Draft Regulations laid before Parliament under section 99(5) of the Enterprise and Regulatory Reform Act 2013, section 159(3) and 161(4) of the Small Business, Enterprise and Employment Act 2015 and section 17(4) of the Limited Liability Partnerships Act 2000, for approval by resolution of each House of Parliament.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2016 No. XXXX

INSOLVENCY

The Enterprise and Regulatory Reform Act 2013 (Consequential Amendments) (Bankruptcy) and the Small Business, Enterprise and Employment Act 2015 (Consequential Amendments) Regulations 2016

Made - - - -	***
Coming into force - -	*6th April 2016*

A draft of these Regulations was laid before Parliament in accordance with section 99(5) of the Enterprise and Regulatory Reform Act 2013(**a**), section 159(3) and 161(4) of the Small Business, Enterprise and Employment Act 2015(**b**) and section 17(4) of the Limited Liability Partnerships Act 2000(**c**) and approved by a resolution of each House of Parliament.

The Secretary of State, in exercise of the powers conferred by section 99(1) and (2) of the Enterprise and Regulatory Reform Act 2013, section 159(1) and (2) of the Small Business, Enterprise and Employment Act 2015 and section 14(2)(a) of the Limited Liability Partnerships Act 2000, makes the following Regulations.

Citation and commencement

1. These Regulations may be cited as the Enterprise and Regulatory Reform Act 2013 (Consequential Amendments) (Bankruptcy) and the Small Business, Enterprise and Employment Act 2015 (Consequential Amendments) Regulations 2016 and come into force on 6th April 2016.

Amendments relating to the Enterprise and Regulatory Reform Act 2013

2.—(1) Schedule 1, which amends Acts of Parliament, has effect.

(2) Schedule 2, which amends subordinate legislation, has effect.

(**a**) 2013 c.24.
(**b**) 2015 c. 26.
(**c**) 2000 c.12; there are amending instruments to the Act but none is relevant.

Amendments relating to the Small Business, Enterprise and Employment Act 2015

3. In paragraph 26 of Schedule 8 to the Insolvency Act 1986 (provisions capable of inclusion in company insolvency rules)(**a**), for "7(3)" substitute "7A".

4.—(1) Part 3 of Schedule 6 to the Limited Liability Partnerships Regulations 2001 (application of subordinate legislation)(**b**)is amended as follows.

(2) In paragraph 6 for "The Insolvent Companies (Reports on Conduct of Directors) Rules 1996" substitute "The Insolvent Companies (Reports on Conduct of Directors) (England and Wales) Rules 2016(**c**)".

(3) In paragraph 7 for "The Insolvent Companies (Reports on Conduct of Directors) (Scotland) Rules 1996" substitute "The Insolvent Companies (Reports on Conduct of Directors) (Scotland) Rules 2016(**d**)".

Name
Minister of State for Small Business, Industry and Enterprise
Date Department for Business, Innovation and Skills

SCHEDULE 1

Regulation 2(1)

Consequential amendments to Acts of Parliament

PART 1

Bills of Sale Act 1878

1. In section 8 of the Bills of Sale Act 1878 (avoidance of unregistered bills of sale in certain cases)(**e**) before "filing the petition for bankruptcy" insert "making the bankruptcy application or".

Agricultural Credits Act 1928

2. In section 8(5) of the Agricultural Credits Act 1928 (supplemental provisions as to agricultural charges)(**f**)—

(a) for "adjudged" substitute "made";

(b) before "presentation of the bankruptcy petition" insert "making of the bankruptcy application or".

(**a**) 1986 c.45; there are amending instruments to the Act but none is relevant.
(**b**) S.I. 2001/1090; there are amending instruments to these Regulations but none is relevant.
(**c**) S.I. 2016/180.
(**d**) S.S.I./2016/185 (S.1).
(**e**) 1878 c.31; section 8 was repealed by section 15 of the Bills of Sale (1878) Amendment Act 1882 (c.43) in respect of bills of sale given by way of security for the payment of money.
(**f**) 1928 c.43.

Law of Property (Joint Tenants) Act 1964

3. In section 1(1)(b) of the Law of Property (Joint Tenants) Act 1964 (assumptions on sale of land by survivor of joint tenants)(**a**)—

(a) before "a petition" insert "an application or";

(b) before "or petition" insert ", application".

Land Charges Act 1972

4.—(1) The Land Charges Act 1972(**b**) is amended as follows.

(2) In section 5 (the register of pending actions)(**c**)—

(a) in subsection (1)—

(i) after paragraph (b) insert—

"(c) a bankruptcy application.";

(b) in subsection (3)—

(i) at the end of paragraph (a) omit "and";

(ii) at the end of paragraph (b) insert "and";

(iii) after paragraph (b) insert—

"(c) if it relates to a bankruptcy application, the date on which the bankruptcy application was made.";

(c) after subsection (6) insert—

"(6A) No fee shall be charged for the registration of a bankruptcy application.";

(d) in subsection (8) before "petition in bankruptcy" insert "bankruptcy application or".

