

SCHEDULE 2

Consequential amendments to subordinate legislation

PART 1

Land Charges Rules 1974

1.—(1) The Land Charges Rules 1974⁽¹⁾ are amended as follows.

(2) In rule 2 (citation, commencement and interpretation)⁽²⁾ before the definition of “application” insert—

““adjudicator” means an adjudicator appointed by the Secretary of State under section 398A (appointment etc of adjudicators and assistants) of the Insolvency Act 1986⁽³⁾.”

(3) In rule 5 (priority notices and applications for registration)⁽⁴⁾ after “application” insert “(other than an application for registration or renewal of a bankruptcy application or of a bankruptcy order made by the adjudicator)”.

(4) In rule 10 (cancellation)⁽⁵⁾—

(a) at the end of paragraph (i) omit “or”;

(b) at the end of paragraph (ii) omit “.” and insert—

“; or

(iii) a copy of the adjudicator’s notice of refusal to make a bankruptcy order.”.

(5) In Schedule 1 (contents of registers)⁽⁶⁾—

(a) under the heading “2. REGISTER OF PENDING ACTIONS”, in the second column headed “Relevant Particulars” at the end of paragraph 2(b) insert—

“(c) *Bankruptcy applications*—

(i) Name, address and description of debtor.

(ii) Date on which the bankruptcy application was made.

(iii) Reference allocated by the adjudicator to the bankruptcy application.”

(b) under the heading “3. REGISTER OF WRITS AND ORDERS”, in the second column headed “Relevant Particulars” paragraph 3(b) is amended as follows—

(i) in sub-paragraph (i) after “petitioner” insert “, if applicable”;

(ii) for sub-paragraph (ii) substitute—

“(ii) Court in which bankruptcy order was made, if applicable.”

(iii) after paragraph 2(b)(i) insert—

(1) S.I. 1974/1286.

(2) Rule 2 was amended by S.I. 2012/2884.

(3) 1986 c.45; section 398A was inserted by the Enterprise and Regulatory Reform Act 2013 (c.24) s. 71(1).

(4) Rule 5 was amended by S.I. 2012/2884.

(5) Rule 10 was amended by S.I. 2009/1307 and 2012/2884.

(6) Schedule 1 was amended by S.I. 1986/2001, 2005/1981 and 2012/2884.

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“(ii) Date of order.”

The Administration of Insolvent Estates of Deceased Persons Order 1986

2.—(1) The Administration of Insolvent Estates of Deceased Persons Order 1986(7) is amended as follows.

(2) In article 3(1) before “presentation of a bankruptcy petition” insert “the making of a bankruptcy application or”.

(3) In article 4(1) for “adjudged” substitute “made”.

(4) In article 5—

(a) before paragraph (1) insert—

“(A1) If a debtor dies after making a bankruptcy application, the proceedings will continue as if the deceased debtor were alive, with the modifications specified in Schedule 2 to this Order.”;

(b) in paragraph (1) after “If a debtor” omit “by or”.

(5) In the heading to Schedule 1 before “PRESENTATION OF A BANKRUPTCY PETITION” insert “MAKING OF A BANKRUPTCY APPLICATION OR”.

(6) In the table in Part 1 of Schedule 1 (general modifications of provisions of the Act) in the first column headed “Reference in provision of the Act specified in Part 2 of this Schedule”—

(a) for “adjudged” substitute “made”;

(b) for “a debtor’s petition” substitute “a bankruptcy application”.

(7) Part 2 of Schedule 1 (provisions of the Act not included in Part 3 of this Schedule)(8) is amended as follows—

(a) in paragraph 1 omit sub-paragraph (c);

(b) for paragraph 6 substitute—

“6. Section 272 as if for subsection (1) there were substituted the following—

“(1) A petition by the personal representative of a deceased debtor for an insolvency administration order in Form 6 set out in Schedule 3 to the Administration of Insolvent Estates of Deceased Persons Order 1986 may be presented to the court only on the grounds that the estate of a deceased debtor is insolvent.””

