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SCHEDULES

SCHEDULE 20

DEBT RELIEF ORDERS: CONSEQUENTIAL AMENDMENTS

PART 1

AMENDMENTS TO THE INSOLVENCY ACT 1986

1 The Insolvency Act 1986 (c. 45) is amended as follows.

Commencement Information

I1 Sch. 20 wholly in force at 6.4.2009; Sch. 20 not in force at Royal Assent see s. 148(2); Sch. 20 in force for certain purposes at 24.2.2009 and at 6.4.2009 otherwise by S.I. 2009/382, art. 2

- 2 (1) In section 31 (disqualification of bankrupt) in subsection (1)—
- (a) at the end of paragraph (a) (before “or”) insert—
“(aa) a moratorium period under a debt relief order applies in relation to him,”;
 - (b) in paragraph (b) after “order” insert “ or a debt relief restrictions order ”.
- (2) In the heading to that section after “**bankrupt**” insert “ **or person in respect of whom a debt relief order is made** ”.

Commencement Information

I2 Sch. 20 wholly in force at 6.4.2009; Sch. 20 not in force at Royal Assent see s. 148(2); Sch. 20 in force for certain purposes at 24.2.2009 and at 6.4.2009 otherwise by S.I. 2009/382, art. 2

F13

Textual Amendments

F1 Sch. 20 para. 3 omitted (6.4.2016) by virtue of Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), Sch. 19 para. 9(2); S.I. 2016/191, art. 2 (with art. 3)

Commencement Information

I3 Sch. 20 wholly in force at 6.4.2009; Sch. 20 not in force at Royal Assent see s. 148(2); Sch. 20 in force for certain purposes at 24.2.2009 and at 6.4.2009 otherwise by S.I. 2009/382, art. 2

- 4 In section 384(2)(meaning of prescribed amount)—
- (a) at the beginning of the list of provisions insert “ section 251S(4); ”;
 - (b) in the list omit “and” after “section 361(2);” and

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(c) at the end of the list insert “ paragraphs 6 to 8 of Schedule 4ZA, ”.

Commencement Information

I4 Sch. 20 wholly in force at 6.4.2009; Sch. 20 not in force at Royal Assent see s. 148(2); Sch. 20 in force for certain purposes at 24.2.2009 and at 6.4.2009 otherwise by S.I. 2009/382, art. 2

- 5 (1) Section 385(1) (definitions) is amended as follows.
- (2) In the definition of “the debtor”, before paragraph (a) insert—
- “(za) in relation to a debt relief order or an application for such an order, has the same meaning as in Part 7A,”.
- (3) After the definition of “debtor's petition” insert—
- ““debt relief order” means an order made by the official receiver under Part 7A;”.

Commencement Information

I5 Sch. 20 wholly in force at 6.4.2009; Sch. 20 not in force at Royal Assent see s. 148(2); Sch. 20 in force for certain purposes at 24.2.2009 and at 6.4.2009 otherwise by S.I. 2009/382, art. 2

- 6 (1) Section 390 (persons not qualified to act as insolvency practitioners) is amended as follows.
- (2) In subsection (4) after paragraph (a) insert—
- “(aa) a moratorium period under a debt relief order applies in relation of him,”.
- (3) In subsection (5) after “order” insert “ or a debt relief restrictions order ”.

Commencement Information

I6 Sch. 20 wholly in force at 6.4.2009; Sch. 20 not in force at Royal Assent see s. 148(2); Sch. 20 in force for certain purposes at 24.2.2009 and at 6.4.2009 otherwise by S.I. 2009/382, art. 2

- 7 (1) Section 399 (appointment etc of official receivers) is amended as follows.
- (2) In subsection (1) for “or individual voluntary arrangement” (in both places) substitute “, individual voluntary arrangement, debt relief order or application for such an order ”.
- (3) In subsection (4) for “or individual voluntary arrangement” substitute “, individual voluntary arrangement, debt relief order or application for such an order ”.

