. 27\)](#), ss. 64, 65, [Sch. 8](#); [S.I. 2004/3322](#), [art. 2\(2\)](#), Sch. 2 (subject to arts. 3-13)
- F326** Sch. 13 Pt. 1: entry repealed (1.10.2009) by [Companies Act 2006 \(c. 46\)](#), ss. 1295, 1300(2), [Sch. 16](#); [S.I. 2008/2860](#), [art. 4](#), Sch. 1 Pt. 1
- F327** Sch. 13 Pt. 1: entry repealed (1.10.2009) by [Companies Act 2006 \(c. 46\)](#), ss. 1295, 1300(2), [Sch. 16](#); [S.I. 2008/2860](#), [art. 4](#), Sch. 1 Pt. 1

## PART II

### AMENDMENT OF PART XXVI (INTERPRETATION)

In Part XXVI of the Companies Act, after section 735, insert the following section—



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**“735A Relationship of this Act to Insolvency Act.**

- (1) In this Act “the Insolvency Act” means the Insolvency Act 1986; and in the following provisions of this Act, namely, sections 375(1)(b), 425(6)(a), 440, 449(1)(a) and (d), 460(2), 675, 676, 677, 699(1), 728 and Schedule 21, paragraph 6(1), the words “this Act” are to be read as including Part I to VII of that Act, sections 411, 413, 414, 416 and 417 in Part XV of that Act, and also the Company Directors Disqualification Act 1986.
- (2) In sections 704(5), 706(1), 707(1), 708(1)(a) and (4), 710(5), 713(1), 729 and 732(3) references to the Companies Acts include Parts I to VII of the Insolvency Act, sections 411, 413, 414, 416 and 417 in Part XV of that Act, and also the Company Directors Disqualification Act 1986.
- (3) Subsections (1) and (2) apply unless the contrary intention appears.”

SCHEDULE 14

Section 439(2)

CONSEQUENTIAL AMENDMENTS OF OTHER ENACTMENTS

<b>Enactment</b>	<b>Amendment</b>
F328	
...	
Section 3(1)	For “Part III of the Insolvency Act 1985” substitute “Parts VIII to XI of the Insolvency Act 1986”.
Section 3(4)	The same amendment.
Section 11(1) and (2)	In each subsection, the same amendment.
Section 15(1)	For “section 207 of the Insolvency Act 1985” substitute “section 412 of the Insolvency Act 1986”.
Section 16	The same amendment as of section 3(1).
Section 23	The same amendment.
Section 30(1)	For the definition of “property” substitute —“‘property’ has the meaning given by section 436 of the Insolvency Act 1986”.
Law of Property Act 1925 (c. 20):	
Section 52(2)(b)	For “section 91 or 161 of the Insolvency Act 1985” substitute “sections 178 to 180 or sections 315 to 319 of the Insolvency Act 1986”.
F329	
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F329	F329
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F329	F329

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F330	
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F331	F331
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F332	F332
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Agricultural Marketing Act 1958 (c. 47):  
 Schedule 2

For paragraph 4 substitute—“4.—(1) A scheme shall provide for the winding up of the board, and for that purpose may apply Part V of the Insolvency Act 1986 (winding up of unregistered companies), subject to the following modifications. (2) For the purpose of sections 221, 222 and 224 of the Act of 1986, the principal place of business of the board is deemed to be the office of the board the address of which is registered by the Minister under paragraph 3 above. (3) Section 223 does not apply. (4) Section 224 applies as if the words “or any member of it as such” were omitted. (5) A petition for winding up the board may be presented by the Minister as well as by any person authorised under Part IV of the Insolvency Act 1986 to present a petition for winding up a company”.

Charities Act 1960 (c. 58):  
 Section 30(1)

For “Companies Act 1985” substitute “Insolvency Act 1986”.

