

SCHEDULES

SCHEDULE 3

TRANSITIONAL PROVISION AND SAVINGS

Unfair relationships

- 15 (1) The repeal by this Act of sections 137 to 140 of the 1974 Act shall not affect the court's power to reopen an existing agreement under those sections as set out in this paragraph.
- (2) The court's power to reopen an existing agreement which—
- (a) became a completed agreement before the commencement of section 22(3) of this Act, or
 - (b) becomes a completed agreement during the transitional period,
- is not affected at all.
- (3) The court may also reopen an existing agreement—
- (a) on an application of the kind mentioned in paragraph (a) of subsection (1) of section 139 made at a time before the end of the transitional period; or
 - (b) at the instance of the debtor or a surety in any proceedings of the kind mentioned in paragraph (b) or (c) of that subsection which were commenced at such a time.
- (4) Nothing in section 16A or 16B of the 1974 Act shall affect the application of sections 137 to 140 (whether by virtue of this paragraph or otherwise).
- (5) The repeal or revocation by this Act of the following provisions has no effect in relation to existing agreements so far as they may be reopened as set out in this paragraph—
- (a) section 16(7) of the 1974 Act;
 - (b) in section 143(b) of that Act, the words “, 139(1)(a)”;
 - (c) section 171(7) of that Act;
 - (d) in subsection (1) of section 181 of that Act, the words “139(5) and (7),”;
 - (e) in subsection (2) of that section, the words “or 139(5) or (7)”;
 - (f) in section 61(6) of the Bankruptcy (Scotland) Act 1985 (c. 66), the words from the beginning to “but”;
 - (g) in section 343(6) of the Insolvency Act 1986 (c. 45), the words from the beginning to “But”;
 - (h) Article 316(6) of the Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N.I. 19)).
- (6) Expressions used in sections 137 to 140 of the 1974 Act have the same meaning in this paragraph as they have in those sections.
- (7) In this paragraph—

Status: This is the original version (as it was originally enacted).

“existing agreement” means a credit agreement made before the commencement of section 22(3) of this Act;

“the transitional period” means the period of one year beginning with the day of the commencement of section 22(3).

- (8) An order under section 69 of this Act may extend, or further extend, the transitional period.