
Status: This version of this schedule contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the Enterprise Act 2002, SCHEDULE 19. (See end of Document for details)

SCHEDULES

SCHEDULE 19

Section 256

DURATION OF BANKRUPTCY: TRANSITIONAL PROVISIONS

Introduction

- 1 This Schedule applies to an individual who immediately before commencement—
- (a) has been adjudged bankrupt, and
 - (b) has not been discharged from the bankruptcy.
- 2 In this Schedule—
- “commencement” means the date appointed under section 279 for the commencement of section 256, and
 - “pre-commencement bankrupt” means an individual to whom this Schedule applies.

Neither old law nor new law to apply

- 3 Section 279 of the Insolvency Act 1986 (c. 45) (bankruptcy: discharge) shall not apply to a pre-commencement bankrupt (whether in its pre-commencement or its post-commencement form).

General rule for discharge from pre-commencement bankruptcy

- 4 (1) A pre-commencement bankrupt is ^{F1}, subject to sub-paragraphs (2) and (3), discharged from bankruptcy at whichever is the earlier of—
- (a) the end of the period of one year beginning with commencement, and
 - (b) the end of the relevant period applicable to the bankrupt under section 279(1) (b) of the Insolvency Act 1986 (duration of bankruptcy) as it had effect immediately before commencement.
- (2) An order made under section 279(3) of that Act before commencement—
- (a) shall continue to have effect in respect of the pre-commencement bankrupt after commencement, and
 - (b) may be varied or revoked after commencement by an order under section 279(3) as substituted by section 256 of this Act.
- (3) Section 279(3) to (5) of that Act as substituted by section 256 of this Act shall have effect after commencement in relation to the period mentioned in sub-paragraph (1) (a) or (b) above.

Textual Amendments

- F1** Words in Sch. 19 para. 4(1) inserted (15.9.2003) by [The Enterprise Act 2002 \(Insolvency\) Order 2003 \(S.I. 2003/2096\)](#), art. 3

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Second-time bankruptcy

- 5
- (1) This paragraph applies to a pre-commencement bankrupt who was an undischarged bankrupt at some time during the period of 15 years ending with the day before the date on which the pre-commencement bankruptcy commenced.
 - (2) The pre-commencement bankrupt shall not be discharged from bankruptcy in accordance with paragraph 4 above.
 - (3) An order made before commencement under section 280(2)(b) or (c) of the Insolvency Act 1986 (c. 45) (discharge by order of the court) shall continue to have effect after commencement (including any provision made by the court by virtue of section 280(3)).
 - (4) A pre-commencement bankrupt to whom this paragraph applies (and in respect of whom no order is in force under section 280(2)(b) or (c) on commencement) is discharged—
 - (a) at the end of the period of five years beginning with commencement, or
 - (b) at such earlier time as the court may order on an application under section 280 of the Insolvency Act 1986 (discharge by order) heard after commencement.
 - (5) Section 279(3) to (5) of the Insolvency Act 1986 as substituted by section 256 of this Act shall have effect after commencement in relation to the period mentioned in sub-paragraph (4)(a) above.
 - (6) A bankruptcy annulled under section 282 shall be ignored for the purpose of sub-paragraph (1).

Criminal bankruptcy

- 6
- A pre-commencement bankrupt who was adjudged bankrupt on a petition under section 264(1)(d) of the Insolvency Act 1986 (criminal bankruptcy)—
- (a) shall not be discharged from bankruptcy in accordance with paragraph 4 above, but
 - (b) may be discharged from bankruptcy by an order of the court under section 280 of that Act.

Income payments order

- 7
- (1) This paragraph applies where—
 - (a) a pre-commencement bankrupt is discharged by virtue of paragraph 4(1)(a), and
 - (b) an income payments order is in force in respect of him immediately before his discharge.
 - (2) If the income payments order specifies a date after which it is not to have effect, it shall continue in force until that date (and then lapse).
 - (3) But the court may on the application of the pre-commencement bankrupt—
 - (a) vary the income payments order;
 - (b) provide for the income payments order to cease to have effect before the date referred to in sub-paragraph (2).

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PROSPECTIVE

Bankruptcy restrictions order or undertaking

- 8 A provision of this Schedule which provides for an individual to be discharged from bankruptcy is subject to—
- (a) any bankruptcy restrictions order (or interim order) which may be made in relation to that individual, and
 - (b) any bankruptcy restrictions undertaking entered into by that individual.

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