

SCHEDULES

SCHEDULE 19

ADJUDICATORS: MINOR AND CONSEQUENTIAL AMENDMENTS

7 For section 265 (conditions to be satisfied in respect of debtor) substitute—

“265 Creditor’s petition: debtors against whom the court may make a bankruptcy order

- (1) A bankruptcy petition may be presented to the court under section 264(1)
 - (a) only if—
 - (a) the centre of the debtor’s main interests is in England and Wales, or
 - (b) the centre of the debtor’s main interests is not in a member state of the European Union which has adopted the EC Regulation, but the test in subsection (2) is met.
- (2) The test is that—
 - (a) the debtor is domiciled in England and Wales, or
 - (b) at any time in the period of three years ending with the day on which the petition is presented, the debtor—
 - (i) has been ordinarily resident, or has had a place of residence, in England and Wales, or
 - (ii) has carried on business in England and Wales.
- (3) The reference in subsection (2) to the debtor carrying on business includes—
 - (a) the carrying on of business by a firm or partnership of which the debtor is a member, and
 - (b) the carrying on of business by an agent or manager for the debtor or for such a firm or partnership.
- (4) In this section, references to the centre of the debtor’s main interests have the same meaning as in Article 3 of the EC Regulation.”