(3) In section 6(6) (the register of writs and orders affecting land)(**d**)—

(a) before "petition in bankruptcy" insert "bankruptcy application or";

(b) for the words from "either the registration of the petition" to the end of the section substitute—

"either—

(a) the registration of the application or the petition is in force; or

(b) a receiving order on the application or the petition is registered under this section.".

(4) In section 16(2) (general rules)(**e**) before "petition in bankruptcy" insert "bankruptcy application or".

Estate Agents Act 1979

5.—(1) Section 23 of the Estate Agents Act 1979 (bankrupts not to engage in estate agency work)(**f**) is amended as follows.

(**a**) 1964 c.63; section 1 was amended by the Insolvency Act 1985 (c.65) section 235(1), Schedule 8, paragraph 13 and the Law of Property (Miscellaneous Provisions) Act 1994 (c.36) Schedule 2, paragraph 1.

(**b**) 1972 c.61.

(**c**) Section 5 was amended by the County Courts Act 1984 (c.28) Schedule 2, Part 4, paragraph. 17, the Insolvency Act 1985 (c.65) section 235(1) and (3), Schedule 8, paragraph 21(2), and Schedule.10, Part 3 and the Law of Property (Miscellaneous Provisions) Act 1994 (c.36) section 15(3).

(**d**) Section 6(6) was amended by the Insolvency Act 1985 (c.65) section 235(1) and (3), Schedule. 8, paragraph. 21(3) and Schedule 10, Part 3.

(**e**) Section 16(2) was amended by the Insolvency Act 1985 (c.65) Schedule 8, paragraph 21(4) and the Insolvency Act 1986 (c.45) section 439(2) and Schedule 14 and the Constitutional Reform Act 2005 (c.4) sections 15(1), 146 and 235(1), Schedule 4, Part 1, paragraph 75 and Schedule 18, Part 2, paragraph 1.

(**f**) 1979 c.38; section 23 was amended by the Insolvency Act 1985 (c.65) section 235(1), Schedule 8, paragraph 33, the Bankruptcy (Scotland) Act 1985 (c.66) section 75(1), Schedule 7, paragraph 17 and S.I. 2012/2404.

(2) In subsection (1) for "adjudged" substitute "made".

(3) In subsection (2)(a) for "adjudication of bankruptcy" substitute "bankruptcy order made".

Housing Act 1985

6. In section 121(2)(a) of the Housing Act 1985 (circumstances in which the right to buy cannot be exercised)(**a**) before "has a bankruptcy petition" insert "has made a bankruptcy application that has not been determined or".

Finance Act 1986

7.—(1) The Finance Act 1986(**b**) is amended as follows.

(2) In section 80D(9)(e) (repurchases and stock lending: replacement stock on insolvency)(**c**) before "presentation of a bankruptcy petition" insert "making of a bankruptcy application or".

(3) In section 89AB(9)(e) (stamp duty reserve tax: exception for repurchases and stock lending in case of insolvency)(**d**) before "presentation of a bankruptcy petition" insert "making of a bankruptcy application or".

Company Directors Disqualification Act 1986

8. In section 11(2A) of the Company Directors Disqualification Act 1986 (undischarged bankrupts)(**e**) for paragraph (a)(i) substitute—

"(i) the court by which the bankruptcy order was made or (if the order was not made by a court) the court to which a debtor may appeal against a refusal to make a bankruptcy order, or".

Companies Act 1989

9.—(1) The Companies Act 1989(**f**) is amended as follows.

(2) In section 155(3B)(a) (market contracts)(**g**) before "the presentation of a bankruptcy petition" insert "the making of a bankruptcy application or".

(3) In section 158(3)(a) (modifications of the law of insolvency)(**h**) before "the presentation of a bankruptcy petition" insert "the making of a bankruptcy application or".

(4) In section 163(4)(a) (net sum payable on completion of default proceedings)(**i**) before "a bankruptcy petition" insert "a bankruptcy application or".

(5) In section 164 (disclaimer of property, rescission of contracts etc)(**j**)—

(a) in subsection (3), in the words before paragraph (a) "or presentation of bankruptcy petition" insert ", submission of bankruptcy application or";

(b) in subsection (4)(a) before "a petition has been presented" insert "a bankruptcy application has been submitted or";

(c) in subsection (4)(b) for "such a petition has been presented" substitute "such an application has been made or petition presented".

(**a**) 1985 c.68; section 121 was amended by the Insolvency Act 1985 (c.65) Schedule 10, Part 3, paragraph 1, the Housing Act 2004 (c.34) section 192(1) and S.I. 2012/2404.
(**b**) 1986 c.41.
(**c**) Section 80D was inserted by the Finance Act 2009 (c.10) Schedule 37, Part 1, paragraph 2.
(**d**) Section 89AB was inserted by the Finance Act 2009 (c.10) Schedule 37, Part 1, paragraph 5.
(**e**) 1986 c.46; section 11 was amended by the Small Business, Enterprise and Employment Act 2015 (c.26) section 113(1).
(**f**) 1989 c.40.
(**g**) Section 155 was inserted by S.I. 2003/1908; there are other amending instruments to this section but none is relevant.
(**h**) Section 158 was amended by the Enterprise Act 2002 (c.40) Schedule 17, paragraph 44(a).
(**i**) Section 163 was amended by S.I. 2009/853.
(**j**) Section 164 was amended by S.I. 2009/853.