F333	
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F333	F333
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F333	F333
...	...
Industrial and Provident Societies Act 1965 (c. 12):	
Section 55	For “Companies Act 1985” substitute “Insolvency Act 1986”.
Medicines Act 1968 (c. 67):	
Section 72(4)	For the words from “composition or scheme” to the end of the subsection substitute “voluntary arrangement proposed for the purposes of, and approved under, Part VIII of the Insolvency Act 1986”.
F334	
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F334	F334
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F334	F334
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Conveyancing and Feudal Reform (Scotland) Act 1970 (c. 35):	
Schedule 3	In Standard Condition 9(2)(b), for “228 of the Insolvency Act 1985” substitute “421 of the Insolvency Act 1986”.
F335	
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F335	F335
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Superannuation Act 1972 (c. 11):	
Section 5(2)	For “156 of the Insolvency Act 1985” substitute “310 of the Insolvency Act 1986”; and for “the said section 156” substitute “the said section 310”.
F336	
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F336	F336
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F337	
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F337	F337
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Land Charges Act 1972 (c. 61):	
Section 16(2)	For “207 of the Insolvency Act 1985” substitute “412 of the Insolvency Act 1986”;

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	and for “Part III” substitute “Parts VIII to XI”.
Matrimonial Causes Act 1973 (c. 18):	
Section 39	For “section 174 of the Insolvency Act 1985” substitute “section 339 or 340 of the Insolvency Act 1986”.
Powers of Criminal Courts Act 1973 (c. 62):	
Section 39(3)	In paragraph (d), for “174(10) of the Insolvency Act 1985” substitute “341(4) of the Insolvency Act 1986”.
Friendly Societies Act 1974 (c. 46):	
Section 87(2)	For “Companies Act 1985” substitute “Insolvency Act 1986”.
F338	
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Recess Elections Act 1975 (c. 66):	
Section 1(2)	In the definition of “certificate of vacancy”, for “214(6)(a) of the Insolvency Act 1985” substitute “427(6)(a) of the Insolvency Act 1986”.
Policyholders Protection Act 1975 (c. 75):	
Section 5(1)(a)	For “Companies Act 1985” substitute “Insolvency Act 1986”.
Section 15(1)	For “532 of the Companies Act 1985” substitute “Insolvency Act 1986”.
Section 16(1)(b)	The same amendment as of section 5(1)(a).
Development Land Tax Act 1976 (c. 24):	
Section 33(1)	For “538 of the Companies Act 1985” substitute “145 of the Insolvency Act 1986”.
Restrictive Trade Practices Act 1976 (c. 34):	
Schedule 1	For paragraph 9A (inserted by Insolvency Act 1985, section 217(4)) substitute—“9A. Insolvency services within the meaning of section 428 of the Insolvency Act 1986”.
F339	
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F339	F339
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F339	F339

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F339	F339
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F339	F339
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F340	F340
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F339	F339
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Credit Unions Act 1979 (c. 34):	
Section 6(1)	For “517(1)(e) of the Companies Act 1985” substitute “122(1)(e) of the Insolvency Act 1986”; and for “517(1)(e) of the Act of 1985” substitute “122(1)(e) of the Act of 1986”.
Banking Act 1979 (c. 37):	
Section 6(3)	In paragraph (b), for “Part XXI of the Companies Act 1985” substitute “Part V of the Insolvency Act 1986”.
Section 18	In subsection (1), for “Companies Act 1985” substitute “Insolvency Act 1986”; and in paragraph (a) of the subsection for “518” substitute “123”.  In subsection (2), for “Companies Act 1985” substitute “Insolvency Act 1986”; and for “Part XXI” substitute “Part V”.  In subsection (4)—in paragraph (a), for “Companies Act 1985” substitute “Insolvency Act 1986”; in paragraph (b), for “518 of the said Act of 1985” substitute “123 of the said Act 1986”; and in paragraph (c), for “Part XXI of the said Act of 1985” substitute “Part V of the said Act 1986”.
Enactment	Amendment
Section 19	In subsection (2), for paragraph (ba) substitute— “(ba) in connection with any proceedings under any provision of—

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## Section 28

(i) Part XVIII or XX of the Companies Act 1985, or  
 (ii) Parts I to VII of the Insolvency Act 1986 (other than sections 236 and 237)".

In subsection (8), for paragraphs (a) and (aa) substitute—

“(a) for the references in subsection (2) to Part XVIII or XX of the Companies Act 1985 and Parts I to VII of the Insolvency Act 1986, there shall be substituted references to Parts V, VI and IX of the Companies Act (Northern Ireland) 1960 (the reference to sections 236 and 237 of the Act of 1986 being disregarded)".

In subsection (3), in paragraph (c), for “83 of the Insolvency Act 1985” substitute “95 of the Insolvency Act 1986”.

In subsection (4), in paragraph (a), for “Part XXI of the Companies Act 1985” substitute “Part V of the Insolvency Act 1986”.

