



# Insolvency Act 1986

## 1986 CHAPTER 45

### PART IX

#### BANKRUPTCY

#### [<sup>F1</sup>CHAPTER A1

##### ADJUDICATORS: BANKRUPTCY APPLICATIONS BY DEBTORS AND BANKRUPTCY ORDERS

#### [<sup>F1</sup>263I Debtors against whom an adjudicator may make a bankruptcy order

- (1) An adjudicator has jurisdiction to determine a bankruptcy application only if—
  - (a) the centre of the debtor's main interests is in England and Wales, or
  - (b) the centre of the debtor's main interests is not in a member state of the European Union which has adopted the [<sup>F2</sup>EU Regulation], but the test in subsection (2) is met.
- (2) The test is that—
  - (a) the debtor is domiciled in England and Wales, or
  - (b) at any time in the period of three years ending with the day on which the application is made to the adjudicator, the debtor—
    - (i) has been ordinarily resident, or has had a place of residence, in England and Wales, or
    - (ii) has carried on business in England and Wales.
- (3) The reference in subsection (2) to the debtor carrying on business includes—
  - (a) the carrying on of business by a firm or partnership of which the debtor is a member, and
  - (b) the carrying on of business by an agent or manager for the debtor or for such a firm or partnership.
- (4) In this section, references to the centre of the debtor's main interests have the same meaning as in Article 3 of the [<sup>F3</sup>EU Regulation].]

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*Status: Point in time view as at 26/06/2017. This version of this provision has been superseded.*

*Changes to legislation: Insolvency Act 1986, Section 263I is up to date with all changes known to be in force on or before 27 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)*

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### Textual Amendments

- F1** Pt. 9 Ch. A1 inserted (25.4.2013 for specified purposes, 6.4.2016 in so far as not already in force) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(1)(i)(3), **Sch. 18**; S.I. 2016/191, art. 2
- F2** Words in s. 263I(1)(b) substituted (26.6.2017) by [The Insolvency Amendment \(EU 2015/848\) Regulations 2017 \(S.I. 2017/702\)](#), reg. 1, **Sch. para. 18** (with regs. 3, 4)
- F3** Words in s. 263I(4) substituted (26.6.2017) by [The Insolvency Amendment \(EU 2015/848\) Regulations 2017 \(S.I. 2017/702\)](#), reg. 1, **Sch. para. 18** (with regs. 3, 4)

**Status:**

Point in time view as at 26/06/2017. This version of this provision has been superseded.

**Changes to legislation:**

Insolvency Act 1986, Section 263I is up to date with all changes known to be in force on or before 27 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.