(6) In section 175 (administration orders etc)(**a**)—

(a) in subsection (4) before "or presentation of bankruptcy petition" insert ", making of bankruptcy application";

(b) in subsection (5) before "a petition has been presented" insert "a bankruptcy application has been made or".

(7) In section 182(2) (powers of court in relation to certain proceedings begun before commencement) before paragraph (a) insert—

"(za) the making of a bankruptcy application on which a bankruptcy order is made, ".

Taxation of Chargeable Gains Act 1992

10. In section 263CA(9)(e) of the Taxation of Chargeable Gains Act 1992 (stock lending: insolvency etc of borrower)(**b**) before "the presentation of a bankruptcy petition" insert "bankruptcy application made or".

Pensions Act 1995

11.—(1) The Pensions Act 1995(**c**) is amended as follows.

(2) After section 4(1)(b) (suspension orders)(**d**) insert—

"(ba) where an application has been made under section 263H of the Insolvency Act 1986(**e**) for an order making him bankrupt and the application has not been determined,".

(3) In section 29(1)(b)(**f**) (persons disqualified for being trustees) for "adjudged" substitute "made".

Welfare Reform and Pensions Act 1999

12. In section 11(1) of the Welfare Reform and Pensions Act 1999 (effect of bankruptcy on petition rights: approved arrangements)(**g**) before "petition presented" insert "bankruptcy application made or".

Financial Services and Markets Act 2000

13. In section 374(3) of the Financial Services and Markets Act 2000 (powers of Financial Conduct Authority or Prudential Regulation Authority to participate in proceedings)(**h**) for the words from the beginning to "or Article 248 of the 1989 Order)" substitute "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".

International Criminal Court Act 2001

14.—(1) Paragraph 9 (bankruptcy: England and Wales) to Schedule 6 (freezing orders in respect of property liable to forfeiture) of the International Criminal Court Act 2001(**i**) is amended as follows.

(2) In sub-paragraphs (1) and (2) for "adjudged" substitute "made".

(**a**) Section 175 was amended by S.I. 2013/504.
(**b**) 1992 c.12; section 263CA was inserted by the Finance Act 2009 (c.10) Schedule 13, paragraph 3.
(**c**) 1995 c.26.
(**d**) Section 4 was amended by S.I. 2012/2404.
(**e**) 1986 c.45; section 263H was inserted by the Enterprise and Regulatory Reform Act 2013 (c.24) Schedule18, paragraph 1.
(**f**) Section 29 was amended by S.I. 2006/1722 and S.I. 2012/2404.
(**g**) 1999 c.30.
(**h**) 2000 c 8; section 374 was amended by the Financial Services Act 2012 (c. 21) Schedule 14, paragraph 22.
(**i**) 2001 c.17.

(3) In sub-paragraph (1)(a) for "adjudging" substitute "making".

Land Registration Act 2002

15.—(1) The Land Registration Act 2002(**a**) is amended as follows.

(2) In section 86 (bankruptcy)—

(a) in subsection (1) before "petition in bankruptcy" insert "bankruptcy application,";

(b) in subsection (2) before "petition in bankruptcy" insert "bankruptcy application or";

(c) in subsection (5)—

(i) for "adjudged" substitute "made";

(ii) in paragraph (c)(ii) for "the bankruptcy petition" insert "the bankruptcy application or petition".

Enterprise Act 2002

16. For section 268(9)(a) of the Enterprise Act 2002 (insolvency: disqualification from office)(**b**) substitute—

"(a) who has been made bankrupt (under Part 9 of the Insolvency Act 1986),

(aa) who has been adjudged bankrupt by a court in Northern Ireland,".

Charities Act 2011

17.—(1) The Charities Act 2011(**c**) is amended as follows.

(2) In section 80(1)(a)(i) and (3) (powers to remove or appoint charity trustees)(**d**) for "adjudged" substitute "made".

(3) In section 178(1) (persons disqualified from being charity trustees or trustees of a charity)(**e**), in case B, for "adjudged" substitute "made".

(4) In section 179(2) (disqualification: pre-commencement events etc.) for "adjudication of bankruptcy" substitute "making bankrupt".

PART 2

Consequential amendments to other Acts of Parliament

18. In each of the following provisions, for "adjudged", in each place it occurs, substitute "made".

Acts of Parliament	*References*	*Provisions*
Fines and Recoveries Act 1833	1833 c.74	Section 67(**f**).
Agriculture Act 1947	1947 c.48	Schedule 9, paragraph 13(4)(**g**).
Tees and Hartlepool Port Authority Act 1966	1966 c.xxv	Schedule 3, paragraph 6(a).
Solicitors Act 1974	1974 c.47	Schedule 1, paragraph 1(1)(d).
Public Passenger Vehicles Act 1981	1981 c.14	Section 57(2)(b)(**h**).

(**a**) 2002 c.9.
(**b**) 2002 c.40.
(**c**) 2011 c.25.
(**d**) Section 80 was amended by S.I. 2012/2404.
(**e**) Section 178 was amended by S.I. 2012/2404.
(**f**) Section 67 was amended by the Tribunal, Courts and Enforcement Act 2007 (c.15) Schedule 14, paragraph 6(1).
(**g**) Paragraph 13 was substituted by the Agriculture Act 1958 (c.71) Schedule 1, paragraph 5(1)(2).
(**h**) Section 57 was amended by S.I. 2012/2404.

