



# Insolvency Act 1986

## 1986 CHAPTER 45

### PART XVII

#### MISCELLANEOUS AND GENERAL

#### **426 Co-operation between courts exercising jurisdiction in relation to insolvency.**

- (1) An order made by a court in any part of the United Kingdom in the exercise of jurisdiction in relation to insolvency law shall be enforced in any other part of the United Kingdom as if it were made by a court exercising the corresponding jurisdiction in that other part.
- (2) However, without prejudice to the following provisions of this section, nothing in subsection (1) requires a court in any part of the United Kingdom to enforce, in relation to property situated in that part, any order made by a court in any other part of the United Kingdom.
- (3) The Secretary of State, with the concurrence in relation to property situated in England and Wales of the Lord Chancellor, may by order make provision for securing that a trustee or assignee under the insolvency law of any part of the United Kingdom has, with such modifications as may be specified in the order, the same rights in relation to any property situated in another part of the United Kingdom as he would have in the corresponding circumstances if he were a trustee or assignee under the insolvency law of that other part.
- (4) The courts having jurisdiction in relation to insolvency law in any part of the United Kingdom shall assist the courts having the corresponding jurisdiction in any other part of the United Kingdom or any relevant country or territory.
- (5) For the purposes of subsection (4) a request made to a court in any part of the United Kingdom by a court in any other part of the United Kingdom or in a relevant country or territory is authority for the court to which the request is made to apply, in relation to any matters specified in the request, the insolvency law which is applicable by either court in relation to comparable matters falling within its jurisdiction.

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In exercising its discretion under this subsection, a court shall have regard in particular to the rules of private international law.

- (6) Where a person who is a trustee or assignee under the insolvency law of any part of the United Kingdom claims property situated in any other part of the United Kingdom (whether by virtue of an order under subsection (3) or otherwise), the submission of that claim to the court exercising jurisdiction in relation to insolvency law in that other part shall be treated in the same manner as a request made by a court for the purpose of subsection (4).
- (7) Section 38 of the <sup>M1</sup>Criminal Law Act 1977 (execution of warrant of arrest throughout the United Kingdom) applies to a warrant which, in exercise of any jurisdiction in relation to insolvency law, is issued in any part of the United Kingdom for the arrest of a person as it applies to a warrant issued in that part of the United Kingdom for the arrest of a person charged with an offence.
- (8) Without prejudice to any power to make rules of court, any power to make provision by subordinate legislation for the purpose of giving effect in relation to companies or individuals to the insolvency law of any part of the United Kingdom includes power to make provision for the purpose of giving effect in that part to any provision made by or under the preceding provisions of this section.
- (9) An order under subsection (3) shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (10) In this section “insolvency law” means—
- (a) in relation to England and Wales, provision [<sup>F1</sup>extending to England and Wales and] made by or under this Act or sections [<sup>F1A</sup> 6 to 10, [<sup>F2</sup>12 to 15], 19(c) and 20 (with Schedule 1) of the <sup>M2</sup>Company Directors Disqualification Act 1986 [<sup>F2</sup>and sections 1 to 17 of that Act as they apply for the purposes of those provisions of that Act];
  - (b) in relation to Scotland, provision extending to Scotland and made by or under this Act, sections [<sup>F3A</sup> 6 to 10, [<sup>F4</sup>12 to 15], 19(c) and 20 (with Schedule 1) of the Company Directors Disqualification Act 1986 [<sup>F3</sup>and sections 1 to 17 of that Act as they apply for the purposes of those provisions of that Act], Part XVIII of the Companies Act or the Bankruptcy (Scotland) Act [<sup>F5</sup>2016];
  - (c) in relation to Northern Ireland, provision made by or under [<sup>F6</sup>the Insolvency (Northern Ireland) Order 1989][<sup>F7</sup>or the Company Directors Disqualification (Northern Ireland) Order 2002];
  - (d) in relation to any relevant country or territory, so much of the law of that country or territory as corresponds to provisions falling within any of the foregoing paragraphs;
- and references in this subsection to any enactment include, in relation to any time before the coming into force of that enactment the corresponding enactment in force at that time.
- (11) In this section “relevant country or territory” means—
- (a) any of the Channel Islands or the Isle of Man, or
  - (b) any country or territory designated for the purposes of this section by the Secretary of State by order made by statutory instrument.

[<sup>F8</sup>(12) In the application of this section to Northern Ireland—

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- (a) for any reference to the Secretary of State there is substituted a reference to the Department of Economic Development in Northern Ireland;
- (b) in subsection (3) for the words “another part of the United Kingdom” and the words “that other part” there is substituted the words “Northern Ireland”;
- (c) for subsection (9) there is substituted the following subsection—

“(9) An order made under subsection (3) by the Department of Economic Development in Northern Ireland shall be a statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 and shall be subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954.”.]

[<sup>F9</sup>(13) Section 129 of the Banking Act 2009 provides for provisions of that Act about bank insolvency to be “insolvency law” for the purposes of this section.]

[<sup>F10</sup>(14) Section 165 of the Banking Act 2009 provides for provisions of that Act about bank administration to be “insolvency law” for the purposes of this section.]

