

SCHEDULES

SCHEDULE 16

Section 106

ADMINISTRATION ORDERS: CONSEQUENTIAL AMENDMENTS

Attachment of Earnings Act 1971 (c. 32)

- 1 (1) Section 4 of the Attachment of Earnings Act 1971 (extension of power to make administration order) is amended as follows.
- (2) For subsections (2) and (2A) substitute—
- “(2) The court may make an administration order in respect of the debtor’s estate if, after receipt of the list referred to in subsection (1)(b) above, the court is satisfied that the conditions in sections 112B(2) to (7) of the County Courts Act 1984 (conditions to power to make administration orders) are met in relation to the debtor.”
- (3) In subsection (4) for “section 112” substitute “section 112J”.

Magistrates' Courts Act 1980 (c. 43)

- 2 (1) Schedule 6A to the Magistrates' Courts Act 1980 (fines that may be altered under section 143 of the 1980 Act) is amended as follows.
- (2) Insert the following entry at the appropriate place in the entries relating to the County Courts Act 1984 (c. 28)—

“Section 112N(1) (administration orders: failure to provide information) £250”

Insolvency Act 1986 (c. 45)

- 3 (1) Section 429 of the Insolvency Act 1986 (disabilities on revocation of administration order against an individual) is amended as follows.
- (2) For subsections (1) and (2) substitute—
- “(1) This section applies if a county court revokes an administration order made in respect of an individual (“the debtor”) on one of the relevant grounds.
- (2) The court may, at the time it revokes the administration order, make an order directing that this section and section 12 of the Company Directors Disqualification Act 1986 shall apply to the debtor for such period, not exceeding one year, as may be specified in the order.
- (2A) Each of the following is a relevant ground—
- (a) the debtor had failed to make two payments (whether consecutive or not) required by the order;

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- (b) at the time the order was made—
 - (i) the total amount of the debtor’s qualifying debts was more than the prescribed maximum for the purposes of Part 6 of the 1984 Act, but
 - (ii) because of information provided, or not provided, by the debtor, that amount was thought to be less than, or the same as, the prescribed maximum.”

(3) In subsection (3) for “a person” in the first place substitute “an individual”.

(4) In subsection (4) for “a person” substitute “an individual”.

(5) In subsection (5) for “person” substitute “individual”.

4 (1) Section 440 (extent: Scotland) is amended as follows.

(2) In subsection (2)(c) (provisions in the third Group of Parts that do not extend to Scotland) for “section 429(1) and (2)” substitute “section 429(1) to (2A)”.

Company Directors Disqualification Act 1986 (c. 46)

5 (1) Section 12 of the Company Directors Disqualification Act 1986 (failure to pay under county court administration order) is amended as follows.

(2) For the title of the section substitute “Disabilities on revocation of administration order”.

(3) Omit subsection (1).

(4) In subsection (2), for the words from “that section” to “429(2)(b)” substitute “section 429 of the Insolvency Act applies by virtue of an order under subsection (2) of that section”.

Courts and Legal Services Act 1990 (c. 41)

6 Omit section 13 of the Courts and Legal Services Act 1990.

Charities Act 1993 (c. 10)

7 (1) Section 72 of the Charities Act 1993 (persons disqualified for being trustees of a charity) is amended as follows.

(2) In subsection (1)(f), for the words from “section 429(2)(b)” to the end substitute “section 429(2) of the Insolvency Act 1986 (disabilities on revocation of county court administration order).”

Pensions Act 1995 (c. 26)

8 (1) Section 29 of the Pensions Act 1995 (persons disqualified for being trustees of a trust scheme) is amended as follows.

(2) In subsection (1)(f), for the words from “section 429(2)(b)” to the end substitute “section 429(2) of the Insolvency Act 1986 (disabilities on revocation of county court administration order).”

Police Act 1996 (c. 16)

- 9 (1) The Police Act 1996 is amended as follows.
- (2) In paragraph 11 of Schedule 2 (disqualification for being appointed as or being member of a police authority), in sub-paragraph (1)(c), for “section 429(2)(b)” to the end substitute “section 429(2) of the Insolvency Act 1986 (disabilities on revocation of county court administration order); or”.
- (3) In paragraph 7 of Schedule 2A (disqualification for being appointed as or being member of the Metropolitan Police Authority), in sub-paragraph (1)(c), for the words from “section 429(2)(b)” to the end substitute “section 429(2) of the Insolvency Act 1986 (disabilities on revocation of county court administration order); or”.

Housing Act 1996 (c. 52)

- 10 (1) Paragraph 4 of Schedule 1 to the Housing Act 1996 (power to remove director, trustee etc. of registered social landlord) is amended as follows.
- (2) In sub-paragraph (2)(c), for the words from “section 429(2)(b)” to the end substitute “section 429(2) of the Insolvency Act 1986 (disabilities on revocation of county court administration order);”.

Police Act 1997 (c. 50)

- 11 (1) The Police Act 1997 is amended as follows.
- (2) In section 91 (the Commissioners), in subsection (7)(b), for “section 429(2)(b) of the Insolvency Act 1986 (failure to pay under county court administration order)” substitute “section 429(2) of the Insolvency Act 1986 (disabilities on revocation of county court administration order)”.
- (3) In paragraph 3 of Schedule 2 (disqualification for being appointed as or being member of a Service Authority), in sub-paragraph (1)(c), for the words from “section 429(2)(b)” to the end substitute “section 429(2) of the Insolvency Act 1986 (disabilities on revocation of county court administration order); or”.

Criminal Justice and Police Act 2001 (c. 16)

- 12 (1) Paragraph 3 of Schedule 3 to the Criminal Justice and Police Act 2001 (persons disqualified for being appointed as or being member of the Central Police Training and Development Authority) is amended as follows.
- (2) In sub-paragraph (1)(b), for the words from “section 429(2)(b)” to the end substitute “section 429(2) of the Insolvency Act 1986 (disabilities on revocation of county court administration order); or”.

Police Reform Act 2002 (c. 30)

- 13 (1) Schedule 2 to the Police Reform Act 2002 (the Independent Police Complaints Commission) is amended as follows.
- (2) In paragraph 1(5) (grounds for removal of chairman), in paragraph (e)(ii), for the words from “section 429(2)(b)” to the end substitute “section 429(2) of the Insolvency Act 1986 (disabilities on revocation of county court administration order);”.

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- (3) In paragraph 2(6) (grounds for removal of ordinary members), in paragraph (e) (ii), for the words from “section 429(2)(b)” to the end substitute “section 429(2) of the Insolvency Act 1986 (disabilities on revocation of county court administration order);”.

Railways and Transport Safety Act 2003 (c. 20)

- 14 (1) Paragraph 7 of Schedule 4 to the Railways and Transport Safety Act 2003, (eligibility for appointment as member of British Transport Police Authority) is amended as follows.
- (2) In sub-paragraph (3)(c), for “section 429(2)(b)” substitute “section 429(2)”.

Courts Act 2003 (c. 39)

- 15 (1) Section 98 of the Courts Act 2003 (register of judgments and orders) is amended as follows.
- (2) In subsection (1)(c) (administration orders) for “section 112” substitute “Part 6”.