



# Insolvency Act 1986

## 1986 CHAPTER 45

### PART XIV **E+W**

#### PUBLIC ADMINISTRATION (ENGLAND AND WALES)

##### *The Official Petitioner*

#### [<sup>F1</sup>402 **Official Petitioner.** **E+W**

- (1) There continues to be an officer known as the Official Petitioner for the purposes of discharging, in relation to cases in which a criminal bankruptcy order is made, the functions assigned to him by or under this Act; and the Director of Public Prosecutions continues, by virtue of his office, to be the Official Petitioner.
- (2) The functions of the Official Petitioner include the following—
  - (a) to consider whether, in a case in which a criminal bankruptcy order is made, it is in the public interest that he should himself present a petition under section 264(1)(d) of this Act;
  - (b) to present such a petition in any case where he determines that it is in the public interest for him to do so;
  - (c) to make payments, in such cases as he may determine, towards expenses incurred by other persons in connection with proceedings in pursuance of such a petition; and
  - (d) to exercise, so far as he considers it in the public interest to do so, any of the powers conferred on him by or under this Act.
- (3) Any functions of the Official Petitioner may be discharged on his behalf by any person acting with his authority.
- (4) Neither the Official Petitioner nor any person acting with his authority is liable to any action or proceeding in respect of anything done or omitted to be done in the discharge, or purported discharge, of the functions of the Official Petitioner.

*Changes to legislation: Insolvency Act 1986, Cross Heading: The Official Petitioner is up to date with all changes known to be in force on or before 13 June 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) View outstanding changes*

(5) In this section “criminal bankruptcy order” means an order under section 39(1) of the <sup>M1</sup>Powers of Criminal Courts Act 1973.]

**Textual Amendments**

**F1** S. 402 repealed (*prosp.*) by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), ss. 123, 170, 171, Sch. 8 para. 16, [Sch. 16](#)

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

**C1** S. 402 applied with modifications by [S.I. 1986/1999, art. 3, Sch. 1 Pt. II](#)

**Marginal Citations**

**M1** 1973 c. 62.

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act amendment to earlier affecting provision S.I. 1986/1999, art. 3, Sch. 1 Pt. 2 by [S.I. 2017/1119 Sch. 3 para. 1](#)
- Act savings and transitional provisions for amendments by S.I. 2022/1166 by [S.I. 2022/1172 Regulations](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 41HB(2) words substituted by [2018 c. 14 s. 1\(3\)\(b\)](#)