Housing Associations Act 1985	1985 c.69	Schedule 6, paragraph 3(3)(a).
Administration of Justice Act 1985	1985 c.61	Section 16(1)(g)(**a**).
Agricultural Holdings Act 1986	1986 c.5	Section 96(2)(a).
Blyth Harbour Act 1986	1986 c.xxi	Section 8(1)(b).
Pension Schemes Act 1993	1993 c.48	Section 123(1)(a) and Schedule 4, paragraph 3(1).
Coal Industry Act 1994	1994 c.21	Schedule 1, paragraph 1(4)(b)(**b**).
Environment Act 1995	1995 c.25	Schedule 1, paragraph 1(3)(b)(**c**) and Schedule 6, paragraph 7(b)(**d**).
Goods Vehicles (Licensing of Operators) Act 1995	1995 c.23	Section 26(1)(g) and (10)(**e**).
Employment Rights Act 1996	1996 c.18	Sections 166(6)(a)(i) and 183(2)(a)(i)(**f**)
Police Act 1996	1996 c.16	Schedule 4B, paragraphs 8(1)(a), 9(1)(a) and 10(a)(**g**).
Housing Act 1996	1996 c.52	Schedule 1, paragraph 4(2)(a)(**h**).
Food Standards Act 1999	1999 c.28	Schedule 1, paragraph 4(a)(**i**).
Proceeds of Crime Act 2002	2002 c.29	Sections 23(4), 108(4), 173(4), 311(3)(d), 417(1)(**j**), 418(1) and 419(1).
Education Act 2002	2002 c.32	Schedule 11, paragraph 4(a).
Licensing Act 2003	2003 c.17	Section 27(3)(b).
Pensions Act 2004	2004 c.35	Sections 58(5)(a) and 121(2)(a).
National Health Service Act 2006	2006 c.41	Schedule 7, paragraph 8(1)(a)(**k**).
Housing and Regeneration Act 2008	2008 c.17	Section 266(2)(**l**).

SCHEDULE 2

Regulation 2(2)

Consequential amendments to subordinate legislation

PART 1

Land Charges Rules 1974

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

(**a**) Section 16 was amended by the Insolvency Act 1985 (c.65) section 235(1), Schedule 8, paragraph 40.
(**b**) Paragraph 4 was amended by S.I. 2012/2404.
(**c**) Paragraph 1 was amended by S.I. 2012/2404.
(**d**) Paragraph 7 was amended by S.I. 2012/2404.
(**e**) Section 26 was amended by S.I. 2012/2404.
(**f**) Section 183(2) was amended by Tribunals, Courts and Enforcement Act 2007 c. 15 Schedule 20(2), paragraph 17; there are other amending instruments to sections 166 and 183 but none is relevant.
(**g**) Paragraphs 8, 9 and 10 were inserted by the Anti-social Behaviour, Crime and Policing Act 2014 (c.12) Schedule 7, paragraph 1.
(**h**) Paragraph 4 was amended by S.I. 2012/2404.
(**i**) Paragraph 4 was amended by S.I. 2012/2404.
(**j**) Section 417 was amended by the Police and Crime Act 2009 (c.26) Schedule 7(6), paragraph 79.
(**k**) Paragraph 8 was amended by the Health and Social Care Act 2012 (c.7) section 151(9)(b) and S.I. 2012/2404.
(**l**) Section 266 was amended by the Charities Act 2011 (c.25) Schedule 7(2), paragraph 134.
(**m**) S.I. 1974/1286.

(2) In rule 2 (citation, commencement and interpretation)(**a**) 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(**b**),".

(3) In rule 5 (priority notices and applications for registration)(**c**) 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)(**d**)—

(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)(**e**)—

(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)(ii) insert—

> "(iia) 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(**f**) 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—

(**a**) Rule 2 was amended by S.I. 2012/2884.
(**b**) 1986 c.45; section 398A was inserted by the Enterprise and Regulatory Reform Act 2013 (c.24) s. 71(1).
(**c**) Rule 5 was amended by S.I. 2012/2884.
(**d**) Rule 10 was amended by S.I. 2009/1307 and 2012/2884.
(**e**) Schedule 1 was amended by S.I. 1986/2001, 2005/1981 and 2012/2884.
(**f**) S.I. 1986/1999.

"(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)(**a**) 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—

(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(**b**) 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".

(**a**) Schedule 1 was amended by S.I. 2002/1309.
(**b**) S.I. 1991/2873; there are amending instruments to this Order but none is relevant.

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(**a**) insert—

"(za) has made a bankruptcy application that has not yet been determined,".

Insolvent Partnerships Order 1994

5.—(1) The Insolvent Partnerships Order 1994(**b**) 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)(**c**)—

(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(**d**) 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(**e**) insert—

"(za) has made a bankruptcy application that has not yet been determined,".

