



Insolvency Act 1986

1986 CHAPTER 45

PART IV

WINDING UP OF COMPANIES REGISTERED UNDER THE COMPANIES ACTS

CHAPTER VI

WINDING UP BY THE COURT

Jurisdiction (England and Wales)

117 High Court and county court jurisdiction.

- (1) The High Court has jurisdiction to wind up any company registered in England and Wales.
- (2) Where [^{F1}in the case of a company registered in England and Wales the amount of its] share capital paid up or credited as paid up does not exceed £120,000, then (subject to this section) the county court ^{F2}... has concurrent jurisdiction with the High Court to wind up the company.

[^{F3}(2A) Despite subsection (2), proceedings for the exercise of the jurisdiction to wind up a company registered in England and Wales may be commenced only in the High Court if the place which has longest been the company's registered office during the 6 months immediately preceding the presentation of the petition for winding up is in the district that is the London insolvency district for the purposes of the second Group of Parts of this Act.]

- (3) The money sum for the time being specified in subsection (2) is subject to increase or reduction by order under section 416 in Part XV.

^{F4}(4)

Status: Point in time view as at 06/04/2017.

Changes to legislation: Insolvency Act 1986, Cross Heading: Jurisdiction (England and Wales) is up to date with all changes known to be in force on or before 14 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(5) Every court in England and Wales having winding-up jurisdiction has for the purposes of that jurisdiction all the powers of the High Court; and every prescribed officer of the court shall perform any duties which an officer of the High Court may discharge by order of a judge of that court or otherwise in relation to winding up.

^{F5}(6)

[^{F6}(7) This section is subject to Article 3 of the EC Regulation (jurisdiction under EC Regulation).]

[^{F7}(8) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.]

Textual Amendments

- F1** Words in s. 117(2) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 93\(a\)\(i\)](#); [S.I. 2014/954](#), art. 2(c) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F2** Words in s. 117(2) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 93\(a\)\(ii\)](#); [S.I. 2014/954](#), art. 2(c) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F3** S. 117(2A) inserted by [S.I. 1991/724](#), Sch. Pt. 1 (as amended) (E.W.) (22.4.2014) by [The High Court and County Court Jurisdiction \(Amendment\) Order 2014 \(S.I. 2014/821\)](#), arts. 1, [2\(10\)\(a\)\(ii\)](#) (with art. 3)
- F4** S. 117(4) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 93\(b\)](#); [S.I. 2014/954](#), art. 2(c) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F5** S. 117(6) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 93\(b\)](#); [S.I. 2014/954](#), art. 2(c) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F6** S. 117(7) inserted (31.5.2002) by [S.I. 2002/1240](#), [reg. 6](#)
- F7** S. 117(8) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15(1), 148, [Sch. 4 para. 186\(3\)](#); [S.I. 2006/1014](#), [art. 2\(a\)](#), Sch. 1

Modifications etc. (not altering text)

- C1** S. 117 applied (with modifications) (1.12.1994) by [S.I. 1994/2421](#), art. 7(3), [Sch. 3 Pt. II para. 6](#)
 S. 117 applied (with modifications) (1.12.1994) by [S.I. 1994/2421](#), art. 8(3)(9), [Sch. 4 Pt. II para. 5](#)
 S. 117 applied (with modifications) (1.12.1994) by [S.I. 1994/2421](#), art. 10(1), [Sch. 6 para. 1](#)
 S. 117 applied (with modifications) (2.4.2001) by [2000 c. 39](#), s. 8, [Sch. 4 Pt. I para. 5](#); [S.I. 2001/766](#), [art. 2\(1\)\(a\)](#) (subject to [art. 3](#))
- C2** S. 117 modified (1.12.1994) by [S.I. 1994/2421](#), art. 9(a), [Sch. 5 para. 1](#)

118 Proceedings taken in wrong court.

- (1) Nothing in section 117 invalidates a proceeding by reason of its being taken in the wrong court.
- (2) The winding up of a company by the court in England and Wales, or any proceedings in the winding up, may be retained in the court in which the proceedings were commenced, although it may not be the court in which they ought to have been commenced.

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119 Proceedings in county court; case stated for High Court.

- (1) If any question arises in any winding-up proceedings in a county court which all the parties to the proceedings, or which one of them and the judge of the court, desire to have determined in the first instance in the High Court, the judge shall state the facts in the form of a special case for the opinion of the High Court.
- (2) Thereupon the special case and the proceedings (or such of them as may be required) shall be transmitted to the High Court for the purposes of the determination.

Status:

Point in time view as at 06/04/2017.

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