

---

STATUTORY INSTRUMENTS

---

**1994 No. 2421**

**INSOLVENCY**

**The Insolvent Partnerships Order 1994**

*Made - - - - 13th September 1994*

*Laid before Parliament 16th September 1994*

*Coming into force 1st December 1994*

**THE INSOLVENT PARTNERSHIPS ORDER 1994**

**PART I**

**GENERAL**

1. Citation, commencement and extent
2. Interpretation: definitions
3. Interpretation: expressions appropriate to companies

**PART II**

**VOLUNTARY ARRANGEMENTS**

4. Voluntary arrangement of insolvent partnership
5. Voluntary arrangements of members of insolvent partnership

**PART III**

**ADMINISTRATION ORDERS**

6. Administration order in relation to insolvent partnership

**PART IV**

**CREDITORS' ETC. WINDING-UP PETITIONS**

7. Winding up of insolvent partnership as unregistered company on petition of creditor etc. where no concurrent petition presented against member
8. Winding up of insolvent partnership as unregistered company on creditor's petition where concurrent petitions presented against one or more members

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

PART V  
MEMBERS' PETITIONS

9. Winding up of insolvent partnership as unregistered company on member's petition where no concurrent petition presented against member
10. Winding up of insolvent partnership as unregistered company on member's petition where concurrent petitions presented against all members
11. Insolvency proceedings not involving winding up of insolvent partnership as unregistered company where individual members present joint bankruptcy petition

PART VI  
PROVISIONS APPLYING IN INSOLVENCY PROCEEDINGS  
IN RELATION TO INSOLVENT PARTNERSHIPS

12. Winding up of unregistered company which is a member of insolvent partnership being wound up by virtue of this Order
13. Deposit on petitions
14. Supplemental powers of court
15. Meaning of "act as insolvency practitioner"

PART VII  
DISQUALIFICATION

16. Application of Company Directors Disqualification Act 1986

PART VIII  
MISCELLANEOUS

17. Forms
18. Application of subordinate legislation
19. Supplemental and transitional provisions
20. Revocation  
Signature

---

SCHEDULE 1 — MODIFIED PROVISIONS OF PART I OF THE ACT (COMPANY VOLUNTARY ARRANGEMENTS) AS APPLIED BY ARTICLE 4

SCHEDULE 2 — MODIFIED PROVISIONS OF PART II OF THE ACT (ADMINISTRATION ORDERS) AS APPLIED BY ARTICLE 6

1. Sections 8 to 15 of, and Schedule 1 to, the...
2. Section 8: Power of court to make order
3. Section 9: Application for order
4. Section 10: Effect of application
5. Section 11: Effect of order
6. Section 12: Notification of order
7. Section 13: Appointment of administrator
8. Section 14: General powers
9. Section 15: Power to deal with charged property, etc.
10. Schedule 1 is modified so as to read as follows:—...

SCHEDULE 3 — PROVISIONS OF THE ACT WHICH APPLY WITH MODIFICATIONS FOR THE PURPOSES OF ARTICLE 7 TO WINDING UP OF INSOLVENT PARTNERSHIP ON PETITION OF CREDITOR ETC. WHERE NO CONCURRENT PETITION PRESENTED AGAINST MEMBER

PART I — MODIFIED PROVISIONS OF PART V OF THE ACT

1. Sections 220 to 223 of the Act are set out...
2. Section 220: Meaning of “unregistered company”
3. Section 221: Winding up of unregistered companies
4. Section 222: Inability to pay debts: unpaid creditor for £750 or more
5. Section 223: Inability to pay debts: debt remaining unsatisfied after action brought

PART II — OTHER MODIFIED PROVISIONS OF THE ACT ABOUT WINDING UP BY THE COURT

6. Section 117: High Court and county court jurisdiction
7. Section 131: Statement of affairs of insolvent partnership
8. Section 133: Public examination of officers of insolvent partnerships
9. Section 234: Getting in the partnership property
10. Schedule 4 is modified so as to read as follows:—...

SCHEDULE 4 — PROVISIONS OF THE ACT WHICH APPLY WITH MODIFICATIONS FOR THE PURPOSES OF ARTICLE 8 TO WINDING UP OF INSOLVENT PARTNERSHIP ON CREDITOR'S PETITION WHERE CONCURRENT PETITIONS ARE PRESENTED AGAINST ONE OR MORE MEMBERS

PART I — MODIFIED PROVISIONS OF PART V OF THE ACT

1. (1) Sections 220 to 222 of the Act are set...
2. Section 220: Meaning of “unregistered company”
3. Section 221: Winding up of unregistered companies
4. Section 222: Inability to pay debts: unpaid creditor for £750 or more