In subsection (6)(b), for sub-paragraphs (ii) to (iv) substitute—

“(ii) to be a member of a liquidation committee established under Part IV or V of the Insolvency Act 1986;  
 (iii) to be a member of a creditors committee appointed under section 301 of that Act; and  
 (iv) to be a commissioner under section 30 of the Bankruptcy (Scotland) Act 1985”;  
 (v) to be a member of a committee of inspection appointed for the purposes of Part V or Part IX of the Companies Act (Northern Ireland) 1960;

and (in the passage following sub-paragraph (iv)) for “such a committee as is mentioned in paragraph (b)(ii) or (iv) above” substitute “a liquidation committee, creditors’ committee or committee of inspection”.

In subsection (7), in paragraph (b), for the words from “section 116(4)” to the end of the paragraph substitute “section 261(1) of the Insolvency Act 1986 to any person in whom the property of the firm is vested under section 282(4) of that Act”.

## Section 31(7)

For paragraph (a) substitute -

“(a) for England and Wales, under sections 411 and 412 of the Insolvency Act 1986”;

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	and in paragraph (b) for “the said section 106” substitute “section 411 of that Act”.
British Aerospace Act 1980 (c. 26):	
Section 9(1)	In paragraph (a), for “Companies Act 1985” substitute “Insolvency Act 1986”.
Public Passenger Vehicles Act 1981 (c. 14):	
Section 19(3)	In paragraph (a), for “Chapter III of Part II of the Insolvency Act 1985” substitute “Part II of the Insolvency Act 1986”.
F341	
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F341	F341
...	...
Supreme Court Act 1981 (c. 54):	
Section 40A(2)	For “section 179 of the Insolvency Act 1985” substitute “section 346 of the Insolvency Act 1986”; and for “621 of the Companies Act 1985” substitute “183 of the Insolvency Act 1986”.
Trustee Savings Banks Act 1981 (c. 65):	
Section 31	In paragraph (b), for “666 to 669 of the Companies Act 1985” substitute “221 to 224 of the Insolvency Act 1986”.
Section 54(2)	For “666(6) of the Companies Act 1985” substitute “221(6) of the Insolvency Act 1986”.
Iron and Steel Act 1982 (c. 25):	
Schedule 4	In paragraph 3(3) after “Companies Act 1985” insert “or the Insolvency Act 1986”.
Civil Jurisdiction and Judgments Act 1982 (c. 27):	
Section 18(3)	In paragraph (ba), for “213 of the Insolvency Act 1985” substitute “426 of the Insolvency Act 1986”.
Schedule 5	In paragraph (1), for “Companies Act 1985” substitute “Insolvency Act 1986”.
Insurance Companies Act 1982 (c. 50):	
Section 53	For “Companies Act” (the first time) substitute “Insolvency Act 1986”; and for “Companies Act” (the second time) substitute “that Act of 1986”.
Section 54	In subsection (1), for “the Companies Act” (the first time) substitute “Part IV

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Section 55	<p>or V of the Insolvency Act 1986”; and in paragraph (a), for “518 or sections 667 to 669” substitute “123 or sections 222 to 224”. In subsection (4) for “Companies Act” (the first time) substitute “Insolvency Act 1986”.</p> <p>In subsection (5) for “subsection (3) of section 540 of the Companies Act” substitute “section 168(2) of the Insolvency Act 1986”.</p> <p>In subsection (6), for “631 of the Companies Act” substitute “212 of the Insolvency Act 1986”.</p>
Section 56	<p>In subsection (4), for “Section 90(5) of the Insolvency Act 1985” substitute “Section 177(5) of the Insolvency Act 1986”; and for “section 90 of the said Act of 1985” substitute “section 177 of the said Act of 1986”.</p> <p>In subsection (7), for “section 539(1) of the Companies Act” substitute “section 167 of, and Schedule 4 to, the Insolvency Act 1986”.</p>
Section 59	<p>In subsection (1), for “106 of the Insolvency Act 1985” substitute “411 of the Insolvency Act 1986”.</p> <p>In subsection (2), for “106 of the Insolvency Act 1985” substitute “411 of the Insolvency Act 1986”; and for “section 89 of, and Schedule 4 to, the Insolvency Act 1985” substitute “sections 175 and 176 of, and Schedule 6 to, the Insolvency Act 1986”.</p>
Section 96(1)	<p>In the definition of “insolvent”, for “517 and 518 or section 666 of the Companies Act” substitute “122 and 123 or section 221 of the Insolvency Act 1986”.</p>
F341	
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F341	F341
. . .	. . .
Telecommunications Act 1984 (c. 12):	
Section 68(1)	<p>In paragraph (a), for “Companies Act 1985” substitute “Insolvency Act 1986”.</p>
County Courts Act 1984 (c. 28):	
Section 98	<p>For subsection (3) substitute—  “(3) The provisions of this section have effect subject to those of sections 183, 184 and 346 of the Insolvency Act 1986”.</p>
Section 102	<p>For subsection (8) substitute—</p>



