



# 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*Status: Point in time view as at 08/07/2021.*

*Changes to legislation: Insolvency Act 1986, Cross Heading: Giving of notices etc by office-holders is up to date with all changes known to be in force on or before 03 August 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- F3** S. 246B(2) repealed (S.) (1.4.2016 for specified purposes, 6.4.2019 in so far as not already in force) by [The Public Services Reform \(Insolvency\) \(Scotland\) Order 2016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** [Pt. 6](#) applied (with modifications) (E.W.S.) (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\)](#), reg. 2, **Sch. 1 para. 3** (with reg. 5) (as amended (4.1.2024) by [S.I. 2023/1399](#), regs. 1(2), 4)
- C2** S. 246B applied (with modifications) (6.6.2013) by [The Collective Investment in Transferable Securities \(Contractual Scheme\) Regulations 2013 \(S.I. 2013/1388\)](#), Pt. 3reg. 1, Sch. 2 paras. 3, 5 Table (with reg. 24)
- C3** 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)
- C4** 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)
- C5** S. 246B 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)

#### [<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—

*Status: Point in time view as at 08/07/2021.*

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- (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
- (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)**

- C6** 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)
- C7** 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:**

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**Changes to legislation:**

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