

**Changes to legislation:** Insolvency Act 1986, SCHEDULE 13 is up to date with all changes known to be in force on or before 26 May 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

## SCHEDULES

### SCHEDULE 13 **U.K.**

Section 439(1)

#### CONSEQUENTIAL AMENDMENTS OF COMPANIES ACT 1985

#### PART I **U.K.**

##### INTERNAL AND OTHER SECTION REFERENCES AMENDED OR RE-AMENDED

Section of Act	Consequential amendment or re-amendment
F1	F1
...	...
F2	F2
...	...
F3	F3
...	...
F4	F4
...	...
F5	F5
...	...
Section 153(3)	In paragraph (f), for “section 582” substitute “section 110 of the Insolvency Act”.  In paragraph (g), for “Chapter II of Part II of the Insolvency Act 1985” substitute “Part I of the Insolvency Act”.
Section 156(3)	For “section 517” substitute “section 122 of the Insolvency Act”.
F6	F6
...	...
Section 196	For this section substitute—“196.—(1) The following applies in the case of a company registered in England and Wales, where debentures of the company are secured by a charge which, as created, was a floating charge.(2) If possession is taken, by or on behalf of the holders of any of the debentures, of any property comprised in or subject to charge, and the company is not at that time in course of being wound

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	up, the company’s preferential debts shall be paid out of assets coming to the hands of the person taking possession in priority to any claims for principal or interest in respect of the debentures.(3) “Preferential debts” means the categories of debts listed in Schedule 6 to the Insolvency Act; and for the purposes of that Schedule “the relevant date” is the date of possession being taken as above mentioned.(4) Payments made under this section shall be recouped, as far as may be, out of the assets of the company available for payment of general creditors.”
F7	F7
...	...
F7	F7
...	...
F8	F8
...	...
Section 441(1)	For “section 13 of the Insolvency Act 1985” substitute “section 8 of the Company Directors Disqualification Act 1986”.
F9	F9
...	...
F8	F8
...	...
Section 462(5)	After “this Part” insert “and Part III of the Insolvency Act 1986”.
Section 463(2)	For “Part XX (except section 623(4))” substitute “Part IV of the Insolvency Act (except section 185)”.
Section 463(3)	For this subsection substitute—“(3) Nothing in this section derogates from the provisions of sections 53(7) and 54(6) of the Insolvency Act (attachment of floating charge on appointment of receiver), or prejudices the operation of sections 175 and 176 of that Act (payment of preferential debts in winding up)”.
Section 464(6)	For “section 89 of the Insolvency Act 1985” substitute “sections 175 and 176 of the Insolvency Act”.
F10	F10
...	...
F11	F11
...	...

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Section 711(2) In paragraph (b), for “section 600” substitute “section 109 of the Insolvency Act”.

Section 733 In subsection (1), omit “295(7)”.

F7

...

#### Textual Amendments

- F1** Sch. 13 Pt. 1: entry repealed (1.10.2009) by [Companies Act 2006 \(c. 46\)](#), ss. 1295, 1300(2), [Sch. 16](#); [S.I. 2008/2860, art. 4, Sch. 1 Pt. 1](#)
- F2** Sch. 13 Pt. 1: entry repealed (1.10.2009) by [Companies Act 2006 \(c. 46\)](#), ss. 1295, 1300(2), [Sch. 16](#); [S.I. 2008/2860, art. 4, Sch. 1 Pt. 1](#)
- F3** Sch. 13 Pt. 1: entry repealed (1.10.2009) by [Companies Act 2006 \(c. 46\)](#), ss. 1295, 1300(2), [Sch. 16](#); [S.I. 2008/2860, art. 4, Sch. 1 Pt. 1](#)
- F4** Sch. 13 Pt. 1: entry repealed (1.10.2009) by [Companies Act 2006 \(c. 46\)](#), ss. 1295, 1300(2), [Sch. 16](#); [S.I. 2008/2860, art. 4, Sch. 1 Pt. 1](#)
- F5** Sch. 13 Pt. 1: entry repealed (1.10.2009) by [Companies Act 2006 \(c. 46\)](#), ss. 1295, 1300(2), [Sch. 16](#); [S.I. 2008/2860, art. 4, Sch. 1 Pt. 1](#)
- F6** Sch. 13 Pt. 1: entry repealed (1.10.2009) by [Companies Act 2006 \(c. 46\)](#), ss. 1295, 1300(2), [Sch. 16](#); [S.I. 2008/2860, art. 4, Sch. 1 Pt. 1](#)
- F7** Entries in Pt. I of Sch. 13, relating to sections 222(4), 225 and 733(3) repealed by [Companies Act 1989 \(c. 40, SIF 27\)](#), ss. 212, 213(2), [Sch. 24](#)
- F8** Sch. 13 Pt. 1: entries repealed (1.10.2007) by [Companies Act 2006 \(c. 46\)](#), ss. 1295, 1300(2), [Sch. 16](#); [S.I. 2007/2194, arts. 1\(3\)\(a\), 8, Sch 2 Pt. 1](#)
- F9** Sch. 13 Pt. 1: entry repealed (6.4.2005) by [Companies \(Audit, Investigations and Community Enterprise\) Act 2004 \(c. 27\)](#), ss. 64, 65, [Sch. 8](#); [S.I. 2004/3322, art. 2\(2\), Sch. 2](#) (subject to arts. 3-13)
- F10** Sch. 13 Pt. 1: entry repealed (1.10.2009) by [Companies Act 2006 \(c. 46\)](#), ss. 1295, 1300(2), [Sch. 16](#); [S.I. 2008/2860, art. 4, Sch. 1 Pt. 1](#)
- F11** Sch. 13 Pt. 1: entry repealed (1.10.2009) by [Companies Act 2006 \(c. 46\)](#), ss. 1295, 1300(2), [Sch. 16](#); [S.I. 2008/2860, art. 4, Sch. 1 Pt. 1](#)

## PART II U.K.

### AMENDMENT OF PART XXVI (INTERPRETATION)

In Part XXVI of the Companies Act, after section 735, insert the following section—

#### “735A Relationship of this Act to Insolvency Act.

- (1) In this Act “the Insolvency Act” means the Insolvency Act 1986; and in the following provisions of this Act, namely, sections 375(1)(b), 425(6)(a), 440, 449(1)(a) and (d), 460(2), 675, 676, 677, 699(1), 728 and Schedule 21, paragraph 6(1), the words “this Act” are to be read as including Part I to VII of that Act, sections 411, 413, 414, 416 and 417 in Part XV of that Act, and also the Company Directors Disqualification Act 1986.
- (2) In sections 704(5), 706(1), 707(1), 708(1)(a) and (4), 710(5), 713(1), 729 and 732(3) references to the Companies Acts include Parts I to VII of the Insolvency Act, sections 411, 413, 414, 416 and 417 in Part XV of that Act, and also the Company Directors Disqualification Act 1986.

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(3) Subsections (1) and (2) apply unless the contrary intention appears.”

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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\(3\)\(b\)](#)