



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 [^{F2}Parts A1] to VII of this Act [^{F3}or the [^{F4}EU Regulation]].

[^{F5}(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.]

[^{F6}(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

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- (ii) in the case of rules that affect court procedure, the Lord Chief Justice,
or
- (b) in relation to Scotland, by the Treasury.]
- (2) Without prejudice to the generality of subsection (1), [F7(1A)][F8 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 [F9the 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 [F10or the Treasury] necessary or expedient.
- [F11(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 [F12EU Regulation] (in so far as the provision of this Act relates to a matter to which the [F12EU Regulation] applies).
- (2B) Rules under this section for the purpose of giving effect to the [F13EU 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.]
- [F14(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.]
- [F15(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 [F16or bank liquidator][F17or administrator]; and references above in this section to [F18Parts A1] to VII of this Act [F19or Part 2 [F20or 3] of the Banking Act 2009] are to be read as including [F21the Companies Acts] so far as relating to, and to matters connected with or arising out of, the insolvency or winding up of companies.
- [F22(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 [F23or 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.
 - [F24(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) substituted (26.6.2020) by [Corporate Insolvency and Governance Act 2020 \(c. 12\)](#), s. 49(1), [Sch. 3 para. 22\(2\)](#) (with ss. 2(2), 5(2))
- F3** Words in s. 411(1) inserted (3.5.2002) by S.I. 2002/1037, [reg. 3\(1\)](#)
- F4** Words in s. 411(1) substituted (26.6.2017) by [The Insolvency Amendment \(EU 2015/848\) Regulations 2017 \(S.I. 2017/702\)](#), [reg. 1](#), [Sch. para. 24](#) (with regs. 3, 4)
- F5** 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.
- F6** 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.
- F7** 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.
- F8** 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.
- F9** 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)
- F10** 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.
- F11** S. 411(2A)(2B) inserted (3.5.2002) by S.I. 2002/1037, [reg. 3\(2\)](#)
- F12** Words in s. 411(2A) substituted (26.6.2017) by [The Insolvency Amendment \(EU 2015/848\) Regulations 2017 \(S.I. 2017/702\)](#), [reg. 1](#), [Sch. para. 24](#) (with regs. 3, 4)
- F13** Words in s. 411(2B) substituted (26.6.2017) by [The Insolvency Amendment \(EU 2015/848\) Regulations 2017 \(S.I. 2017/702\)](#), [reg. 1](#), [Sch. para. 24](#) (with regs. 3, 4)
- F14** 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.
- F15** 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.
- F16** 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.
- F17** 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.
- F18** Words in s. 411(3) substituted (26.6.2020) by [Corporate Insolvency and Governance Act 2020 \(c. 12\)](#), s. 49(1), [Sch. 3 para. 22\(3\)](#) (with ss. 2(2), 5(2))
- F19** 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.
- F20** 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.
- F21** 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)
- F22** S. 411(3A) inserted (29.3.2009) by [The Building Societies \(Insolvency and Special Administration\) Order 2009 \(S.I. 2009/805\)](#), [art. 13](#)
- F23** 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.
- F24** 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

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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**
- 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. 1** (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** Third Group of Parts (Pts. 12-19) applied to limited liability partnerships (with modifications) (E.W.S.) (6.4.2001) by S.I. 2001/1090, reg. 5, Schs. 3, 4 (as amended (4.3.2004) by S.I. 2004/355, **art. 10**; (1.10.2005) by S.I. 2005/1989, reg. 3, **Sch. 2** (with reg. 4); and (8.12.2017) by S.I. 2017/1119, reg. 1(1), Sch. 1 Pts. 2, 3)
- C7** S. 411 modified (31.1.2019) by [Technical and Further Education Act 2017 \(c. 19\)](#), **ss. 32(1)**, 47(2); S.I. 2018/1161, reg. 3(a)
- C8** S. 411 extended (temp.) (26.6.2020) by [Corporate Insolvency and Governance Act 2020 \(c. 12\)](#), s. 49(1), Sch. 4 paras. 3, 4 (with ss. 2(2), 5(2), Sch. 4 para. 1)
- C9** S. 411(1)(b)(2) functions made exercisable concurrently (9.2.2018) by [The Scotland Act 1998 \(Insolvency Functions\) Order 2018 \(S.I. 2018/174\)](#), arts. 1(1), 2 (with art. 6(1))
- C10** S. 411(1)(b)(2) functions made exercisable concurrently (9.2.2018) by [The Scotland Act 1998 \(Insolvency Functions\) Order 2018 \(S.I. 2018/174\)](#), arts. 1(1), 5 (with art. 6(2))
- C11** S. 411(1B) extended (1.3.2014 for specified purposes, 13.7.2018 for E.W. in so far as not already in force) 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; S.I. 2018/848, art. 2(b)
- C12** S. 411(4) excluded (9.2.2018) by [The Scotland Act 1998 \(Insolvency Functions\) Order 2018 \(S.I. 2018/174\)](#), arts. 1(1), 4(1)
- C13** S. 411(5) excluded (9.2.2018) by [The Scotland Act 1998 \(Insolvency Functions\) Order 2018 \(S.I. 2018/174\)](#), arts. 1(1), 4(3)

Marginal Citations

- M1** 1985 c. 65.

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