PART II — OTHER MODIFIED PROVISIONS OF THE ACT ABOUT WINDING UP BY THE COURT AND BANKRUPTCY OF INDIVIDUALS

5. Sections 117 and 265: High Court and county court jurisdiction
6. Circumstances in which members of insolvent partnerships may be wound up or made bankrupt by the court: Section 122 corporate member Section 267 individual member
7. Definition of inability to pay debts: Section 123-corporate member Section 268 individual member
8. Sections 124 and 264: Applications to wind up insolvent partnership and to wind up or bankrupt insolvent member
9. Sections 125 and 271: Powers of court on hearing of petitions against insolvent partnership and members
10. Sections 131 and 288: Statements of affairs Insolvent partnerships; corporate members; individual members
11. Section 133: Public examination of officers of insolvent partnerships
12. Sections 136, 293 and 294: Functions of official receiver in relation to office of responsible insolvency practitioner
13. Sections 137, 295, 296 and 300: Appointment of responsible insolvency practitioner by Secretary of State
14. Section 139: Rules applicable to meetings of creditors
15. Section 140: Appointment by the court following administration or voluntary arrangement

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

16. Sections 141, 301 and 302: Creditors' Committee: Insolvent partnership and members
17. Sections 143, 168(4) and 305: General functions of responsible insolvency practitioner
18. Sections 146 and 331: Duty to summon final meeting of creditors
19. Section 147: Power of court to stay proceedings
20. Sections 168, 303 and 314(7): Supplementary powers of responsible insolvency practitioner
21. Sections 172 and 298: Removal etc.of responsible insolvency practitioner or of provisional liquidator
22. Sections 174 and 299: Release of responsible insolvency practitioner or of provisional liquidator
23. Sections 175 and 328: Priority of expenses and debts
24. Sections 189 and 328: Interest on debts
25. Sections 211 and 356: False representations to creditors
26. Sections 230, 231 and 292: Appointment to office of responsible insolvency practitioner or provisional liquidator
27. Section 234: Getting in the partnership property
28. Section 283: Definition of individual member's estate
29. Section 284: Individual member: Restrictions on dispositions of property
30. Schedule 4 is modified so as to read as follows—...

SCHEDULE 5 — PROVISIONS OF THE ACT WHICH APPLY WITH MODIFICATIONS FOR THE PURPOSES OF ARTICLE 9 TO WINDING UP OF INSOLVENT PARTNERSHIP ON MEMBER'S PETITION WHERE NO CONCURRENT PETITION PRESENTED AGAINST MEMBER

1. Section 117: High Court and county court jurisdiction
2. Section 221: Winding up of unregistered companies

SCHEDULE 6 — PROVISIONS OF THE ACT WHICH APPLY WITH MODIFICATIONS FOR THE PURPOSES OF ARTICLE 10 TO WINDING UP OF INSOLVENT PARTNERSHIP ON MEMBER'S PETITION WHERE CONCURRENT PETITIONS ARE RESENTED AGAINST ALL THE MEMBERS

1. Sections 117 and 265: High Court and county court jurisdiction
2. Sections 124, 264 and 272: Applications to wind up insolvent partnership and to wind up or bankrupt insolvent members
3. Sections 125 and 271: Powers of court on hearing of petitions against insolvent partnership and members
4. Section 221: Winding up of unregistered companies

SCHEDULE 7 — PROVISIONS OF THE ACT WHICH APPLY WITH MODIFICATIONS FOR THE PURPOSES OF ARTICLE 11 WHERE JOINT BANKRUPTCY PETITION PRESENTED BY INDIVIDUAL MEMBERS WITHOUT WINDING UP PARTNERSHIP AS UNREGISTERED COMPANY

1. (1) The provisions of the Act specified in sub-paragraph (2)...
2. Section 264: Presentation of joint bankruptcy petition
3. Section 265: Conditions to be satisfied in respect of members
4. Section 266: Other preliminary conditions
5. Section 272: Grounds of joint bankruptcy petition
6. Section 275: Summary Administration

7. Section 283: Definition of member's estate
8. Section 284: Restrictions on dispositions of property
9. Section 290: Public examination of member
10. Section 292: Power to appoint trustee
11. Sections 293 and 294: Summoning of meeting to appoint trustee
12. Section 295: Failure of meeting to appoint trustee
13. Section 296: Appointment of trustee by Secretary of State
14. Section 297: Rules applicable to meetings of creditors
15. Section 298: Removal of trustee; vacation of office
16. Section 299: Release of trustee
17. Section 300: Vacancy in office of trustee
18. Section 301: Creditors' committee
19. Section 305: General functions and powers of trustee
20. Section 312: Obligation to surrender control to trustee
21. Section 328: Priority of expenses and debts
- 328D Interest on debts
22. Section 331: Final meeting
23. Section 387: The "relevant date"

SCHEDULE 8 — MODIFIED PROVISIONS OF COMPANY DIRECTORS  
DISQUALIFICATION ACT 1986 FOR THE PURPOSES OF  
ARTICLE 16

SCHEDULE 9 — FORMS

SCHEDULE 10 — SUBORDINATE LEGISLATION APPLIED

Explanatory Note