#### Textual Amendments

- F1** Words in s. 426(10)(a) inserted (2.4.2001) by 2000 c. 39, s. 8, **Sch. 4 Pt. II para. 16(3)(i)(ii)**; S.I. 2001/766, **art. 2** (subject to transitional provisions in art. 3)
- F2** Words in s. 426(10)(a) substituted (2.4.2001) by 2000 c. 39, s.8, **Sch. 4 Pt. II para. 16(3)(a)(iii)(iv)**; S.I. 2001/766, **art. 2** (subject to transitional provisions in art. 3)
- F3** Words in s. 426(10)(b) inserted (2.4.2001) by 2000 c. 39, s. 8, **Sch. 4 Pt. II para 16(3)(b)(i)(iii)**; S.I. 2001/766, **art. 2** (subject to transitional provisions in art. 3)
- F4** Words in s. 426(10)(b) substituted (2.4.2001) by 2000 c. 39, s. 8, **Sch. 4 Pt. II para. 16(3)(b)(ii)**; S.I. 2001/766, **art. 2** (subject to transitional provisions in art. 3)
- F5** Word in s. 426(10)(b) substituted (30.11.2016) by **The Bankruptcy (Scotland) Act 2016 (Consequential Provisions and Modifications) Order 2016 (S.I. 2016/1034)**, art. 1, **Sch. 1 para. 4(9)**
- F6** Words substituted (1.10.1991) by S.I. 1989/2405 (N.I. 19), art. 381, **Sch. 9 Pt. II para. 41(a)**; S.R. 1991/411, **art. 2**
- F7** Words in s. 426(10)(c) substituted (N.I.) (5.9.2003) by S.I. 2002/3150 (N.I. 4), art. 26(1)(2), **Sch. 3 para. 2** (with transitional provisions and savings in **Sch. 2**); S.R. 2003/345, **art. 3(2)** (subject to transitional provisions in S.R. 2003/346, arts. 3-6)
- F8** S. 426(12) inserted (1.10.1991) by S.I. 1989/2405 (N.I. 19), art. 381, **Sch. 9 Pt. II para. 41(b)**; S.R. 1991/411, **art. 2**
- F9** S. 426(13) added (17.2.2009 for certain purposes, otherwise 21.2.2009) by **Banking Act 2009 (c. 1)**, **ss. 129(2), 263(1)(2)** (with s. 247); S.I. 2009/296, **arts. 2, 3**, **Sch. para. 2**
- F10** S. 426(14) added (17.2.2009 for certain purposes, otherwise 21.2.2009) by **Banking Act 2009 (c. 1)**, **ss. 165, 263(1)(2)** (with s. 247); S.I. 2009/296, **arts. 2, 3**, **Sch. para. 3**

#### Modifications etc. (not altering text)

- C1** S. 426 applied (with modifications) by S.I. 1986/1999, art. 3, **Sch. 1 Pt. II**
- C2** S. 426 amended (N.I.) (1.10.1991) by S.I. 1990/1504 (N.I. 10), **art. 104(1)**; S.R. 1991/438, **art. 2**
- C3** S. 426 extended (25.4.1991) by **Companies Act 1989 (c. 40)**, **ss. 154, 155, 183(1)**; S.I. 1991/878, art. 2, **Sch.**
- C4** S. 426 restricted (25.4.1991) by **Companies Act 1989 (c. 40)**, **ss. 154, 155, 183(2)(3)**; S.I. 1991/878, art. 2, **Sch.**
- C5** S. 426 restricted (E.W.S.) (11.12.1999) by S.I. 1999/2979, **reg. 25(1)**
- C6** S. 426 modified (17.2.2009 for certain purposes, otherwise 21.2.2009) by **Banking Act 2009 (c. 1)**, **ss. 129(1), 263(1)(2)** (with s. 247); S.I. 2009/296, **arts. 2, 3**, **Sch. para. 2**

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- C7** S. 426 applied (with modifications) (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\)](#), regs. 2, **37** (with reg. 5) (as amended (4.1.2024) by [S.I. 2023/1399](#), regs. 1(2), **4**, **11**)
- C8** S. 426 applied (with modifications) (4.1.2024) by [S.I. 2021/716](#), **reg. 37A** (as inserted by [The Payment and Electronic Money Institution Insolvency \(Amendment\) Regulations 2023 \(S.I. 2023/1399\)](#), regs. 1(2), **12**)
- C9** S. 426 applied (with modifications) (E.W.) (15.3.2024) by [The Water Industry \(Special Administration\) Regulations 2024 \(S.I. 2024/205\)](#), regs. 2(2), **5(1)**, 51 (with reg. 64)

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**Marginal Citations**

- M1** 1977 c. 45.  
**M2** 1986 c. 46.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act amendment to earlier affecting provision S.I. 1986/1999, art. 3, Sch. 1 Pt. 2 by [S.I. 2017/1119 Sch. 3 para. 1](#)
- Act savings and transitional provisions for amendments by S.I. 2022/1166 by [S.I. 2022/1172 Regulations](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 41HB(2) words substituted by [2018 c. 14 s. 1\(3\)\(b\)](#)