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INTRODUCTION

Guide to Personal Bankruptcy and Company Insolvency is a comprehensive overview of the processes involved in bankruptcy and insolvency, which builds on the second edition by updating relevant areas of law and practice throughout the text. The book deals with individuals, partnerships and companies and outlines the law underpinning each area. The steps in the procedure are clearly outlined, from the original serving of notice to gaining a bankruptcy order.

There have been significant changes to the laws concerning bankruptcy and personal insolvency, in the main to the law dealing with personal bankruptcy and also to company administration. These changes arose out of the Enterprise Act 2002 (part 10), which came into force in September 2003 (company administration) and April 2004 (personal bankruptcy). Another significant change has been to the practice of Crown as preferred creditor in relation to unpaid taxes which has now been abolished. The main Act dealing with bankruptcy, the 1986 Insolvency Act has been amended and a new schedule B1 introduced. The changes introduced by part 10 of the 2002 Enterprise Act are fully reflected throughout the book.

For a comprehensive list of courts dealing with bankruptcy and also useful addresses please go to the government insolvency website at www.insolvency.gov.uk.

Whilst the approach adopted in this book is a functional one, it is realised that the whole process of bankruptcy is unpleasant, undermining a person's dignity and sometimes stigmatising that person. Certainly, bankruptcy affects significantly a person's position in relation to further business. In addition, those who attempt to recover debts from a company that is becoming insolvent often lose out, sometimes a great deal of money.

This book does not attempt to address those issues, although the author recognises them. It is, above all, a step-by-step guide that will clearly demonstrate the whole area of insolvency and bankruptcy. The book will be suitable for a whole range of people, from the person in the street, the student, and also the advisor.

Finally, if you are about to take the first steps on the road to bankruptcy, or making a person bankrupt, or a company insolvent, take advice at the outset. Although the basic steps are, in principle, straightforward, the whole process can become very complex indeed.