Land Registration Rules 2003

8.—(1) The Land Registration Rules 2003(**f**) 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

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(**a**) S.I. 1993/2241; there are amending instruments to these Regulations but none is relevant.
(**b**) S.I. 1994/2421.
(**c**) There are amending instruments to this article but none is relevant.
(**d**) S.I. 1995/1386.
(**e**) S.I. 1997/619.
(**f**) S.I. 2003/1417.

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)(**a**) (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(**b**),”.

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

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

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

(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)”(**e**) 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.”.

(**a**) Rule 217 was amended by S.I. 2005/1766, 2005/1982, 2008/1750, 2008/1919, 2011/1410 and 2011/2436.
(**b**) 1986 c.45; section 398A was inserted by the Enterprise and Regulatory Reform Act 2013 (c.24) section 71(1).
(**c**) S.I. 2005/1998.
(**d**) There are amending instruments to regulation 8 but none is relevant.
(**e**) There are amending instruments to regulation 13 but none is relevant.

Land Registration (Network Access) Rules 2008

10.—(1) The Land Registration (Network Access) Rules 2008(**a**) 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)(**b**) 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)(**c**) 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)(**d**) for "adjudged to be" substitute "made".

PART 2

Consequential amendments to other subordinate legislation

13. In each of the following provisions, for "adjudged", in each place it occurs, substitute "made".

Instruments made under Act of Parliament	*References*	*Provisions*
Education (Schools Governing Bodies) Regulations 1981	S.I. 1981/809	Regulation 5(1) and 5(2).
Motor Vehicles (Tests) Regulations 1981	S.I. 1981/1694	Regulation 9(1)(b)(**e**).
War Pensions (Committees (Revocation and Reconstitution) Order 1985	S.I. 1985/1544	Schedule 2, paragraph 5(c).
Charities (Booth Charities) Order 1985	S.I. 1985/1935	Appendix 1, paragraph 2, paragraph 16 of the Scheme.
Road Vehicles (Construction and Use) Regulations 1986	S.I. 1986/1078	Schedule 3B, paragraph 5(1)(b)(**f**).
Padstow Harbour Revision Order 1987	S.I. 1987/420	Schedule 2, paragraph 7(a).
Education (School Government) Regulations 1987	S.I. 1987/1359	Regulation 6(1) and (2).
Charities (Borough Lands Charity, Chippenham) Order 1990	S.I. 1990/843	Appendix 1, paragraph 11 of the Scheme.
Gloucester Harbour Revision Order 1994	S.I. 1994/3162	Paragraph 7(a) of the Schedule.
Middlesbrough College (Government) Regulations 1995	S.I. 1995/1342	Schedule 1, paragraph 7(7) and (8).
Ridge Danyers College (Government) Regulations 1995	S.I. 1995/1569	Schedule 1, paragraph 7(7) and (8).
Thurrock and Basildon College	S.I. 2001/1507	Schedule 1, paragraph 8(5) and

(**a**) S.I. 2008/1748.
(**b**) There are amending instruments to paragraph 6 but none is relevant.
(**c**) S.I. 2009/853; regulation 1 was amended by the Enterprise Act 2002 (c.40) section 248(2) and Schedule 16.
(**d**) S.I. 2013/1237.
(**e**) Regulation 9 was amended by S.I. 2007/1898 and 2012/2404.
(**f**) Paragraph 5 was substituted by S.I. 2007/1898.

(Government) Regulations 2001		(6).
Sussex Downs College (Government) Regulations 2001	S.I. 2001/2799	Schedule 1, paragraph 8(5) and (6).
Brooke House Sixth Form College (Government) Regulations 2001	S.I. 2001/3213	Schedule 1, paragraph 8(5) and (6).
Derby College (Government) Regulations 2001	S.I. 2001/3810	Schedule 1, paragraph 8(5) and (6).
Registration of Social Care and Independent Health Care (Wales) Regulations 2002	S.I. 2002/919	Schedule 1, paragraph 3(b)(**a**).
Longley Park Sixth Form College (Government) Regulations 2002	S.I. 2002/2523	Schedule 1, paragraph 8(5) and (6).
Residential Family Centres Regulations 2002	S.I. 2002/3213	Regulation 5(4)(a)(**b**).
Oxford and Cherwell College (Government) Regulations 2003	S.I. 2003/514	Schedule 1, paragraph 8(5) and (6).
National Health Service (General Medical Services Contracts) (Wales) Regulations 2004	S.I. 2004/478	Regulation 5(2)(i)(i)(**c**) and Schedule 6, paragraph 111(2)(j)(i)(**d**).
Tyne Metropolitan College (Government) Regulations 2004	S.I. 2004/3109	Schedule 1, paragraph 8(5) and (6).
Central Sussex College (Government) Regulations 2005	S.I. 2005/397	Schedule 1, paragraph 8(5) and (6).
Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005	S.I. 2005/2720	Regulation 7(4)(a)(**e**).
Railway (Licensing of Railway Undertakings) Regulations 2005	S.I. 2005/3050	Schedule 2, paragraph 2(a)(**f**).
National Health Service (General Dental Services Contracts) Regulations 2005	S.I. 2005/3361	Regulation 4(3)(g)(i)(**g**) and Schedule 3, paragraph 71(2)(h)(i)(**h**).
National Health Service (Personal Dental Services Agreements) Regulations 2005	S.I. 2005/3373	Regulation 4(3)(g)(i)(**i**) and Schedule 3, paragraph 69(2)(h)(i)(**j**).
National Health Service (Personal Dental Services Agreements) (Wales) Regulations 2006	S.I. 2006/489	Regulation 4(3)(g)(i)(**k**) and Schedule 3, paragraph 69(2)(h)(i)(**l**).
National Health Service (General Dental Services Contracts) (Wales) Regulations 2006	S.I. 2006/490	Regulation 4(3)(g)(i)(**m**) and Schedule 3, paragraph 71(2)(h)(i)(**n**).
Manchester College (Government) Regulations 2008	S.I. 2008/50	Schedule 1, paragraph 8(5) and (6).
South Staffordshire College (Government)	S.I. 2008/1734	Schedule 1, paragraph 8(5) and

