



# Insolvency Act 1986

## 1986 CHAPTER 45

### PART XIX

#### FINAL PROVISIONS

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

- C1** Pt. 19 (ss. 437-444) applied (1.12.1994) by S.I. 1994/2421, arts. 4(3)(f), 6(3)(f)  
Pt. 19 (ss. 437-444) applied (with modifications) (1.12.1994) by S.I. 1994/2421, arts. 8(4)(5)(8)(9), 10(2)(3)(6), Sch. 4 Pt. II, Sch. 7
- C2** Third Group of Parts (Pts. 12-19) applied to limited liability partnerships (with modifications) (E.W.S.) (6.4.2001) by S.I. 2001/1090, reg. 5, Schs. 3, 4 (as amended (4.3.2004) by S.I. 2004/355, art. 10; (1.10.2005) by S.I. 2005/1989, reg. 3, Sch. 2 (with reg. 4); and (8.12.2017) by The Insolvency (Miscellaneous Amendments) Regulations 2017 (S.I. 2017/1119), reg. 1(1), Sch. 1 Pts. 2, 3)
- C3**
- C4** Pts. 12-19 applied (with modifications) (6.4.2014) by The Industrial and Provident Societies and Credit Unions (Arrangements, Reconstructions and Administration) Order 2014 (S.I. 2014/229), arts. 1, 4(c), Sch. 3 (as amended (13.3.2018) by The Small Business, Enterprise and Employment Act 2015 (Consequential Amendments, Savings and Transitional Provisions) Regulations 2018 (S.I. 2018/208), regs. 1(3), 15(4)(b); and (18.7.2020) by The Co-operative and Community Benefit Societies and Credit Unions (Arrangements, Reconstructions and Administration) (Amendment) and Consequential Amendments Order 2020 (S.I. 2020/744), arts. 1, 8)

#### 437 Transitional provisions, and savings.

The transitional provisions and savings set out in Schedule 11 to this Act shall have effect, the Schedule comprising the following Parts—

Part I: company insolvency and winding up (matters arising before appointed day, and continuance of proceedings in certain cases as before that day);

Part II: individual insolvency (matters so arising, and continuance of bankruptcy proceedings in certain cases as before that day);

Part III: transactions entered into before the appointed day and capable of being affected by orders of the court under Part XVI of this Act;

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Part IV: insolvency practitioners acting as such before the appointed day; and  
Part V: general transitional provisions and savings required consequentially on, and in connection with, the repeal and replacement by this Act and the <sup>M1</sup>Company Directors Disqualification Act 1986 of provisions of [<sup>F1</sup>the Companies Act 1985], the greater part of the <sup>M2</sup>Insolvency Act 1985 and other enactments.

#### Textual Amendments

**F1** Words in s. 437 substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009, (S.I. 2009/1941) arts. 2(1), 8, {Sch. 1 para. 83} (with art. 10, Sch. 1 para. 84)

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

**C5** S. 437 applied with modifications by S.I. 1986/1999, art. 3, **Sch. 1 Pt. II**

#### Marginal Citations

**M1** 1986 c. 46.

**M2** 1985 c. 65.

### 438 Repeals.

The enactments specified in the second column of Schedule 12 to this Act are repealed to the extent specified in the third column of that Schedule.

### 439 Amendment of enactments.

- (1) The Companies Act is amended as shown in Parts I and II of Schedule 13 to this Act, being amendments consequential on this Act and the Company Directors Disqualification Act 1986.
- (2) The enactments specified in the first column of Schedule 14 to this Act (being enactments which refer, or otherwise relate, to those which are repealed and replaced by this Act or the Company Directors Disqualification Act 1986) are amended as shown in the second column of that Schedule.
- (3) The Lord Chancellor may by order make such consequential modifications of any provision contained in any subordinate legislation made before the appointed day and such transitional provisions in connection with those modifications as appear to him necessary or expedient in respect of—
  - (a) any reference in that subordinate legislation to the <sup>M3</sup>Bankruptcy Act 1914;
  - (b) any reference in that subordinate legislation to any enactment repealed by Part III or IV or Schedule 10 to the <sup>M4</sup>Insolvency Act 1985; or
  - (c) any reference in that subordinate legislation to any matter provided for under the Act of 1914 or under any enactment so repealed.
- (4) An order under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

#### Marginal Citations

**M3** 1914 c. 59.

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**M4** 1985 c. 65.

#### **440 Extent (Scotland).**

- (1) Subject to the next subsection, provisions of this Act contained in the first Group of Parts extend to Scotland except where otherwise stated.
- (2) The following provisions of this Act do not extend to Scotland—
  - (a) in the first Group of Parts—  
section 43;  
sections 238 to 241; and  
section 246;
  - (b) the second Group of Parts;
  - (c) in the third Group of Parts—  
sections 399 to 402,  
sections 412, 413, 415, [<sup>F2</sup>415A(3),] 418, 420 and 421,  
sections 423 to 425, and  
section 429(1) and (2); and
  - (d) in the Schedules—  
Parts II and III of Schedule 11; and  
Schedules 12 and 14 so far as they repeal or amend enactments which extend to England and Wales only.

##### **Textual Amendments**

- F2** Words in s. 440(2)(c) inserted (18.12.2003) by 2002 c. 40, ss. 270(4), 279 (with s. 249(6)); S.I. 2003/3340, art. 3

#### **441 Extent (Northern Ireland).**

- (1) The following provisions of this Act extend to Northern Ireland—
  - (a) sections 197, 426, [<sup>F3</sup>426A, 426B,] 427 and 428; and
  - (b) so much of section 439 and Schedule 14 as relates to enactments which extend to Northern Ireland.
- (2) Subject as above, and to any provision expressly relating to companies incorporated elsewhere than in Great Britain, nothing in this Act extends to Northern Ireland or applies to or in relation to companies registered or incorporated in Northern Ireland.

##### **Textual Amendments**

- F3** Words in s. 441(1)(a) inserted (14.6.2012) by [The Insolvency Act 1986 \(Disqualification from Parliament\) Order 2012 \(S.I. 2012/1544\)](#), arts. 1, 6

#### **442 Extent (other territories).**

Her Majesty may, by Order in Council, direct that such of the provisions of this Act as are specified in the Order, being provisions formerly contained in the <sup>M5</sup>Insolvency Act

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1985, shall extend to any of the Channel Islands or any colony with such modifications as may be so specified.

**Marginal Citations**

**M5** [1985 c. 65](#).

**443 Commencement.**

This Act comes into force on the day appointed under section 236(2) of the Insolvency Act 1985 for the coming into force of Part III of that Act (individual insolvency and bankruptcy), immediately after that Part of that Act comes into force for England and Wales.

**Subordinate Legislation Made**

**P1** 29.12.1986 appointed for coming into force of Part III of the 1985 Act by [S.I. 1986/1924](#)

**444 Citation.**

This Act may be cited as the Insolvency Act 1986.

**Status:**

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**Changes to legislation:**

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