Commencement Information

I7 Sch. 20 wholly in force at 6.4.2009; Sch. 20 not in force at Royal Assent see s. 148(2); Sch. 20 in force for certain purposes at 24.2.2009 and at 6.4.2009 otherwise by S.I. 2009/382, art. 2

- 8 In section 412(1) (individual insolvency rules) for “Parts VIII to XI” substitute “ Parts 7A to 11 ”.

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Commencement Information

18 Sch. 20 wholly in force at 6.4.2009; Sch. 20 not in force at Royal Assent see s. 148(2); Sch. 20 in force for certain purposes at 24.2.2009 and at 6.4.2009 otherwise by S.I. 2009/382, art. 2

- 9 (1) Section 415 (fees orders) is amended as follows.
- (2) In subsection (1) before paragraph (a) insert—
- “(za) the costs of persons acting as approved intermediaries under Part 7A.”.
- (3) In that subsection in paragraph (a) for “Parts VIII to XI” substitute “ Parts 7A to 11 ”.

Commencement Information

19 Sch. 20 wholly in force at 6.4.2009; Sch. 20 not in force at Royal Assent see s. 148(2); Sch. 20 in force for certain purposes at 24.2.2009 and at 6.4.2009 otherwise by S.I. 2009/382, art. 2

- 10 In section 415A (fees orders: general), before subsection (1) insert—
- “(A1) The Secretary of State—
- (a) may by order require a person or body to pay a fee in connection with the grant or maintenance of a designation of that person or body as a competent authority under section 251U, and
- (b) may refuse to grant, or may withdraw, any such designation where a fee is not paid.”

Commencement Information

110 Sch. 20 wholly in force at 6.4.2009; Sch. 20 not in force at Royal Assent see s. 148(2); Sch. 20 in force for certain purposes at 24.2.2009 and at 6.4.2009 otherwise by S.I. 2009/382, art. 2

- 11 In section 418(1) (monetary limits)—
- (a) at the beginning of the list of provisions insert— “ section 251S(4) (maximum amount of credit which a person in respect of whom a debt relief order is made may obtain without disclosure of his status); ”;
- (b) at the end of the list of provisions insert— “ paragraphs 6 to 8 of Schedule 4ZA (maximum amount of a person's debts, monthly surplus income and property for purposes of obtaining a debt relief order); ”.

Commencement Information

111 Sch. 20 wholly in force at 6.4.2009; Sch. 20 not in force at Royal Assent see s. 148(2); Sch. 20 in force for certain purposes at 24.2.2009 and at 6.4.2009 otherwise by S.I. 2009/382, art. 2

- 12 (1) Section 426A (disqualification from Parliament) is amended as follows.
- (2) In subsection (1) after “bankruptcy restrictions order” insert “ or a debt relief restrictions order ”.
- (3) In subsection (5) after “interim order” insert “ , or a debt relief restrictions order or an interim debt relief restrictions order, ”.

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- (4) In subsection (6) after “bankruptcy restrictions undertaking” insert “ or a debt relief restrictions undertaking ”.

Commencement Information

I12 Sch. 20 wholly in force at 6.4.2009; Sch. 20 not in force at Royal Assent see s. 148(2); Sch. 20 in force for certain purposes at 24.2.2009 and at 6.4.2009 otherwise by S.I. 2009/382, art. 2

- 13 (1) Section 426B (devolution) is amended as follows.
- (2) In subsection (1) after “Wales,” insert “ or makes a debt relief restrictions order or interim debt relief restrictions order in respect of such a member, ”.
- (3) In subsection (2) after “bankruptcy restrictions undertaking” insert “ or a debt relief restrictions undertaking ”.

