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## SCHEDULES

### SCHEDULE 8 **E+W+S**

#### PROVISIONS CAPABLE OF INCLUSION IN COMPANY INSOLVENCY RULES

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

- C1** Sch. 8 applied (with modifications) (S.) (6.4.2001 to the extent that that Sch. does not apply to voluntary arrangements or administrations within the meaning of Pts. I, II of the Act) by [S.S.I. 2001/128](#), [reg. 4\(1\)](#), [Sch. 2](#)

##### *Conduct of insolvency*

- 8 Provision with respect to the certification of any person as, and as to the proof that a person is, the liquidator, administrator or administrative receiver of a company.
- [<sup>F1</sup>8A (1) Provision about the making of decisions by creditors and contributories, including provision—
- (a) prescribing particular procedures by which creditors and contributories may make decisions;
  - (b) authorising the use of other procedures for creditors and contributories to make decisions, if those procedures comply with prescribed requirements.
- (2) Provision under sub-paragraph (1) may in particular include provision about—
- (a) how creditors and contributories may request that a creditors' meeting or a contributories' meeting be held,
  - (b) the rights of creditors, contributories and others to be given notice of, and participate in, procedures,
  - (c) creditors' and contributories' rights to vote in procedures,
  - (d) the period within which any right to participate or vote is to be exercised,
  - (e) the proportion of creditors or contributories that must vote for a proposal for it to be approved,
  - (f) how the value of any debt or contribution should be determined,
  - (g) the time at which decisions taken by a procedure are to be treated as having been made.]

##### Textual Amendments

- F1** Sch. 8 para. 8A 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. 122\(3\)](#), [164\(1\)](#); [S.I. 2015/1329](#), [reg. 3\(d\)](#); [S.I. 2016/1020](#), [reg. 4\(a\)](#) (with [reg. 5](#)) (as amended by [S.I. 2017/363](#), [reg. 3](#)); [S.I. 2019/816](#), [reg. 4\(a\)](#) (with [reg. 5](#))

- 9 The following provision with respect to meetings of a company's creditors, contributories or members—

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- (a) provision as to the manner of summoning a meeting (including provision as to how any power to require a meeting is to be exercised, provision as to the manner of determining the value of any debt or contribution for the purposes of any such power and provision making the exercise of any such power subject to the deposit of a sum sufficient to cover the expenses likely to be incurred in summoning and holding a meeting);
- (b) provision specifying the time and place at which a meeting may be held and the period of notice required for a meeting;
- (c) provision as to the procedure to be followed at a meeting (including the manner in which decisions may be reached by a meeting and the manner in which the value of any vote at a meeting is to be determined);
- (d) provision for requiring a person who is or has been an officer of the company to attend a meeting;
- (e) provision creating, in the prescribed circumstances, a presumption that a meeting has been duly summoned and held;
- (f) provision as to the manner of proving the decisions of a meeting.

[<sup>F2</sup>9A Provision about how a company's creditors may nominate a person to be liquidator, including in the case of a voluntary winding up provision conferring functions on the directors of the company.]

#### Textual Amendments

**F2** Sch. 8 para. 9A 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 \(c. 26\), s. 164\(1\)](#), [Sch. 9 para. 58](#); [S.I. 2015/1329, reg. 3\(d\)](#); [S.I. 2016/1020, reg. 4\(e\)](#) (with [reg. 5](#)) (as amended by [S.I. 2017/363, reg. 3](#))

- 10 (1) Provision as to the [<sup>F3</sup>establishment,] functions, membership and proceedings of a committee [<sup>F4</sup>provided for by][<sup>F5</sup>section 49, 68, 101, 141 or 142 of, or paragraph 57 of Schedule B1 to, this Act].
- (2) The following provision with respect to the establishment of a committee under section 101, 141 or 142 of this Act, that is to say—
- (a) provision for resolving differences between <sup>F6</sup>... the company's creditors and <sup>F6</sup>... its contributories or members;
  - (b) provision authorising the establishment of the committee without [<sup>F7</sup>seeking a decision from] contributories in a case where a company is being wound up on grounds including its inability to pay its debts; and
  - (c) provision modifying the requirements of this Act with respect to the establishment of the committee in a case where a winding-up order has been made immediately upon the discharge of an administration order.

