



Insolvency Act 1986

1986 CHAPTER 45

PART IX

BANKRUPTCY

CHAPTER III

TRUSTEES IN BANKRUPTCY

Tenure of office as trustee

295 Failure of meeting to appoint trustee.

- (1) If a meeting summoned under section 293 or 294 is held but no appointment of a person as trustee is made, it is the duty of the official receiver to decide whether to refer the need for an appointment to the Secretary of State.
- (2) On a reference made in pursuance of that decision, the Secretary of State shall either make an appointment or decline to make one.
- (3) If—
 - (a) the official receiver decides not to refer the need for an appointment to the Secretary of State, or
 - (b) on such a reference the Secretary of State declines to make an appointment,the official receiver shall give notice of his decision or, as the case may be, of the Secretary of State's decision to the [F1prescribed person] .
- (4) As from the giving of notice under subsection (3) in a case in which no notice has been given under section 293(2), the official receiver shall be trustee of the bankrupt's estate.

Status: Point in time view as at 06/04/2016. This version of this provision has been superseded.

Changes to legislation: Insolvency Act 1986, Section 295 is up to date with all changes known to be in force on or before 13 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)

Textual Amendments

- F1** Words in s. 295(3) substituted (6.4.2016) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 19 para. 21](#); S.I. 2016/191, art. 2 (with art. 3)

Modifications etc. (not altering text)

- C1** S. 295 applied (with modifications) by S.I. 1986/1999, art. 3, [Sch. 1 Pt. II](#) (as amended (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\(7\)\(c\)](#))
- C2** S. 295 applied (with modifications) (1.12.1994) by S.I. 1994/2421, art. 8(3)(9), [Sch. 4 Pt. II para. 13](#)
- C3** S. 295 modified (1.12.1994) by S.I. 1994/2421, art. 11(2)(3), [Sch. 7 para. 12](#)

Status:

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