



# Insolvency Act 1986

## 1986 CHAPTER 45

### PART X

#### INDIVIDUAL INSOLVENCY: GENERAL PROVISIONS

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

##### Textual Amendments

- F1** Ss. 379A 379B and cross-headings inserted (6.4.2010) by [The Legislative Reform \(Insolvency\) \(Miscellaneous Provisions\) Order 2010 \(S.I. 2010/18\)](#), **art. 3(2)**
- F2** S. 379B cross-heading substituted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), **ss. 125(2)**, 164(1); S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(d)

#### **379B Use of websites**

- (1) This section applies where—
- (a) a bankruptcy order is made against an individual or an interim receiver of an individual's property is appointed, or
  - (b) a voluntary arrangement in relation to an individual is proposed or is approved under Part 8,
- and “the office-holder” means the official receiver, the trustee in bankruptcy, the interim receiver, the nominee or the supervisor of the voluntary arrangement, as the case may be.
- (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—
- (a) in accordance with the rules, and

*Status: Point in time view as at 19/12/2018.*

*Changes to legislation: Insolvency Act 1986 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)*

(b) in such circumstances as may be prescribed.]

**[<sup>F3</sup>379C Creditors' ability to opt out of receiving certain notices**

- (1) Any provision of the rules which requires an office-holder to give a notice to creditors of an individual 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 creditors' 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 an individual, means—
    - (a) where a bankruptcy order is made against the individual, the official receiver or the trustee in bankruptcy;
    - (b) where an interim receiver of the individual's property is appointed, the interim receiver;
    - (c) the supervisor of a voluntary arrangement approved under Part 8 in relation to the individual.]

**Textual Amendments**

- F3** S. 379C inserted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), [ss. 125\(3\)](#), 164(1); S.I. 2015/1329, [reg. 3\(d\)](#); S.I. 2016/1020, [reg. 4\(d\)](#)

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