



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 [^{F1}and, in the case of rules that affect court procedure, with the concurrence of the Lord Chief Justice], 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 [^{F2}or the EC Regulation].

[^{F3}(1A) Rules may also be made for the purpose of giving effect to Part 2 of the Banking Act 2009 (bank insolvency orders); and rules for that purpose shall be made—

- (a) in relation to England and Wales, by the Lord Chancellor with the concurrence of—
 - (i) the Treasury, and
 - (ii) in the case of rules that affect court procedure, the Lord Chief Justice,or
- (b) in relation to Scotland, by the Treasury.]

[^{F4}(1B) Rules may also be made for the purpose of giving effect to Part 3 of the Banking Act 2009 (bank administration); and rules for that purpose shall be made—

- (a) in relation to England and Wales, by the Lord Chancellor with the concurrence of—
 - (i) the Treasury, and
 - (ii) in the case of rules that affect court procedure, the Lord Chief Justice,or

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- (b) in relation to Scotland, by the Treasury.]
- (2) Without prejudice to the generality of subsection (1), [^{F5}(1A)][^{F6}or (1B)] 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 [^{F7}the Companies Act 1985](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 [^{F8}or the Treasury] necessary or expedient.
- [^{F9}(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).
- (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.]
- [^{F10}(2C) 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 Part 2 of the Banking Act 2009.]
- [^{F11}(2D) 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 Part 3 of the Banking Act 2009.]
- (3) In Schedule 8 to this Act “liquidator” includes a provisional liquidator [^{F12}or bank liquidator][^{F13}or administrator]; and references above in this section to Parts I to VII of this Act [^{F14}or Part 2 [^{F15}or 3] of the Banking Act 2009] are to be read as including [^{F16}the Companies Acts]so far as relating to, and to matters connected with or arising out of, the insolvency or winding up of companies.
- [^{F17}(3A) In this section references to Part 2 or 3 of the Banking Act 2009 include references to those Parts as applied to building societies (see section 90C of the Building Societies Act 1986).]
- (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 [^{F18}or the Treasury] 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.
- [^{F19}(7) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.]

