

SCHEDULE 3

Article 4

Modified application of other provisions of the Insolvency Act 1986

Interpretation

1. In this Schedule, unless otherwise specified, a reference to a section is a reference to a section of the 1986 Act.

Modification of provisions applied by article 4

2. Unless the context otherwise requires, the provisions applied by article 4 have effect—
- with the modifications set out in this Schedule;
 - subject to those modifications [^{F1}and unless otherwise specified in this Schedule], with the modifications in paragraph 1 of Schedule 1; and
 - with any other necessary modification.

F1 Words in Sch. 3 para. 2(b) inserted (7.4.2017) by [The Deregulation Act 2015](#), the [Small Business, Enterprise and Employment Act 2015](#) and the [Insolvency \(Amendment\) Act \(Northern Ireland\) 2016 \(Consequential Amendments and Transitional Provisions\) Regulations 2017 \(S.I. 2017/400\)](#), regs. 1(2), [12\(3\)\(a\)](#)

Miscellaneous provisions applying to companies which are insolvent

3. For the purpose of construing the reference to an associate in subsection (3) of section 242 (gratuitous alienations (Scotland)), section 74 of the Bankruptcy (Scotland) Act 1985 ^{M1} (meaning of “associate”) has effect as if—

- a reference to the directors of a company were a reference to the members of the committee of the society; and
- a reference to an officer of a company were a reference to an officer of the society.

Marginal Citations

M1 1985 c. 66. Section 74 was amended by the [Civil Partnership Act 2004 \(c. 33\)](#), [section 261\(2\)](#) and Schedule 28, paragraph 40, and by [S.S.I. 2008/82](#).

[^{F2}**3A** Section 233B (protection of supplies of goods and services) does not apply in relation to a registered society that is registered as a credit union.]

F2 Sch. 3 para. 3A inserted (26.6.2020) by [Corporate Insolvency and Governance Act 2020 \(c. 12\)](#), s. 49(1), [Sch. 12 para. 8](#) (with ss. 2(2), 5(2), 14(4))

Interpretation for first group of Parts

4. Section 251 (expressions used generally) has effect as if the definitions of “administrative receiver”, “director”, “floating charge” and “officer” were omitted.

Changes to legislation: There are currently no known outstanding effects for the *The Co-operative and Community Benefit Societies and Credit Unions (Arrangements, Reconstructions and Administration) Order 2014, SCHEDULE 3*. (See end of Document for details)

[^{F3}Insolvency practitioners: qualification and regulation]

5. Section 388 (meaning of “act as an insolvency practitioner”)^{M2} has effect as if in subsection (4) the definition of “company” included a reference to a relevant society.

F3 Sch. 3 para. 5 heading substituted (7.4.2017) by [The Deregulation Act 2015, the Small Business, Enterprise and Employment Act 2015 and the Insolvency \(Amendment\) Act \(Northern Ireland\) 2016 \(Consequential Amendments and Transitional Provisions\) Regulations 2017 \(S.I. 2017/400\)](#), regs. 1(2), **12(3)(b)**

Marginal Citations

M2 Section 388 was amended by the [Bankruptcy \(Scotland\) Act 1993 \(c. 6\)](#), **section 11(1)**, by the [Insolvency Act 2000](#), section 4(1) and (2)(a) and (c), and by [S.I. 2009/1941](#). There are other amendments not relevant to this Order.

[^{F4}5A. Section 390 (persons not qualified to act as insolvency practitioners) has effect as if for subsection (2) there were substituted—

“(2) A person is not qualified to act as an insolvency practitioner in relation to a relevant society (within the meaning given in article 1(2) of the *Co-operative and Community Benefit Societies and Credit Unions (Arrangements, Reconstructions and Administration) Order 2014*) at any time unless at that time the person is fully authorised to act as an insolvency practitioner or partially authorised to act as an insolvency practitioner only in relation to companies.”.