#### Textual Amendments

**F3** Word in Sch. 8 para. 10(1) 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 \(c. 26\), s. 164\(1\)](#), [Sch. 9 para. 59\(2\)\(a\)](#); [S.I. 2015/1329, reg. 3\(d\)](#); [S.I. 2016/1020, reg. 4\(e\)](#) (with [reg. 5](#)) (as amended by [S.I. 2017/363, reg. 3](#))

**F4** Words in Sch. 8 para. 10(1) 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 \(c. 26\), s. 164\(1\)](#), [Sch.](#)

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- 9 para. 59(2)(b)**; S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3)
- F5** Words in Sch. 8 para. 10 substituted (15.9.2003) by 2002 c. 40, ss. 248(3), 279, Sch. 17 para. 38(3) (with s. 249(1)-(3)(6)); S.I. 2003/2093, **art. 2(1)**, Sch. 1 (subject to arts. 3-8 (as amended by S.I. 2003/2332, art. 2))
- F6** Words in Sch. 8 para. 10(2)(a) omitted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force) by virtue of **Small Business, Enterprise and Employment Act 2015 (c. 26)**, s. 164(1), **Sch. 9 para. 59(3)(a)**; S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3)
- F7** Words in Sch. 8 para. 10(2)(b) 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)**, s. 164(1), **Sch. 9 para. 59(3)(b)**; S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3)
- 11 Provision as to the manner in which any requirement that may be imposed on a person under any of Parts I to VII of this Act by the official receiver, the liquidator, administrator or administrative receiver of a company or a special manager appointed under section 177 is to be so imposed.
- 12 Provision as to the debts that may be proved in a winding up, as to the manner and conditions of proving a debt and as to the manner and expenses of establishing the value of any debt or security.
- 13 Provision with respect to the manner of the distribution of the property of a company that is being wound up, including provision with respect to unclaimed funds and dividends.
- [<sup>F8</sup>13A Provision for a creditor who has not proved a small debt to be treated as having done so for purposes relating to the distribution of a company's property (and for provisions of, or contained in legislation made under, this Act to apply accordingly).]

#### Textual Amendments

- F8** **Sch. 8 para. 13A** inserted (26.5.2015) by **Small Business, Enterprise and Employment Act 2015 (c. 26)**, ss. 131, 164(3)(i)(iii)

- 14 Provision which, with or without modifications, applies in relation to the winding up of companies any enactment contained in Parts VIII to XI of this Act or in the Bankruptcy (Scotland) Act [<sup>F9</sup>2016].

#### Textual Amendments

- F9** Word in Sch. 8 para. 14 substituted (30.11.2016) by **The Bankruptcy (Scotland) Act 2016 (Consequential Provisions and Modifications) Order 2016 (S.I. 2016/1034)**, art. 1, **Sch. 1 para. 4(11)**

- [<sup>F10</sup>14A Provision about the application of section 176A of this Act which may include, in particular—
- (a) provision enabling a receiver to institute winding up proceedings;
  - (b) provision requiring a receiver to institute winding up proceedings.]

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**Textual Amendments**

**F10** Sch. 8 para. 14A inserted (15.9.2003) by 2002 c. 40, ss. 248(3), 279, Sch. 17 para. 38(4) (with s. 249(1)-(3)(6)); S.I. 2003/2093, **art. 2(1)**, Sch. 1 (subject to arts. 3-8 (as amended by S.I. 2003/2332, art. 2))

*Administration*

[<sup>F11</sup>14B Provision which—

- (a) applies in relation to administration, with or without modifications, a provision of Parts IV to VII of this Act, or
- (b) serves a purpose in relation to administration similar to a purpose that may be served by the rules in relation to winding up by virtue of a provision of this Schedule.]

**Textual Amendments**

**F11** Sch. 8 para. 14B inserted (15.9.2003) by 2002 c. 40, ss. 248(3), 279, Sch. 17 para. 38(5) (with s. 249(1)-(3)(6)); S.I. 2003/2093, **art. 2(1)**, Sch. 1 (subject to arts. 3-8 (as amended by S.I. 2003/2332, art. 2))

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