(**a**) Paragraph 3 was amended by S.I. 2012/2404; there are other amending instruments but none is relevant.
(**b**) Regulation 5 was amended by S.I. 2007/603 and 2012/2404.
(**c**) Regulation 5 was amended by S.I. 2012/2404; there are other amending instruments but none is relevant.
(**d**) Paragraph 111 was amended by S.I. 2012/2404; there are other amending instruments but none is relevant.
(**e**) Regulation 7 was amended by S.I. 2012/2404.
(**f**) Paragraph 2 was amended by S.I. 2012/2404.
(**g**) Regulation 4 was amended by S.I. 2012/2404; there are other amending instruments but none is relevant.
(**h**) Paragraph 71 was amended by S.I. 2012/2404; there are other amending instruments but none is relevant.
(**i**) Regulation 4 was amended by S.I. 2012/2404; there are other amending instruments but none is relevant.
(**j**) Paragraph 69 was amended by S.I. 2012/2404; there are other amending instruments but none is relevant.
(**k**) Regulation 4 was amended by S.I. 2012/2404; there are other amending instruments but none is relevant.
(**l**) Paragraph 69 was amended by S.I. 2012/2404; there are other amending instruments but none is relevant.
(**m**) Regulation 4 was amended by S.I. 2012/2404; there are other amending instruments but none is relevant.
(**n**) Paragraph 71 was amended by S.I. 2012/2404; there are other amending instruments but none is relevant.

Regulations 2008		(6).
Rochdale Sixth Form College (Government) Regulations 2008	S.I. 2008/1790	Schedule 1, paragraph 8(5) and (6).
Leeds City College (Government) Regulations 2008	S.I. 2008/3084	Schedule 1, paragraph 8(5) and (6).
Port Security (Avonmouth Dock and Royal Portbury Dock and Port of Bristol Security Authority) Designation Order 2010	S.I. 2010/319	Schedule 3, paragraph1(3)(c).
Lowestoft Sixth Form College (Government) Regulations 2010	S.I. 2010/505	Schedule 1, paragraph 8(5) and (6).
Care Standards Act 2000 (Registration) (England) Regulations 2010	S.I. 2010/2130	Schedule 1, paragraph 4(b)(**a**).
Fostering Services (England) Regulations 2011	S.I. 2011/581	Regulation 5(3)(a).
South Gloucestershire and Stroud College (Government) Regulations 2011	S.I. 2011/2975	Schedule 1, paragraph 8(5) and (6).
Port Security (Port of Dover) Designation Order 2011	S.I. 2011/3045	Schedule 3, paragraph 1(5)(c).
Easton and Otley College (Government) Regulations 2012	S.I. 2012/1749	Schedule 1, paragraph 8(5) and (6).
Port Security (Port of Aberdeen) Designation Order 2012	S.I. 2012/2607	Schedule 2, paragraph 1(5)(c).
Port Security (Port of Portland) Designation Order 2012	S.I. 2012/2609	Schedule 2, paragraph 1(5)(c).
Port Security (Port of Tees and Hartlepool) Designation Order 2012	S.I. 2012/2610	Schedule 2, paragraph 1(5)(c).
Port Security (Port of Workington) Designation Order 2012	S.I. 2012/2611	Schedule 2, paragraph 1(5)(c).
National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013	S.I. 2013/349	Article 105(2)(h)(i) and Schedule 7, paragraph 29(2)(g).
Coleg Cambria Further Education Corporation (Government) Regulations 2013	S.I. 2013/375	Schedule 1, paragraph 7(8) and (9).
Port Security (Port of Milford Haven) Designation Order 2013	S.I. 2013/516	Schedule 2, paragraph 1(5)(c).
Residential Holiday Schemes for Disabled Children (England) Regulations 2013	S.I. 2013/1394	Regulation 5(4)(a).
Port Security (Ports of Swansea and Port Talbot) Designation Order 2013	S.I. 2013/1652	Schedule 2, paragraph 1(5)(c).
Port Security (Port of Newhaven) Designation Order 2013	S.I. 2013/1655	Schedule 2, paragraph 1(5)(c).
Port Security (Port of Falmouth) Designation Order 2013	S.I. 2013/1656	Schedule 2, paragraph 1(5)(c).
Port Security (Port of Sullom Voe) Designation Order 2013	S.I. 2013/2013	Schedule 2, paragraph 1(5)(c).
Port Security (Port of Hull, New Holland, Immingham and Grimsby) Designation Order 2013	S.I. 2013/2014	Schedule 2, paragraph 1(5)(c).
Port Security (Port of Southampton) Designation Order 2013	S.I. 2013/2272	Schedule 2, paragraph 1(5)(c).
National Health Service (Approval of	S.I. 2013/2960	Schedule 1, paragraph 2(4)(a)(i).

