

Changes to legislation: There are currently no known outstanding effects for the Enterprise Act 2002, SCHEDULE 23. (See end of Document for details)

SCHEDULES

SCHEDULE 23

Section 269

INDIVIDUAL INSOLVENCY: MINOR AND CONSEQUENTIAL AMENDMENTS

- 1 The Insolvency Act 1986 (c. 45) shall be amended as follows.
- 2 Section 275 (bankruptcy: summary administration) shall cease to have effect.
- 3 In section 280(1) (bankruptcy: discharge by order of court)—
- (a) for “section 279(1)(a)” substitute “ section 279(6) ”, and
 - (b) for “commencement of the bankruptcy” substitute “ date on which the bankruptcy commences ”.
- 4 In section 282 (annulment of bankruptcy)—
- ^{F1}(a)
 - (b) omit subsection (5) (previous bankruptcy: disregard of annulled bankruptcy).

Textual Amendments

F1 Sch. 23 para. 4(a) and word omitted (26.5.2015) by virtue of [Small Business, Enterprise and Employment Act 2015 \(c. 26\), ss. 135\(3\)\(c\), 164\(3\)\(i\)\(iv\)](#) (with s. 135(4))

- 5 For section 291(4) (co-operation with official receiver) substitute—
- “(4) The bankrupt shall give the official receiver such inventory of his estate and such other information, and shall attend on the official receiver at such times, as the official receiver may reasonably require—
- (a) for a purpose of this Chapter, or
 - (b) in connection with the making of a bankruptcy restrictions order.”
- 6 In section 292(1)(a) (trustee in bankruptcy: power to appoint) omit the words “except at a time when a certificate for the summary administration of the bankrupt’s estate is in force,”.
- 7 In section 293(1) (trustee in bankruptcy: meeting to appoint) omit the words “and no certificate for the summary administration of the bankrupt’s estate has been issued,”.
- 8 In section 294(1) (power of creditors to requisition meeting) omit the words—
- “and
- (b) a certificate for the summary administration of the estate is not for the time being in force,”.
- 9 In section 297 (trustee: special cases)—
- (a) omit subsections (2) and (3), and

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- (b) in subsection (4) omit the words “but no certificate for the summary administration of the estate is issued”.
- 10 Omit section 298(3) (removal of trustee: summary administration).
- 11 In section 300 (trustee: vacancy)—
- (a) omit subsection (5), and
- (b) in subsections (6) and (7) omit the words “or (5)”.
- 12 In section 354(3) (concealment of property) after “the official receiver” insert “, the trustee”.
- 13 At the end of section 355 (concealment and falsification of records) add—
- “(4) In their application to a trading record subsections (2)(d) and (3)(b) shall have effect as if the reference to 12 months were a reference to two years.
- (5) In subsection (4) “trading record” means a book, document or record which shows or explains the transactions or financial position of a person’s business, including—
- (a) a periodic record of cash paid and received,
- (b) a statement of periodic stock-taking, and
- (c) except in the case of goods sold by way of retail trade, a record of goods sold and purchased which identifies the buyer and seller or enables them to be identified.”
- 14 In the following provisions of section 399 (appointment of official receiver) for “or winding up” substitute “, winding up or individual voluntary arrangement”
- (a) subsection (1) (twice), and
- (b) subsection (4).
- 15 In section 429(2)(b) (disability imposed on revoking administration order under County Courts Act 1984) for “not exceeding 2 years” there shall be substituted “not exceeding one year”.
- 16 (1) Schedule 9 (scope of insolvency rules) shall be amended as follows.
- (2) After paragraph 8 (registration of voluntary arrangements) insert—

“Official receiver acting on voluntary arrangement

- 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.”
- (3) After paragraph 29 (records) insert—

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“Bankruptcy restrictions orders and undertakings

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.”

17 In Schedule 10 (punishment of offences)—

- (a) in the entry for section 31 omit “Undischarged”, and
- (b) omit the entries for sections 361 and 362.

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