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Textual Amendments

- F1** Words in s. 411(1)(a) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15(1), 148, [Sch. 4 para. 188\(2\)](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1
- F2** Words in s. 411(1) inserted (3.5.2002) by S.I. 2002/1037, [reg. 3\(1\)](#)
- F3** S. 411(1A) inserted (17.2.2009 for certain purposes, otherwise 21.2.2009) by [Banking Act 2009 \(c. 1\)](#), ss. [125\(2\)](#), [263\(1\)\(2\)](#) (with s. 247); S.I. 2009/296, [arts. 2, 3](#), Sch.
- F4** S. 411(1B) inserted (17.2.2009 for certain purposes, otherwise 21.2.2009) by [Banking Act 2009 \(c. 1\)](#), ss. [160\(2\)](#), [263\(1\)\(2\)](#) (with s. 247); S.I. 2009/296, [arts. 2, 3](#), Sch.
- F5** Words in s. 411(2) inserted (17.2.2009 for certain purposes, otherwise 21.2.2009) by [Banking Act 2009 \(c. 1\)](#), ss. [125\(3\)\(a\)](#), [263\(1\)\(2\)](#) (with s. 247); S.I. 2009/296, [arts. 2, 3](#), Sch.
- F6** Words in s. 411(2) inserted (17.2.2009 for certain purposes, otherwise 21.2.2009) by [Banking Act 2009 \(c. 1\)](#), ss. [160\(3\)](#), [263\(1\)\(2\)](#) (with s. 247); S.I. 2009/296, [arts. 2, 3](#), Sch.
- F7** Words in s. 411(2)(a) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009, (S.I. 2009/1941) arts. 2(1), 8, {Sch. 1 para. 79} (with art. 10, Sch. 1 para. 84)
- F8** Words in s. 411(2) inserted (17.2.2009 for certain purposes, otherwise 21.2.2009) by [Banking Act 2009 \(c. 1\)](#), ss. [125\(3\)\(b\)](#), [263\(1\)\(2\)](#) (with s. 247); S.I. 2009/296, [arts. 2, 3](#), Sch.
- F9** S. 411(2A)(2B) inserted (3.5.2002) by S.I. 2002/1037, [reg. 3\(2\)](#)
- F10** S. 411(2C) inserted (17.2.2009 for certain purposes, otherwise 21.2.2009) by [Banking Act 2009 \(c. 1\)](#), ss. [125\(4\)](#), [263\(1\)\(2\)](#) (with s. 247); S.I. 2009/296, [arts. 2, 3](#), Sch.
- F11** S. 411(2D) inserted (17.2.2009 for certain purposes, otherwise 21.2.2009) by [Banking Act 2009 \(c. 1\)](#), ss. [160\(4\)](#), [263\(1\)\(2\)](#) (with s. 247); S.I. 2009/296, [arts. 2, 3](#), Sch.
- F12** Words in s. 411(3) inserted (17.2.2009 for certain purposes, otherwise 21.2.2009) by [Banking Act 2009 \(c. 1\)](#), ss. [125\(5\)\(a\)](#), [263\(1\)\(2\)](#) (with s. 247); S.I. 2009/296, [arts. 2, 3](#), Sch.
- F13** Words in s. 411(3) inserted (17.2.2009 for certain purposes, otherwise 21.2.2009) by [Banking Act 2009 \(c. 1\)](#), ss. [160\(5\)\(a\)](#), [263\(1\)\(2\)](#) (with s. 247); S.I. 2009/296, [arts. 2, 3](#), Sch.
- F14** S. 411(3) text amended (17.2.2009 for certain purposes, otherwise 21.2.2009) by [Banking Act 2009 \(c. 1\)](#), ss. [125\(5\)\(b\)](#), [263\(1\)\(2\)](#) (with s. 247); S.I. 2009/296, [arts. 2, 3](#), Sch.
- F15** Words in s. 411(3) inserted (17.2.2009 for certain purposes, otherwise 21.2.2009) by [Banking Act 2009 \(c. 1\)](#), ss. [160\(5\)\(b\)](#), [263\(1\)\(2\)](#) (with s. 247); S.I. 2009/296, [arts. 2, 3](#), Sch.
- F16** Words in s. 411(3) substituted (1.10.2007) by The Companies Act 2006 (Commencement No. 3, Consequential Amendments, Transitional Provisions and Savings) Order 2007 (S.I. 2007/2194), art. 10(1), [Sch. 4 para. 44](#) (with art. 12)
- F17** S. 411(3A) inserted (29.3.2009) by The Building Societies (Insolvency and Special Administration) Order 2009 (S.I. 2009/805), [art. 13](#)
- F18** Words in s. 411(5) inserted (17.2.2009 for certain purposes, otherwise 21.2.2009) by [Banking Act 2009 \(c. 1\)](#), ss. [125\(6\)](#), [263\(1\)\(2\)](#) (with s. 247); S.I. 2009/296, [arts. 2, 3](#), Sch.
- F19** S. 411(7) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15(1), 148, [Sch. 4 para. 188\(3\)](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1

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. 1\(i\)](#))
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](#)

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- 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)**
- C3** S. 411 applied (with modifications) (1.10.2011) by Postal Services Act 2011 (c. 5), **ss. 73(3), 93(2)(3)**; S.I. 2011/2329, **art. 3** (with arts. 4, 5)
- C4** S. 411 extended (with modifications) (27.3.2012 for specified purposes) by Health and Social Care Act 2012 (c. 7), **ss. 130(9), 306(1)(d), (4)**
- C5** S. 411 modified (3.2.2017) by Housing and Planning Act 2016 (c. 22), **ss. 102(5), 216(3)** (with ss. 116, 117); S.I. 2017/75, reg. 3(c)
- C6** S. 411(1B) extended (1.3.2014 for specified purposes) by Financial Services (Banking Reform) Act 2013 (c. 33), **ss. 121(3), 148(5)**; S.I. 2014/377, art. 2(1)(b), Sch. Pt. 2

Marginal Citations

- M1** 1985 c. 65.

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