
STATUTORY INSTRUMENTS

2002 No. 1309

The Administration of Insolvent Estates of Deceased Persons (Amendment) Order 2002

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Administration of Insolvent Estates of Deceased Persons (Amendment) Order 2002 and shall come into force on 31st May 2002.

(2) In this Order, references to “the 1986 Order” are references to the Administration of Insolvent Estates of Deceased Persons Order 1986(1).

Amendments to the Administration of Insolvent Estates of Deceased Persons Order 1986

2.—(1) The 1986 Order is amended as provided in this Order.

(2) Anything done before 31st May 2002 under or for the purposes of any provision of the 1986 Order is not invalidated by the amendment of that provision by this Order, but it has effect as if done under or for the purposes of the provision as amended.

Amendments to Schedules to the Administration of Insolvent Estates of Deceased Persons Order 1986

3.—(1) After paragraph 1(c) of Part II of Schedule 1 to the 1986 Order (who may present a bankruptcy petition) insert—

“(ca) at the end of paragraph 1(ba) there shall be added the words “in Form 1, with such variations as the case requires (if any), set out in Schedule 3 to the Administration of Insolvent Estates of Deceased Persons Order 1986”;

(cb) at the end of paragraph 1(bb) there shall be added the words “in Form 1, with such variations as the case requires (if any), set out in Schedule 3 to the Administration of Insolvent Estates of Deceased Persons Order 1986”.”.

(2) For paragraph 2(a) of Part II of Schedule 1 to the 1986 Order (modified version of section 266 of the Insolvency Act 1986) substitute—

“(a) for subsection (1) there shall be substituted the following:—

“(1) An insolvency administration petition shall—

(a) if a liquidator (within the meaning of Article 2(b) of the EC Regulation(2)) has been appointed in proceedings by virtue of Article 3(1) of the EC Regulation in relation to the deceased debtor, be served on him;

(b) unless the court directs otherwise, be served on the personal representative; and

(c) be served on such other persons as the court may direct.”; and”.

(3) For paragraph 25 of Part II of Schedule 1 to the 1986 Order (modified version of section 330 of the Insolvency Act 1986) substitute—

(1) S.I. 1986/1999.

(2) Council Regulation (EC) 1346/2000, OJNo. L160, 30.06.00 p.1.

“25. Section 330 with the following modifications:—

(a) in subsection (5) for the words “the bankrupt is entitled to the surplus” there shall be substituted the words “the surplus shall be paid to the personal representative unless the court otherwise orders”, and

(b) after subsection (5) there shall be added:—

“(6) Subsection (5) is subject to Article 35 of the EC Regulation (surplus in secondary proceedings to be transferred to main proceedings).””

(4) The forms contained in the Schedule to this Order are substituted for the forms identically numbered in Schedule 3 to the 1986 Order.

7th May 2002

Irvine of Lairg, C.

I concur,

9th May 2002

Patricia Hewitt,
Secretary of State for Trade and Industry