



Insolvency Act 1986

1986 CHAPTER 45

PART IX **E+W**

BANKRUPTCY

CHAPTER I **E+W**

[^{F1}THE COURT: BANKRUPTCY PETITIONS AND BANKRUPTCY ORDERS]

Preliminary

264 Who may present a bankruptcy petition. **E+W**

- (1) A petition for a bankruptcy order to be made against an individual may be presented to the court in accordance with the following provisions of this Part—
 - (a) by one of the individual's creditors or jointly by more than one of them,
 - ^{F1}(b)
 - ^{F2}(ba)
 - ^{F2}(bb)
 - (c) by the supervisor of, or any person (other than the individual) who is for the time being bound by, a voluntary arrangement proposed by the individual and approved under Part VIII, or
 - (d) where a criminal bankruptcy order has been made against the individual, by the Official Petitioner or by any person specified in the order in pursuance of section 39(3)(b) of the ^{M1}Powers of Criminal Courts Act 1973.
- (2) Subject to those provisions, the court may make a bankruptcy order on any such petition.

Changes to legislation: *Insolvency Act 1986, Section 264 is up to date with all changes known to be in force on or before 23 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) View outstanding changes*

Textual Amendments

- F1** S. 264(1)(b) omitted (6.4.2016) by virtue of [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 19 para. 6](#); S.I. 2016/191, art. 2 (with art. 3)
- F2** S. 264(1)(ba)(bb) omitted (31.12.2020) by virtue of [The Insolvency \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/146\)](#), reg. 1(3), [Sch. para. 32](#) (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)

Modifications etc. (not altering text)

- C1** S. 264 modified (1.12.1994) by S.I. 1994/2421, art. 11(2)(3), [Sch. 7 para. 2](#) (as amended (1.12.2001) by S.I. 2001/3649, [art. 469](#))
- C2** S. 264 amended (20.7.2001 for certain purposes and otherwise 1.12.2001) by 2000 c. 8, s. [372\(1\)](#); S.I. 2001/2632, art. 2, [Sch. Pt. I](#); S.I. 2001/3538, [art. 2\(1\)](#)
- C3** S. 264 applied (with modifications) by S.I. 1986/1999, art. 3, Sch. 1 Pt. II (as amended (31.5.2002) by S.I. 2002/1309, art. 3(1)(4); (6.4.2016) by [The Enterprise and Regulatory Reform Act 2013 \(Consequential Amendments\) \(Bankruptcy\) and the Small Business, Enterprise and Employment Act 2015 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/481\)](#), reg. 1, Sch. 2 para. 2(7)(a); and (8.12.2017) by [The Insolvency \(Miscellaneous Amendments\) Regulations 2017 \(S.I. 2017/1119\)](#), reg. 1(1), [Sch. 3 para. 1\(2\)](#))
- C4** S. 264 applied (with modifications) (1.12.1994) by S.I. 1994/2421, art. 10(1)(a)(6), Sch. 4 Pts. I, II paras. 1, 8, Sch. 6 para. 2 (as amended (1.7.2005) by S.I. 2005/1516, art. 5(b); and (8.12.2017) by [The Insolvency \(Miscellaneous Amendments\) Regulations 2017 \(S.I. 2017/1119\)](#), reg. 1(1), [Sch. 2 para. 6](#))

Marginal Citations

- M1** 1973 c. 62.

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[View outstanding changes](#)

Changes and effects yet to be applied to :

- s. 264(1)(d) and word repealed by [1988 c. 33 Sch. 16](#)

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