



Insolvency Act 1985

1985 CHAPTER 65

PART III

INDIVIDUAL INSOLVENCY

CHAPTER IX

GENERAL

Supplies by utilities

200 **Supplies by utilities**

- (1) This section applies where on any day ("the relevant day")—
- (a) a bankruptcy order is made against an individual or an interim receiver of an individual's property is appointed;
 - (b) a composition or scheme proposed by an individual is approved under Chapter I of this Part; or
 - (c) a deed of arrangement is made for the benefit of an individual's creditors;
- and in this section "the office holder" means the official receiver, the trustee in bankruptcy, the interim receiver, the supervisor of the composition or scheme or the trustee under the deed of arrangement, as the case may be.
- (2) If a request falling within subsection (3) below is made for the giving after the relevant day of any of the supplies mentioned in subsection (4) below, the supplier—
- (a) may make it a condition of the giving of the supply that the office holder personally guarantees the payment of any charges in respect of the supply; but
 - (b) shall not make it a condition of the giving of the supply, or do anything which has the effect of making it a condition of the giving of the supply, that any outstanding charges in respect of a supply given to the individual before the relevant day are paid.

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- (3) A request falls within this subsection if it is made—
- (a) by or with the concurrence of the office holder; and
 - (b) for the purposes of any business which is or has been carried on by the individual, by a firm or partnership of which the individual is or was a member or by an agent or manager for the individual or for such a firm or partnership.
- (4) The supplies referred to in subsection (2) above are—
- (a) a supply of gas by the British Gas Corporation ;
 - (b) a supply of electricity by an Electricity Board (within the meaning of the Energy Act 1983);
 - (c) a supply of water by statutory water undertakers;
 - (d) a supply of telecommunication services (within the meaning of the Telecommunications Act 1984) by a public telecommunications operator (within the meaning of that Act).
- (5) In subsection (4) above the reference to telecommunication services does not include a reference to services consisting in the conveyance of cable programmes, that is to say programmes included in cable programme services (within the meaning of the Cable and Broadcasting Act 1984).

Insolvency jurisdiction

201 Jurisdiction in relation to insolvent individuals

- (1) It shall be the High Court and the county courts which shall have jurisdiction throughout England and Wales for the purposes of this Part.
- (2) For the purposes of this Part a county court shall, in addition to its ordinary jurisdiction, have all the powers and jurisdiction of the High Court; and the orders of the court may be enforced accordingly in the prescribed manner.
- (3) Jurisdiction for the purposes of this Part shall be exercised—
- (a) by the High Court in relation to the proceedings which, in accordance with the rules, are allocated to the London insolvency district; and
 - (b) by each county court in relation to the proceedings which are so allocated to the insolvency district of that court.
- (4) Subsection (3) above is without prejudice to the transfer of proceedings from one court to another in the manner prescribed by the rules; and nothing in that subsection shall invalidate any proceedings on the grounds that they were initiated or continued in the wrong court.

202 Insolvency districts

- (1) The Lord Chancellor may by order designate the areas which are for the time being to be comprised, for the purposes of this Part, in the London insolvency district and the insolvency district of each county court; and an order under this section may—
- (a) exclude any county court from having jurisdiction for the purposes of this Part; or
 - (b) confer jurisdiction for the purposes of this Part on any county court which has not previously had that jurisdiction.

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- (2) An order under this section may contain such incidental, supplemental and transitional provisions as may appear to the Lord Chancellor necessary or expedient.
- (3) An order under this section shall be made by statutory instrument and, after being made, shall be laid before each House of Parliament.
- (4) Subject to any order under this section—
 - (a) the district which, on the day before the coming into force of this section, is the London bankruptcy district shall, after that day, be the London insolvency district;
 - (b) any district which on that day is the bankruptcy district of a county court shall, after that day, be the insolvency district of that court; and
 - (c) any county court which on that day is excluded from having jurisdiction in bankruptcy shall, after that day, be excluded from having jurisdiction for the purposes of this Part.

203 Appeals etc. from courts exercising insolvency jurisdiction

- (1) Every court having jurisdiction for the purposes of this Part may review, rescind or vary any order made by it in the exercise of that jurisdiction.
- (2) An appeal from a decision made in the exercise of jurisdiction for the purposes of this Part by a county court or by a registrar in bankruptcy of the High Court shall lie to a single judge of the High Court; and an appeal from a decision of that judge on such an appeal shall, with the leave of the judge or of the Court of Appeal, lie to the Court of Appeal.
- (3) A county court shall not, in the exercise of its jurisdiction for the purposes of this Part, be subject to be restrained by the order of any other court and no appeal shall lie from its decision in the exercise of that jurisdiction except as provided by this section.