(**a**) Paragraph 4 was amended by S.I. 2013/1394.

Licencing Criteria) Order 2013		
Port Security (Port of Barrow) Designation Order 2013	S.I. 2013/3074	Schedule 2, paragraph 1(5)(c).
Port Security (Port of Cromarty Firth) Designation Order 2013	S.I. 2013/3075	Schedule 2, paragraph 1(5)(c).
Port Security (Port of Fowey) Designation Order 2013	S.I. 2013/3076	Schedule 2, paragraph 1(5)(c).
Port Security (Port of Great Yarmouth) Designation Order 2013	S.I. 2013/3078	Schedule 2, paragraph 1(5)(c).
Port Security (Port of Peterhead) Designation Order 2013	S.I. 2013/3079	Schedule 2, paragraph 1(5)(c).
Port Security (Port of Troon) Designation Order 2013	S.I. 2013/3080	Schedule 2, paragraph 1(5)(c).
Port Security (Port of Tyne) Designation Order 2013	S.I. 2013/3081	Schedule 2, paragraph 1(5)(c).
Port Security (Ports of Cardiff, Barry and Newport) Designation Order 2013	S.I. 2013/3180	Schedule 4, paragraph 1(5)(c).
Port Security (Port of Shoreham) Designation Order 2013	S.I. 2013/3185	Schedule 2, paragraph 1(5)(c).
Port Security (Port of Plymouth) Designation Order 2014	S.I. 2014/8	Schedule 2, paragraph 1(5)(c).
Port Security (Port of Medway) Designation Order 2014	S.I. 2014/82	Schedule 2, paragraph 1(5)(c).
Port Security (Port of London) Designation Order 2014	S.I. 2014/577	Schedule 2, paragraph 1(5)(c).
Port Security (Port of Bramble Island Dock, Felixstowe, Harwich, Harwich International, Ipswich and Mistley Quay) Designation Order 2014	S.I. 2014/604	Schedule 2, paragraph 1(5)(c).
Port Security (Port of Londonderry) Designation Order 2014	S.I. 2014/1811	Schedule 2, paragraph 1(5)(c).
Prospects College of Advanced Technology (Government) Regulations 2014	S.I. 2014/2068	Schedule 1, paragraph 6(5).
Care and Support (Cross-border Placements) (Business Failure Duties of Scottish Local Authorities) Regulations 2014	S.I. 2014/2839	Regulation 4(2)(a)(**a**).
Legal Services Act 2007 (the Chartered Institute of Patent Attorneys and the Institute of Trade Mark Attorneys) (Modification of Functions) Order 2014	S.I. 2014/3238	Schedule 2, paragraph 12(3)(b) and Schedule 4, paragraph 12(3)(b).
National Health Service Pension Scheme Regulations 2015	S.I. 2015/94	Schedule 1, paragraph 3(2)(g) and Schedule 2, paragraph 2(2)(g).
Care and Support (Business Failure) Regulations 2015	S.I. 2015/301	Regulation 2(3)(a).
Children's Homes (England) Regulations 2015	S.I. 2015/541	Regulation 26(8)(a)(i).
Port Security (Port of Oban) Designation Order 2015	S.I. 2015/1504	Schedule 2, paragraph 1(5)(c).
National College for High Speed Rail (Government) Regulations 2015/1458	S.I. 2015/1458	Schedule 1, paragraph 7(5) and (6).

(**a**) Regulation 4 was amended by S.I. 2015/1641; there are other amending instruments but none is relevant.

National Health Service (General Medical Services Contracts) Regulations 2015	S.I. 2015/1862	Regulation 6(2)(l)(i) and Schedule 3, Part 8, paragraph 67(m)(i).
National Health Service (Personal Medical Services Agreements) Regulations 2015	S.I. 2015/1879	Regulation 5(2)(l)(i) and Schedule 2, Part 8, paragraph 58(l)(i).

PART 3

Consequential amendments to Welsh legislation

14. In paragraph 2(a) of Schedule 2 to Education (Foundation Body) (Wales) Regulations 2001(**a**)—

(a) in the English text for "adjudged" substitute "made"; and

(b) in the Welsh text for "dyfarnwyd" substitute "gwnaethpwyd".

15. In each of the following provisions—

(a) in the English text for "adjudged" substitute "made"; and

(b) in the Welsh text for "ddyfarnu'n" and "farnu'n" substitute "wneud yn".