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	“(8) Nothing in this section affects section 346 of the Insolvency Act 1986”.
Section 109(2)	For “179 of the Insolvency Act 1985” substitute “346 of the Insolvency Act 1986”
Finance Act 1985 (c. 54):	
Section 79	Omit the word “altogether”; and after “Companies Act 1985” insert “sections 110 and 111 of the Insolvency Act 1986”.
Housing Act 1985 (c. 68):	
Schedule 18	In paragraphs 3(4) and 5(3), for “228 of the Insolvency Act 1985” substitute “421 of the Insolvency Act 1986”.

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#### Textual Amendments

- F328** Words in Sch. 14 omitted (1.10.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), [Sch. 6 para. 2\(11\)\(h\)](#) (with [Sch. 6 para. 3](#)); S.I. 2015/1732, art. 2(e)(i)
- F329** Sch. 14: entries relating to Land Registration Act 1925 repealed (13.10.2003) by 2002 c. 9, ss. 135, 136, [Sch. 13](#) (with s. 129, [Sch. 12 para. 1](#)); S.I. 2003/1725, [art. 2](#)
- F330** Sch. 14 entries repealed (1.8.2016) by [Third Parties \(Rights against Insurers\) Act 2010 \(c. 10\)](#), s. 21(2), [Sch. 4](#); S.I. 2016/550, [art. 2](#)
- F331** Sch. 14 the entry relating to the Exchange Control Act 1947 repealed by [Finance Act 1987 \(c. 16\)](#), SIF 99:6, s. 72, [Sch. 16 Pt. XI](#)
- F332** Sch. 14: the entries relating to the Arbitration Act 1950 repealed (31.1.1997) by 1996 c. 23, s. 107(2), [Sch. 4](#) (with s. 81(2)); S.I. 1996/3146, arts. 3, 4, [Sch. 2](#)
- F333** Sch. 14: entries relating to Licensing Act 1964 repealed (24.11.2005) by [Licensing Act 2003 \(c. 17\)](#), ss. 199, 201, [Sch. 7](#) (with ss. 2(3), 15(2), 195); S.I. 2005/3056, arts. 1(2), [2\(2\)](#) (with saving in art. 4)
- F334** Sch. 14 the entries relating to the Income and Corporation Taxes Act 1970 repealed by [Income and Corporation Taxes Act 1988 \(c. 1\)](#), SIF 63:1, s. 844, [Sch. 31](#)
- F335** Sch. 14: the entry relating to the Tribunals and Inquiries Act 1971 repealed (1.10.1992) by [Tribunals and Inquiries Act 1992 \(c. 53\)](#), ss. 18(2), 19(2), [Sch. 4 Pt. I](#)
- F336** Sch. 14 the entry relating to the Road Traffic Act 1972 repealed by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54\)](#), SIF 107:1, ss. 3, 5, [Sch. 1 Pt. I](#), [Sch. 4 paras. 1, 2](#)
- F337** Sch. 14 the entry relating to the Finance Act 1972 repealed by [Income and Corporation Taxes Act 1988 \(c. 1\)](#), SIF 63: 1), s. 844, [Sch. 31](#)
- F338** Sch. 14: the entries relating to the Social Security Pensions Act 1975 repealed (7.2.1994) by 1993 c. 48, ss. 188, 193(2), [Sch. 5 Pt. I](#); S.I. 1994/86, [art. 2](#)
- F339** Sch. 14: the entries relating to the Employment Protection (Consolidation) Act 1998 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, [Sch. 3 Pt. I](#) (with ss. 191-195, 202)
- F340** Sch. 14 the entry relating to s.125(2) of the Employment Protection (Consolidation) Act 1978 repealed by [Employment Act 1989 \(c.38\)](#), SIF 43: 1), [s. 29\(4\) Sch.7 Pt.II](#)
- F341** Sch. 14 the entries relating to the Finance Act 1981 and the Finance Act 1983 repealed by [Income and Corporation Taxes Act 1988 \(c. 1\)](#), SIF 63: 1), s. 844, [Sch. 31](#)