Commencement Information

I13 Sch. 20 wholly in force at 6.4.2009; Sch. 20 not in force at Royal Assent see s. 148(2); Sch. 20 in force for certain purposes at 24.2.2009 and at 6.4.2009 otherwise by S.I. 2009/382, art. 2

- 14 (1) Schedule 9 is amended as follows.
- (2) In paragraph 1 for “Parts VIII to XI” substitute “ Parts 7A to 11 ”.
- (3) In paragraph 5 for “Parts VIII to XI” substitute “ Parts 7A to 11 ”.
- (4) In paragraph 6 for “Parts VIII to XI” substitute “ Parts 7A to 11 ”.
- (5) After paragraph 7 insert—

“Debt relief orders

- 7A Provision as to the manner in which the official receiver is to carry out his functions under Part 7A.
- 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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Commencement Information

II4 Sch. 20 wholly in force at 6.4.2009; Sch. 20 not in force at Royal Assent see s. 148(2); Sch. 20 in force for certain purposes at 24.2.2009 and at 6.4.2009 otherwise by S.I. 2009/382, art. 2

- 15 (1) The Table in Schedule 10 (punishment of offences) is amended as follows.
- (2) In the entry relating to section 31, in the column describing the general nature of the offence, after “bankrupt” insert “ or person in respect of whom a debt relief order is made ”.
- (3) Insert the following entries after the entry relating to section 235(5)—

“251O(1)	False representations or omissions in making an application for a debt relief order.	1. On indictment 2. Summary	7 years or a fine, or both. 12 months or the statutory maximum, or both.
251O(2)(a)	Failing to comply with duty in connection with an application for a debt relief order.	1. On indictment 2. Summary	2 years or a fine, or both. 12 months or the statutory maximum, or both.
251O(2)(b)	False representations or omissions in connection with duty in relation to an application for a debt relief order.	1. On indictment 2. Summary	7 years or a fine, or both. 12 months or the statutory maximum, or both.
251O(4)(a)	Failing to comply with duty in connection with a debt relief order.	1. On indictment 2. Summary	2 years or a fine, or both. 12 months or the statutory maximum, or both.
251O(4)(b)	False representations or omissions in connection with a duty in relation to a debt relief order.	1. On indictment 2. Summary	7 years or a fine, or both. 12 months or the statutory maximum, or both.
251P(1)	Failing to deliver books, records and papers to	1. On indictment 2. Summary	7 years or a fine, or both.

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	official receiver, concealing or destroying them or making false entries in them by person in respect of whom a debt relief order is made.		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 falling within paragraphs (b) to (e) of section 251P(1) after that date but before the effective date.	1. On indictment 2. Summary	7 years or a fine, or both. 12 months or the statutory maximum, or both.
251Q(1)	Fraudulent disposal of property by person in respect of whom a debt relief order is made.	1. On indictment 2. Summary	2 years or a fine, or both. 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 2. Summary	7 years or a fine, or both. 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	1. On indictment 2. Summary	7 years or a fine, or both. 12 months or the statutory maximum, or both.

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	a debt relief order is made.		
251S(1)	Person in respect of whom a debt relief order is made obtaining credit or engaging in business without disclosing his status or name.	1. On indictment 2. Summary	2 years or a fine, or both. 12 months or the statutory maximum, or both.”

(4) In the application of those entries in relation to offences committed before [^{F2}2 May 2022] (limit on magistrates' court powers to impose imprisonment), the references in the fourth column to “12 months” are to be read as references to “6 months”.

Textual Amendments

- F2** Words in [Sch. 20 para. 15\(4\)](#) substituted (28.4.2022) by [The Criminal Justice Act 2003 \(Commencement No. 33\) and Sentencing Act 2020 \(Commencement No. 2\) Regulations 2022 \(S.I. 2022/500\)](#), regs. 1(2), 5(1), [Sch. Pt. 1](#)

Commencement Information

- I15** Sch. 20 wholly in force at 6.4.2009; Sch. 20 not in force at Royal Assent see s. 148(2); Sch. 20 in force for certain purposes at 24.2.2009 and at 6.4.2009 otherwise by [S.I. 2009/382](#), [art. 2](#)

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