Instruments made under Act of Parliament	*References*	*Provision*
Care Council for Wales (Appointment, Membership and Procedure) Regulations 2001	S.I. 2001/2136	Regulations 5(1)(g)(**b**) and 6(2)(**c**) in both places that it appears.
Care Homes (Wales) Regulations 2002	S.I. 2002/324	Regulation 7(6)(a)(**d**).
Children's Homes (Wales) Regulations 2002	S.I. 2002/327	Regulation 6(5)(a)(**e**).
Fostering Services (Wales) Regulations 2003	S.I. 2003/237	Regulation 5(4)(a)(**f**).
Residential Family Centres (Wales) Regulations 2003	S.I. 2003/781	Regulation 5(5)(a)(**g**).
Nurse Agencies (Wales) Regulations 2003	S.I. 2003/2527	Regulation 7(5)(a)(**h**).
Domiciliary Care Agencies (Wales) Regulations 2004	S.I. 2004/219	Regulation 8(4)(a)(**i**).
Adult Placement Schemes (Wales) Regulations 2004	S.I. 2004/1756	Regulation 8(4)(a)(**j**).
Government of Maintained Schools (Wales) Regulations 2005	S.I. 2005/2914	Schedule 5, paragraph 6(a)(**k**).
Local Health Boards (Constitution, Membership and Procedures) (Wales) Regulations 2009	S.I. 2009/779	Schedule 2, paragraph 1(5)(a)(**l**).
Welsh Health Specialised Services	S.I. 2009/3097	Schedule 2, paragraph

(**a**) S.I. 2001/2709; paragraph 2 was amended by S.I. 2010/638.
(**b**) Regulation 5 was amended by S.I. 2012/2404; there are other amending instruments but none is relevant.
(**c**) Regulation 6 was amended by S.I. 2012/3023.
(**d**) Regulation 7 was amended by S.I. 2012/2404; there are other amending instruments but none is relevant.
(**e**) Regulation 6 was amended by S.I. 2012/2404; there are other amending instruments but none is relevant.
(**f**) Regulation 5 was amended by S.I. 2012/2404.
(**g**) Regulation 5 was amended by S.I. 2009/2541 and 2012/2404.
(**h**) Regulation 7 was amended by S.I. 2009/2541 and 2012/2404.
(**i**) Regulation 8 was amended by S.I. 2012/2404 and 2013/225.
(**j**) Regulation 8 was amended by S.I. 2012/2404.
(**k**) Paragraph 6 was amended by S.I. 2010/638.
(**l**) There are amending instruments to paragraph 1 but none is relevant.

Committee (Wales) Regulations 2009		1(5)(a)(**a**).
Community Health Councils (Constitution, Membership and Procedures) (Wales) Regulations 2010	S.I. 2010/288	Regulation 12(3)(a)(**b**).
Valuation Tribunal for Wales Regulations 2010	S.I. 2010/713	Regulation 14(1)(a).
Gower College Swansea Further Education Corporation (Government) Regulations 2010	S.I. 2010/1369	Schedule 1, paragraph 7(8) and (9).
Cardiff and Vale College Further Education Corporation (Government) Regulations 2011	S.I. 2011/657	Schedule 1, paragraph 7(8) and (9).
Independent Health Care (Wales) Regulations 2011	S.I. 2011/734	Regulation 10(4)(a).
Velindre National Health Service Trust Shared Services Committee (Wales) Regulations 2012	S.I. 2012/1261	Schedule, paragraph 1(5)(a)(**c**).
Emergency Ambulance Services Committee (Wales) Regulations 2014	S.I. 2014/566	Schedule 2, paragraph 1(5)(a).
Federation of Maintained Schools (Wales) Regulations 2014	S.I. 2014/1132	Schedule 7, paragraph 6(a).
Education (Pupil Referral Units) (Management Committees etc.) (Wales) Regulations 2014	S.I. 2014/2709	Schedule 2, paragraph 6(a).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments in connection with section 71 of the Enterprise and Regulatory Reform Act 2013 as a result of the new procedure introduced by that section in England and Wales for a debtor to apply for their own bankruptcy. A debtor must make an application to an adjudicator instead of petitioning the court.

These Regulations also make amendments in connection with section 107 of the Small Business, Enterprise and Employment Act 2015 as a result of the changes introduced by that section in England, Wales and Scotland to the requirements for office-holders reporting on the conduct of officers of insolvent companies.

Regulation 2 makes consequential amendments to Acts of Parliament and subordinate legislation to amend references to bankruptcy petitions, and references to a person being adjudged bankrupt, as a result of the new debtor application procedure. It also makes other necessary amendments to legislation in connection with the introduction of the new debtor application procedure.

Regulation 3 makes a consequential amendment to the Insolvency Act 1986 to amend the reference to the previous requirements on office-holders to report on the conduct of officers.

Regulation 4 makes amendments to the Limited Liability Partnerships Regulations 2001 to extend the reporting requirements contained in the Insolvent Companies (Reports on Conduct of Directors) (England and Wales) Rules 2016 and the Insolvent Companies (Reports on Conduct of Directors) (Scotland) Rules 2016 to insolvent limited liability partnerships.

No impact assessment has been prepared for these Regulations as no impact on the private or voluntary sectors is foreseen.

(**a**) There are amending instruments to paragraph 1 but none is relevant.
(**b**) There are amending instruments to regulation 12 but none is relevant.
(**c**) Paragraph 1 was amended by S.I. 2013/235.

An Explanatory Memorandum has been prepared and is available alongside these Regulations at www.legislation.gov.uk.

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