(c) in paragraph 18 omit “, except section 297(4),”;

(d) for paragraph 27 substitute—

“27. Section 341 with the modification that in subsection (1)(a) for the words from “day of the making” to “made bankrupt” there shall be substituted the words “date of death of the deceased debtor”;

(e) for paragraph 29(b) substitute—

“(b) in subsection (2), for the words from “the making” to “initial period” there shall be substituted the words “the date of death of the deceased debtor”.

(8) Schedule 2 (death of debtor after presentation of a bankruptcy petition) is amended as follows—

(7) [S.I. 1986/1999](#).

(8) Schedule 1 was amended by [S.I. 2002/1309](#).

- (a) in the heading to Schedule 2 before “PRESENTATION OF A BANKRUPTCY PETITION” insert “MAKING OF A BANKRUPTCY APPLICATION OR”;
- (b) in paragraph 1(1) for “debtor’s petition” substitute “bankruptcy application”;
- (c) in paragraph 2 before “the presentation of a bankruptcy petition” insert “the making of a bankruptcy application, or (as the case may be)”.

Criminal Justice Act 1988 (Designated Countries and Territories) Order 1991

3. Paragraph 84 of Schedule 3 to the Criminal Justice Act 1988 (Designated Countries and Territories) Order 1991(9) is amended as follows—

- (a) in sub-paragraphs (1), (2) and (6) for “adjudged” substitute “made”;
- (b) in sub-paragraphs (1)(a) and (4)(a) and (b) for “adjudging” substitute “making”.

Housing (Preservation of Right to Buy) Regulations 1993

4. Before paragraph 121(2)(a) of Part 5 of Schedule 2 to the Housing (Preservation of Right to Buy) Regulations 1993(10) insert—

- “(za) has made a bankruptcy application that has not yet been determined.”.

Insolvent Partnerships Order 1994

5.—(1) The Insolvent Partnerships Order 1994(11) is amended as follows.

(2) In article 10 (winding up of insolvent partnership as unregistered company on member’s petition where concurrent petitions presented against all members)(12)—

- (a) in paragraph (4) for “a bankruptcy petition is presented” substitute “a bankruptcy application is made”;
- (b) in paragraph (5)(a) omit “273, 274.”.

(3) In article 11(2) (insolvency proceedings not involving winding up of insolvent partnership as unregistered company where individual members present joint bankruptcy petition)—

- (a) for “sections 273, 274 and” substitute “section”;
- (b) for “a bankruptcy petition is presented” substitute “a bankruptcy application is made”.

Contracting Out (Functions of the Official Receiver) Order 1995

6. In paragraph (2) of Part 5 of Schedule 1 to the Contracting Out (Functions of the Official Receiver) Order 1995(13) before “bankruptcy or winding-up petition” insert “bankruptcy application or”.

Housing (Right to Acquire) Regulations 1997

7. Before paragraph 121(2)(a) of Schedule 2 to the Housing (Right to Acquire) Regulations 1997(14) insert—

- “(za) has made a bankruptcy application that has not yet been determined.”.

(9) S.I. 1991/2873; there are amending instruments to this Order but none is relevant.

(10) S.I. 1993/2241; there are amending instruments to these Regulations but none is relevant.

(11) S.I. 1994/2421.

(12) There are amending instruments to this article but none is relevant.

(13) S.I. 1995/1386.

(14) S.I. 1997/619.

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Land Registration Rules 2003

8.—(1) The Land Registration Rules 2003(15) are amended as follows.

(2) In rule 165 (bankruptcy notice)—

(a) in paragraph (1) omit “in the following form—” and insert—

“.

(1A) The bankruptcy notice on registration of a petition in bankruptcy must be in the following form—”;

(b) before paragraph (2) insert—

“(1B) The bankruptcy notice on registration of a bankruptcy application must be in the following form—

“BANKRUPTCY NOTICE entered under section 86(2) of the Land Registration Act 2002 in respect of a pending action, as the title of [the proprietor of the registered estate] or [the proprietor of the charge dated.....referred to above] appears to be affected by a bankruptcy application made by [name of debtor] (reference.....) (Land Charges Reference Number PA.....).””.

