



Insolvency Act 1986

1986 CHAPTER 45

PART XV

SUBORDINATE LEGISLATION

General insolvency rules

411 Company insolvency rules.

- (1) Rules may be made—
- (a) in relation to England and Wales, by the Lord Chancellor with the concurrence of the Secretary of State, or
 - (b) in relation to Scotland, by the Secretary of State,
- for the purpose of giving effect to Parts I to VII of this Act [^{F1}or the EC Regulation].
- (2) Without prejudice to the generality of subsection (1), or to any provision of those Parts by virtue of which rules under this section may be made with respect to any matter, rules under this section may contain—
- (a) any such provision as is specified in Schedule 8 to this Act or corresponds to provision contained immediately before the coming into force of section 106 of the ^{M1}Insolvency Act 1985 in rules made, or having effect as if made, under section 663(1) or (2) of the Companies Act (old winding-up rules), and
 - (b) such incidental, supplemental and transitional provisions as may appear to the Lord Chancellor or, as the case may be, the Secretary of State necessary or expedient.

[^{F2}(2A) For the purposes of subsection (2), a reference in Schedule 8 to this Act to doing anything under or for the purposes of a provision of this Act includes a reference to doing anything under or for the purposes of the EC Regulation (in so far as the provision of this Act relates to a matter to which the EC Regulation applies).

Status: Point in time view as at 15/09/2003. This version of this provision has been superseded.

Changes to legislation: Insolvency Act 1986, Section 411 is up to date with all changes known to be in force on or before 26 July 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)

- (2B) Rules under this section for the purpose of giving effect to the EC Regulation may not create an offence of a kind referred to in paragraph 1(1)(d) of Schedule 2 to the European Communities Act 1972.]
- (3) In Schedule 8 to this Act “liquidator” includes a provisional liquidator; and references above in this section to Parts I to VII of this Act are to be read as including the Companies Act so far as relating to, and to matters connected with or arising out of, the insolvency or winding up of companies.
- (4) Rules under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) Regulations made by the Secretary of State under a power conferred by rules under this section shall be made by statutory instrument and, after being made, shall be laid before each House of Parliament.
- (6) Nothing in this section prejudices any power to make rules of court.

Textual Amendments

- F1** Words in s. 411(1) inserted (3.5.2002) by S.I. 2002/1037, **reg. 3(1)**
- F2** S. 411(2A)(2B) inserted (3.5.2002) by S.I. 2002/1037, **reg. 3(2)**

Modifications etc. (not altering text)

- C1** S. 411 extended by Company Directors Disqualification Act 1986 (c. 46, SIF 27), **ss. 21(2), 25**
S. 411 extended by Building Societies Act 1986 (c. 53, SIF 16), **ss. 54(3)(a)(5)(a), 90, 126(3)**, Sch. 15 para. 58(1)
S. 411 extended by Financial Services Act 1986 (c. 60, SIF 69), **s. 54(6)**
S. 411 extended (E.W.) by Banking Act 1987 (c. 22, SIF 10), **s. 62(8)(a)**
S. 411 extended (S.) by Banking Act 1987 (c. 22, SIF 10), **s. 62(8)(b)(i)**
S. 411 extended (with modifications) (7.2.1994) by 1993 c. 43, **s. 59(5), 150(1)(c)**; S.I. 1994/86, **art. 2**
S. 411 extended (1.12.1997) by 1986 c. 53, **Sch. 15A para. 4(1)** (as inserted (1.12.1997) by 1997 c. 32, s. 39(2), **Sch. 6**; S.I. 1997/2668, art. 2, **Sch. Pt. I(i)**)
Ss. 411, 412 extended (E.W.) (25.2.2001) by 2000 c. 8, **s. 215(8)(a)**; S.I. 2001/516, art. 2, **Sch. Pt. 1**
- C2** S. 411 applied (1.12.1994) by S.I. 1994/2421, **arts. 4(3)(e), 6(3)(e)**
S. 411 applied (1.2.2001) by 2000 c. 38, **s. 30(5)** (with s. 105(2)(b)(5), 106); S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to transitional provision and saving in Sch. 2 Pt. II)
S. 411 applied (with modifications) (15.7.2003) by 1999 c. 29, ss. 220(5), 425(2) (with ss. 165, 217, Sch. 12 para. 9(1)); S.I. 2003/1920, **art. 2(b)**
S. 411 applied (15.7.2003) by 1999 c. 29, ss. 221(3), 425(2) (with ss. 165, 217, Sch. 12 para. 9(1)); S.I. 2003/1920, **art. 2(b)**
S. 411 applied (with modifications) (5.10.2004) by Energy Act 2004 (c. 20), **ss. 159(3), 198**; S.I. 2004/2575, **art. 2(1)**, Sch. 1
S. 411 applied in part (20.1.2007 for specified purposes, otherwise 1.10.2007) by Companies Act 2006 (c. 46), **ss. 997, 1300(2)**; S.I. 2006/3428, **art. 3(3)** (subject to art. 5, Sch. 1 and with arts. 6, 8, Sch. 5); S.I. 2007/2194, **art. 2(1)(j)**

Marginal Citations

- M1** 1985 c. 65.

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