



# Insolvency Act 1986

## 1986 CHAPTER 45

### PART I

#### COMPANY VOLUNTARY ARRANGEMENTS

##### *The Proposal*

## 2 Procedure where nominee is not the liquidator or administrator.

- (1) This section applies where the nominee under section 1 is not the liquidator or administrator of the company <sup>F1</sup>....
- (2) The nominee shall, within 28 days (or such longer period as the court may allow) after he is given notice of the proposal for a voluntary arrangement, submit a report to the court stating—
  - (a) [<sup>F2</sup>whether, in his opinion, the proposed voluntary arrangement has a reasonable prospect of being approved and implemented,]
  - [<sup>F3</sup>(b) whether, in his opinion, the proposal should be considered by a meeting of the company and by the company's creditors, and
  - (c) if in his opinion it should, the date on which, and time and place at which, he proposes a meeting of the company should be held.]
- (3) For the purposes of enabling the nominee to prepare his report, the person intending to make the proposal shall submit to the nominee—
  - (a) a document setting out the terms of the proposed voluntary arrangement, and
  - (b) a statement of the company's affairs containing—
    - (i) such particulars of its creditors and of its debts and other liabilities and of its assets as may be prescribed, and
    - (ii) such other information as may be prescribed.

[<sup>F4</sup>(4) The court may—

*Status: Point in time view as at 26/06/2020. This version of this provision has been superseded.*

*Changes to legislation: Insolvency Act 1986, Section 2 is up to date with all changes known to be in force on or before 14 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)*

- (a) on an application made by the person intending to make the proposal, in a case where the nominee has failed to submit the report required by this section or has died, or
- (b) on an application made by that person or the nominee, in a case where it is impracticable or inappropriate for the nominee to continue to act as such,
- direct that the nominee be replaced as such by another person qualified to act as an insolvency practitioner <sup>F5</sup>... in relation to the voluntary arrangement.]

#### Textual Amendments

- F1** Words in s. 2(1) omitted (26.6.2020) by virtue of [Corporate Insolvency and Governance Act 2020](#) (c. 12), s. 49(1), [Sch. 3 para. 3](#) (with ss. 2(2), 5(2))
- F2** Words in s. 2(2) inserted (1.1.2003) by 2000 c. 39, s. 2, [Sch. 2 Pt. I para. 3\(a\)](#); S.I. 2002/2711, [art. 2](#) (subject to transitional provisions in [arts. 3-5](#))
- F3** S. 2(2)(b)(c) substituted for s. 2(2)(aa)(b) (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), s. 164(1), [Sch. 9 para. 2](#); 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); S.I. 2019/816, reg. 4(c) (with reg. 5)
- F4** S. 2(4) substituted (1.1.2003) by 2000 c. 39, s. 2, [Sch. 2 Pt. I para. 3\(b\)](#); S.I. 2002/2711, [art. 2](#) (subject to transitional provisions in [arts. 3-5](#))
- F5** Words in s. 2(4) omitted (1.10.2015) by virtue of [Deregulation Act 2015](#) (c. 20), s. 115(7), [Sch. 6 para. 20\(2\)\(b\)](#); S.I. 2015/1732, [art. 2\(e\)\(vi\)](#)

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

- C1** Ss. 2-6 applied (with modifications) by 2009 c. 1, s. 154(3A) (as inserted (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), [5\(6\)\(c\)](#))

**Status:**

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**Changes to legislation:**

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