(3) In rule 166 (bankruptcy restriction)—

(a) In paragraph (1) omit “in the following form—” and insert—

“.

(1A) The bankruptcy restriction on registration of a bankruptcy order made by the court must be in the following form—”;

(b) before paragraph (2) insert—

“(1B) The bankruptcy restriction on registration of a bankruptcy order made by the adjudicator must be in the following form—

“BANKRUPTCY RESTRICTION entered under section 86(4) of the Land Registration Act 2002 as the title of [the proprietor of the registered estate] or [the proprietor of the charge dated.....referred to above] appears to be affected by a bankruptcy order made by the adjudicator (reference.....) against [name of debtor] (Land Charges Reference Number WO.....).

[No disposition of the registered estate] *or* [No disposition of the charge] is to be registered until the trustee in bankruptcy of the property of the bankrupt is registered as proprietor of the [registered estate] *or* [charge].””.

(4) In rule 167(1) (action of the registrar in relation to bankruptcy entries)—

(a) after sub-paragraph (a) insert—

“(ab) the adjudicator has refused to make a bankruptcy order, or”;

(b) before “to that bankruptcy petition” insert “to that bankruptcy application,”.

(5) In rule 217(1)(16) (general interpretation) before “affecting franchise” insert—

““adjudicator” means an adjudicator appointed by the Secretary of State under section 398A (appointment etc of adjudicators and assistants) of the Insolvency Act 1986(17),”.

(15) S.I. 2003/1417.

(16) Rule 217 was amended by S.I. 2005/1766, 2005/1982, 2008/1750, 2008/1919, 2011/1410 and 2011/2436.

(17) 1986 c.45; section 398A was inserted by the Enterprise and Regulatory Reform Act 2013 (c.24) section 71(1).

Insurers (Reorganisation and Winding Up) (Lloyd's) Regulations 2005

9.—(1) The Insurers (Reorganisation and Winding Up) (Lloyd's) Regulations 2005(**18**) are amended as follows.

(2) In regulation 8 (moratorium)(**19**)—

(a) in paragraph (2)(b)(iii) before “a petition” insert “an application or”;

(b) in paragraph (11) for “adjudged” substitute “made”.

(3) In regulation 13(1) “(treatment of members)”(**20**) before sub-paragraph (d) insert—

“(ca) the making of a bankruptcy application;”.

(4) For regulation 28(3) (bankruptcy of a member: powers of reorganisation controller), substitute—

“(3) In the case of a petition presented under Article 238 of the 1989 Order, a copy of the report prepared under Article 248 of that Order must also be sent to the reorganisation controller.”.

Land Registration (Network Access) Rules 2008

10.—(1) The Land Registration (Network Access) Rules 2008(**21**) are amended as follows.

(2) In paragraph 4(a) of Schedule 2 (terms which must be included in a full network access agreement) for “adjudged” substitute “made”.

(3) In paragraph 6(b)(i)(**22**) of Schedule 3 (the grounds on which the Registrar may terminate a full network access agreement) before “a bankruptcy petition” insert “a bankruptcy application has been made or”.

Financial Markets and Insolvency Regulations 2009

11. Before regulation 1(3)(e) of the Financial Markets and Insolvency Regulations 2009 (citation, commencement and transitional provision)(**23**) insert—

“(da) the making of a bankruptcy application;”.

Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013

12. In regulation 5(4) of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 (President of Employment Tribunals)(**24**) for “adjudged to be” substitute “made”.

(18) [S.I. 2005/1998](#).

(19) There are amending instruments to regulation 8 but none is relevant.

(20) There are amending instruments to regulation 13 but none is relevant.

(21) [S.I. 2008/1748](#).

(22) There are amending instruments to paragraph 6 but none is relevant.

(23) [S.I. 2009/853](#); regulation 1 was amended by the Enterprise Act 2002 ([c.40](#)) section 248(2) and Schedule 16.

(24) [S.I. 2013/1237](#).