F4 Sch. 3 paras. 5A, 5B inserted (7.4.2017) by [The Deregulation Act 2015, the Small Business, Enterprise and Employment Act 2015 and the Insolvency \(Amendment\) Act \(Northern Ireland\) 2016 \(Consequential Amendments and Transitional Provisions\) Regulations 2017 \(S.I. 2017/400\)](#), regs. 1(2), **12(3)(c)**

5B.—(1) In the following provisions, in a reference to authorisation or permission to act as an insolvency practitioner in relation to (or only in relation to) companies the reference to companies has effect without the modification in paragraph 1(c) of Schedule 1—

- (a) sections 390A and 390B(1) and (3) (authorisation of insolvency practitioners); and
- (b) sections 391O(1)(b) and 391R(3)(b) (court sanction of insolvency practitioners in public interest cases).

(2) In sections 391Q(2)(b) (direct sanctions order: conditions) and 391S(3)(e) (power for Secretary of State to obtain information) the reference to a company has effect without the modification in paragraph 1(c) of Schedule 1.]

F4 Sch. 3 paras. 5A, 5B inserted (7.4.2017) by [The Deregulation Act 2015, the Small Business, Enterprise and Employment Act 2015 and the Insolvency \(Amendment\) Act \(Northern Ireland\) 2016 \(Consequential Amendments and Transitional Provisions\) Regulations 2017 \(S.I. 2017/400\)](#), regs. 1(2), **12(3)(c)**

[^{F5}Creditors’ meetings]

5C. Part 6 of the 1986 Act and sections 387, 433 and 434B have effect without the amendments of those provisions made by —

Changes to legislation: There are currently no known outstanding effects for the The Co-operative and Community Benefit Societies and Credit Unions (Arrangements, Reconstructions and Administration) Order 2014, SCHEDULE 3. (See end of Document for details)

- (a) section 122 of the 2015 Act (abolition of requirements to hold meetings: company insolvency); and
- (b) paragraphs 54 to 57 of Schedule 9 to that Act (further amendments relating to section 122).]

F5 Sch. 3 paras. 5C, 5D inserted (13.3.2018) by [The Small Business, Enterprise and Employment Act 2015 \(Consequential Amendments, Savings and Transitional Provisions\) Regulations 2018 \(S.I. 2018/208\)](#), regs. 1(3), **15(4)(a)**

[^{F5}Creditors' notices

5D. Parts 6 and 7 of the 1986 Act have effect without the amendments of those Parts made by section 124 of the 2015 Act (ability for creditors to opt not to receive certain notices: company insolvency).]

F5 Sch. 3 paras. 5C, 5D inserted (13.3.2018) by [The Small Business, Enterprise and Employment Act 2015 \(Consequential Amendments, Savings and Transitional Provisions\) Regulations 2018 \(S.I. 2018/208\)](#), regs. 1(3), **15(4)(a)**

Punishment of offences

6. Sections 430 (provision introducing Schedule of punishments), 431 (summary proceedings)^{M3} and 432 (offences by bodies corporate)^{M4} have effect as if a reference to an offence under the 1986 Act or a provision of that Act, in so far as it is a reference to an offence under a provision of that Act applied in relation to a relevant society, were a reference to the offence under that provision as so applied.

Marginal Citations

- M3** Section 431 was amended by the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995, section 5 and Schedule 4, paragraph 61.
- M4** Section 432 was amended by the Insolvency Act 2000, Schedule 1, paragraphs 1 and 11.

7. Schedule 10 to the 1986 Act (punishment of offences under the Act)^{M5} has effect as if a reference in that Schedule to a provision which is applied in relation to a relevant society were a reference to that provision as so applied.

Marginal Citations

- M5** Schedule 10 was amended by the Insolvency Act 2000, Schedule 1, paragraphs 1 and 12 and Schedule 2, paragraphs 1 and 12, by the [Enterprise Act 2002 \(c. 40\)](#), [Schedule 17](#), paragraphs 9 and 39, and by [S.I. 2009/1941](#).

[^{F68}**8.** Schedule 10 to the 1986 Act also has effect without the amendments made by paragraph 11 of Schedule 9 to the 2015 Act.]

F6 Sch. 3 para. 8 inserted (13.3.2018) by [The Small Business, Enterprise and Employment Act 2015 \(Consequential Amendments, Savings and Transitional Provisions\) Regulations 2018 \(S.I. 2018/208\)](#), regs. 1(3), **15(4)(b)**

Changes to legislation:

There are currently no known outstanding effects for the The Co-operative and Community Benefit Societies and Credit Unions (Arrangements, Reconstructions and Administration) Order 2014, SCHEDULE 3.