



# Insolvency Act 1986

## 1986 CHAPTER 45

### PART VI

#### MISCELLANEOUS PROVISIONS APPLYING TO COMPANIES WHICH ARE INSOLVENT OR IN LIQUIDATION

#### *[<sup>F1</sup>]<sup>F2</sup>Giving of notices etc by office-holders]*

##### Textual Amendments

- F1** Ss. 246A, 246B and cross-headings inserted (6.4.2010) by [The Legislative Reform \(Insolvency\) \(Miscellaneous Provisions\) Order 2010 \(S.I. 2010/18\)](#), [art. 3\(1\)](#)
- F2** S. 246B cross-heading substituted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), [ss. 124\(2\)](#), 164(1); S.I. 2015/1329, [reg. 3\(d\)](#); S.I. 2016/1020, [reg. 4\(c\)](#); S.I. 2019/816, [reg. 4\(b\)](#)

#### **246B Use of websites**

- (1) Subject to subsection (2), where any provision of this Act or the rules requires the office-holder to give, deliver, furnish or send a notice or other document or information to any person, that requirement is satisfied by making the notice, document or information available on a website—
- in accordance with the rules, and
  - in such circumstances as may be prescribed.

<sup>F3</sup>(2) .....

- (3) In this section, “the office-holder” means—

[ the monitor in relation to a moratorium under Part A1,]  
<sup>F4</sup>(za)

*Status: Point in time view as at 16/02/2021.*

*Changes to legislation: Insolvency Act 1986 is up to date with all changes known to be in force on or before 01 July 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)*

- (a) the liquidator, provisional liquidator, administrator, [<sup>F5</sup>receiver (appointed under section 51),] or administrative receiver of a company, or
- (b) where a voluntary arrangement in relation to a company is proposed or has taken effect under Part 1, the nominee or the supervisor of the voluntary arrangement.]

#### Textual Amendments

- F3** S. 246B(2) repealed (S.) (1.4.2016 for specified purposes, 6.4.2019 in so far as not already in force) by [The Public Services Reform \(Insolvency\) \(Scotland\) Order 2016 \(S.S.I. 2016/141\)](#), arts. 1(3)(4), **12(a)** (with arts. 14, 15) (see S.I. 2019/816, reg. 4(a))
- F4** S. 246B(3)(za) inserted (26.6.2020) by [Corporate Insolvency and Governance Act 2020 \(c. 12\)](#), s. 49(1), **Sch. 3 para. 18** (with ss. 2(2), 5(2))
- F5** Words in s. 246B(3)(a) inserted (S.) (1.4.2016 for specified purposes, 6.4.2019 in so far as not already in force) by [The Public Services Reform \(Insolvency\) \(Scotland\) Order 2016 \(S.S.I. 2016/141\)](#), arts. 1(3)(4), **12(b)** (with arts. 14, 15) (see S.I. 2019/816, reg. 4(a))

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

- C1** S. 246B applied (with modifications) (6.6.2013) by [The Collective Investment in Transferable Securities \(Contractual Scheme\) Regulations 2013 \(S.I. 2013/1388\)](#), Pt. 3 reg. 1, Sch. 2 paras. 3, 5 Table (with reg. 24)
- C2** S. 246B applied (with modifications) (31.1.2019) by [Technical and Further Education Act 2017 \(c. 19\)](#), s. 47(2), **Sch. 4**; S.I. 2018/1161, reg. 3(d)
- C3** S. 246B applied (with modifications) (31.1.2019) by [Technical and Further Education Act 2017 \(c. 19\)](#), s. 47(2), **Sch. 3**; S.I. 2018/1161, reg. 3(c)

#### [<sup>F6</sup>246C Creditors' ability to opt out of receiving certain notices

- (1) Any provision of the rules which requires an office-holder of a company to give a notice to creditors of the company does not apply, in circumstances prescribed by the rules, in relation to opted-out creditors.
- (2) Subsection (1)—
  - (a) does not apply in relation to a notice of a distribution or proposed distribution to creditors;
  - (b) is subject to any order of the court requiring a notice to be given to all creditors (or all creditors of a particular category).
- (3) Except as provided by the rules, a creditor may participate and vote in a qualifying decision procedure or a deemed consent procedure even though, by virtue of being an opted-out creditor, the creditor does not receive notice of it.
- (4) In this section—
  - “give” includes deliver, furnish or send;
  - “notice” includes any document or information in any other form;
  - “office-holder”, in relation to a company, means—
    - (a) a liquidator, provisional liquidator, administrator or administrative receiver of the company,
    - (b) a receiver appointed under section 51 in relation to any property of the company, or

*Status: Point in time view as at 16/02/2021.*

*Changes to legislation: Insolvency Act 1986 is up to date with all changes known to be in force on or before 01 July 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)*

- (c) the supervisor of a voluntary arrangement which has taken effect under Part 1 in relation to the company.]

**Textual Amendments**

- F6** S. 246C inserted (26.5.2015 for specified purposes, 6.4.2017 for E. W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), [ss. 124\(3\)](#), [164\(1\)](#); [S.I. 2015/1329](#), [reg. 3\(d\)](#); [S.I. 2016/1020](#), [reg. 4\(c\)](#); [S.I. 2019/816](#), [reg. 4\(b\)](#)

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

- C4** S. 246C applied (with modifications) (31.1.2019) by [Technical and Further Education Act 2017 \(c. 19\)](#), [s. 47\(2\)](#), [Sch. 3](#); [S.I. 2018/1161](#), [reg. 3\(c\)](#)
- C5** S. 246C applied (with modifications) (31.1.2019) by [Technical and Further Education Act 2017 \(c. 19\)](#), [s. 47\(2\)](#), [Sch. 4](#); [S.I. 2018/1161](#), [reg. 3\(d\)](#)

**Status:**

Point in time view as at 16/02/2021.

**Changes to legislation:**

Insolvency Act 1986 is up to date with all changes known to be in force on or before 01 July 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.