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 70(1) words inserted by [2023 asp 3 s. 61\(b\)](#)
- s. 70(1) words renumbered by [2023 asp 3 s. 61\(a\)](#)
- s. 106(7)(8) omitted by [S.I. 2019/146 Sch. para. 134](#) (This amendment not applied to legislation.gov.uk. Sch. para. 134 omitted before it comes into force by virtue of S.I. 2019/1459, reg. 1(2), Sch. para. 4)
- s. 172(9)(10) omitted by [S.I. 2019/146 Sch. para. 135](#) (This amendment not applied to legislation.gov.uk. Sch. para. 135 omitted before it comes into force by virtue of S.I. 2019/1459, reg. 1(2), Sch. para. 4)
- s. 194 amendment to earlier affecting provision 2009 c. 1, s. 103 by [S.I. 2018/208 reg. 5\(3\)](#)
- s. 201(2) words omitted by [S.I. 2019/146 Sch. para. 136\(a\)](#) (This amendment not applied to legislation.gov.uk. Sch. para. 136 omitted before it comes into force by virtue of S.I. 2019/1459, reg. 1(2), Sch. para. 4)
- s. 201(2A)(2B) omitted by [S.I. 2019/146 Sch. para. 136\(b\)](#) (This amendment not applied to legislation.gov.uk. Sch. para. 136 omitted before it comes into force by virtue of S.I. 2019/1459, reg. 1(2), Sch. para. 4)
- s. 205(2) words substituted by [S.I. 2019/146 Sch. para. 138\(a\)](#) (This amendment not applied to legislation.gov.uk. Sch. para. 138 omitted before it comes into force by virtue of S.I. 2019/1459, reg. 1(2), Sch. para. 4)
- s. 205(2A)(2B) omitted by [S.I. 2019/146 Sch. para. 138\(b\)](#) (This amendment not applied to legislation.gov.uk. Sch. para. 138 omitted before it comes into force by virtue of S.I. 2019/1459, reg. 1(2), Sch. para. 4)
- s. 263D excluded by [S.I. 2016/606 reg. 97\(1\)\(c\)](#) (This effect was superseded by the repeal of s. 263D by 2015 c. 26, s. 135(1))
- s. 263D(6) omitted by [2015 c. 20 Sch. 6 para. 2\(11\)\(c\)](#) (This effect was superseded by the repeal of s. 263D by 2015 c. 26, s. 135(1))
- s. 264(1)(d) and word repealed by [1988 c. 33 Sch. 16](#)
- s. 272(1) amendment to earlier affecting provision S.I. 1986/1999, Sch. 1 Pt. 2 by [S.I. 2016/481 Sch. 2 para. 2\(7\)\(b\)](#) (This effect was superseded by the repeal of s. 272 by 2013 c. 24, Sch. 19 para. 9(1))
- s. 282 repealed by [1988 c. 33 Sch. 16](#)
- s. 297(1) repealed by [1988 c. 33 Sch. 16](#)
- s. 389A(3)(a) word substituted by [2013 c. 24 Sch. 19 para. 57](#) (This effect superseded by 2015 c. 20, s. 115(7), Sch. 6 para. 19)
- Sch. A1 amendment to earlier affecting provision S.I. 1994/2421, art. 4, Sch. 1 by [S.I. 2020/1350 reg. 121\(2\)](#) (This effect not applied to legislation.gov.uk. Sch. 1A omitted (28.6.2020) by virtue of 2020 c. 12, Sch. 3 para. 30)
- Sch. 10 entries repealed by [1989 c. 40 Sch. 24](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act amendment to earlier affecting provision S.I. 1986/1999, art. 3, Sch. 1 Pt. 2 by [S.I. 2017/1119 Sch. 3 para. 1](#)
- Act savings and transitional provisions for amendments by S.I. 2022/1166 by [S.I. 2022/1172 Regulations](#)

**Whole provisions yet to be inserted into this Act (including any effects on those provisions):**

– s. 41HB(2) words substituted by [2018 c. 14 s. 1\(3\)\(b\)](#)