

## SCHEDULES

### SCHEDULE 6

#### INSOLVENCY AND COMPANY LAW

#### PART 6

##### AUTHORISATION OF INSOLVENCY PRACTITIONERS

- 17 Part 13 of the Insolvency Act 1986 (insolvency practitioners and their qualification) is amended in accordance with paragraphs 18, 19 and 21.

*Repeal of provision for authorisation of nominees and supervisors in relation to voluntary arrangements*

- 18 Omit section 389(1A) (acting without qualification not an offence if authorised under section 389A).
- 19 Omit section 389A (authorisation of nominees and supervisors).
- 20 (1) The following repeals are made in consequence of paragraphs 18 and 19.
- (2) In the Insolvency Act 1986—
- (a) in section 1(2), omit “or authorised to act as nominee,”;
  - (b) in section 2(4), omit “, or authorised to act as nominee,”;
  - (c) in section 4(2), omit “or authorised to act as nominee,”;
  - (d) in section 7(5), omit “or authorised to act as supervisor,”;
  - (e) in Schedule A1—
    - (i) in paragraph 28(1), omit “, or authorised to act as nominee,”;
    - (ii) in paragraph 31(2), omit “, or authorised to act as nominee,”;
    - (iii) in paragraph 33(1), omit “, or authorised to act as nominee,”;
    - (iv) in paragraph 39(6), omit “, or authorised to act as supervisor,”.
- (3) In the Insolvency Act 2000, omit section 4(3) and (4).
- (4) In Schedule 6 to the Mental Capacity Act 2005, omit paragraph 31(2).

*Repeal of provision for authorisation of insolvency practitioners to be granted by competent authority*

- 21 Omit sections 392 to 398 and Schedule 7 (procedure for authorisation by competent authority, including provision for reference to Insolvency Practitioners Tribunal).
- 22 (1) The following repeals are made in consequence of paragraph 21.
- (2) In the Parliamentary Commissioner Act 1967, in Schedule 4, omit the entry for the Insolvency Practitioners Tribunal.

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- (3) In the Northern Ireland Assembly Disqualification Act 1975, in Part 3 of Schedule 1, omit the entry for any member of the Insolvency Practitioners Tribunal in receipt of remuneration.
  - (4) In the Companies Act 1985, in Schedule 15D, omit paragraph 37.
  - (5) In the Insolvency Act 1986—
    - (a) omit section 415A(2);
    - (b) in Schedule 10, omit the entry for paragraph 4(3) of Schedule 7.
  - (6) In the Insolvency (Northern Ireland) Order 1989 ([S.I. 1989/2405 \(N.I. 19\)](#)), omit Article 349(2)(c) and the “or” before it.
  - (7) In the Courts and Legal Services Act 1990, in Schedule 10, omit paragraph 67.
  - (8) In the Tribunals and Inquiries Act 1992—
    - (a) in Part 1 of Schedule 1, omit the entry for insolvency practitioners;
    - (b) in Schedule 3, omit paragraph 19.
  - (9) In the Railways Act 1993, omit section 145(2)(b)(ix) (but not the “or” following it).
  - (10) In the Greater London Authority Act 1999, omit section 235(2)(c)(ix) (but not the “or” following it).
  - (11) In the Utilities Act 2000, omit section 105(5)(j).
  - (12) In the Transport Act 2000, in Schedule 9, omit paragraph 3(2)(l).
  - (13) In the Enterprise Act 2002, omit section 270(3).
  - (14) In the Constitutional Reform Act 2005, in Part 3 of Schedule 14, omit the entry for a member of the Insolvency Practitioners Tribunal panel.
  - (15) In the Companies Act 2006—
    - (a) in Schedule 2, in Part 2, in Section (A) (United Kingdom), omit paragraph 18;
    - (b) in Schedule 11A, omit paragraph 64.
  - (16) In the Tribunals, Courts and Enforcement Act 2007—
    - (a) in Part 4 of Schedule 6, omit the entry for the Insolvency Practitioners Tribunal;
    - (b) in Schedule 10, omit paragraph 19.
  - (17) In the Civil Aviation Act 2012, in Schedule 6, in paragraph 4(2), omit the entry for the Insolvency Practitioners Tribunal.
- 23 (1) For the purposes of this paragraph—
- the “commencement date” is the date on which paragraph 21 of this Schedule comes into force;
  - the “transitional period” is the period of 1 year beginning with the commencement date.
- (2) Where, immediately before the commencement date, a person holds an authorisation granted under section 393 of the Insolvency Act 1986, section 393(3A) to (6) of that Act together with, for the purposes of this sub-paragraph, paragraphs (a) and (b) of

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section 393(2) of that Act (which are repealed by paragraph 21) continue to have effect in relation to the person and the authorisation during the transitional period.

- (3) During the transitional period, a person to whom sub-paragraph (2) applies is to be treated for the purposes of Part 13 of the Insolvency Act 1986 as fully authorised under section 390A of that Act (as inserted by section 17(3) of this Act) to act as an insolvency practitioner unless and until the person's authorisation is (by virtue of sub-paragraph (2)) withdrawn.
- (4) Where, immediately before the commencement date, a person has applied under section 392 of the Insolvency Act 1986 for authorisation to act as an insolvency practitioner and the application has not been granted, refused or withdrawn, sections 392(4) to (7) and 393(1) and (2) of that Act (which are repealed by paragraph 21) continue to have effect in relation to the person and the application during the transitional period.
- (5) Where, during the transitional period, an authorisation is (by virtue of sub-paragraph (4)) granted under section 393 of the Insolvency Act 1986, sub-paragraphs (2) and (3) above apply as if—
  - (a) the authorisation had been granted immediately before the commencement date;
  - (b) in sub-paragraph (2), the reference to section 393(3A) to (6) were a reference to section 393(4) to (6).
- (6) For the purposes of sub-paragraphs (2) and (4), sections 394 to 398 of, and Schedule 7 to, the Insolvency Act 1986 (which are repealed by paragraph 21) continue to have effect during the transitional period.