



# Insolvency Act 1986

## 1986 CHAPTER 45

### PART XVII

#### MISCELLANEOUS AND GENERAL

#### 433 Admissibility in evidence of statements of affairs, etc.

- [<sup>F1</sup>(1)] In any proceedings (whether or not under this Act)—
- (a) a statement of affairs prepared for the purposes of any provision of this Act which is derived from the <sup>M1</sup>Insolvency Act 1985,
  - [<sup>F2</sup>(aa) a statement made in pursuance of a requirement imposed by or under Part 2 of the Banking Act 2009 (bank insolvency),]
  - [<sup>F3</sup>(ab) a statement made in pursuance of a requirement imposed by or under Part 3 of that Act (bank administration),] and
  - (b) any other statement made in pursuance of a requirement imposed by or under any such provision or by or under rules made under this Act,
- may be used in evidence against any person making or concurring in making the statement.
- [<sup>F4</sup>(2) However, in criminal proceedings in which any such person is charged with an offence to which this subsection applies—
- (a) no evidence relating to the statement may be adduced, and
  - (b) no question relating to it may be asked,
- by or on behalf of the prosecution, unless evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person.
- (3) Subsection (2) applies to any offence other than—
- (a) an offence under section 22(6), 47(6), 48(8), 66(6), 67(8), 95(8), [<sup>F5</sup>98(6), [<sup>F6</sup>99(3)(a)] [<sup>F6</sup>99(3)]] , 131(7), 192(2), 208(1)(a) or (d) or (2), 210, 235(5), 353(1), 354(1)(b) or (3) or 356(1) or (2)(a) or (b) or paragraph 4(3) (a) of Schedule 7;
  - (b) an offence which is—
    - (i) created by rules made under this Act, and

*Status: Point in time view as at 26/05/2015. This version of this provision has been superseded.*

*Changes to legislation: Insolvency Act 1986, Section 433 is up to date with all changes known to be in force on or before 22 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)*

- (ii) designated for the purposes of this subsection by such rules or by regulations made by the Secretary of State;
  - (c) an offence which is—
    - (i) created by regulations made under any such rules, and
    - (ii) designated for the purposes of this subsection by such regulations;
  - (d) an offence under section 1, 2 or 5 of the <sup>M2</sup>Perjury Act 1911 (false statements made on oath or made otherwise than on oath); or
  - (e) an offence under section 44(1) or (2) of the Criminal Law (Consolidation) (Scotland) Act 1995 (false statements made on oath or otherwise than on oath).
- (4) Regulations under subsection (3)(b)(ii) shall be made by statutory instrument and, after being made, shall be laid before each House of Parliament.]

#### Textual Amendments

- F1** S. 433 renumbered as s. 433(1) (14.4.2000 (E.W.) and 1.1.2001 (S.)) by 1999 c. 23, s. 59, **Sch. 3 para. 7(2)** (with s. 63(2), Sch. 7 para. 3(3)); S.I. 2000/1034, **art. 2**; S.S.I. 2000/445, **art. 2**
- F2** S. 433(1)(aa) inserted (17.2.2009 for certain purposes, otherwise 21.2.2009) by **Banking Act 2009 (c. 1)**, **ss. 128**, 263(1)(2) (with s. 247); S.I. 2009/296, **arts. 2, 3**, Sch. para. 2
- F3** S. 433(1)(ab) inserted (17.2.2009 for certain purposes, otherwise 21.2.2009) by **Banking Act 2009 (c. 1)**, **ss. 162**, 263(1)(2) (with s. 247); S.I. 2009/296, **arts. 2, 3**, Sch. para. 3
- F4** S. 433(2)-(4) inserted (14.4.2000 (E.W.) and 1.1.2001 (S.)) by 1999 c. 23, s. 59, **Sch. 3 para. 7(3)** (with s. 63(2), Sch. 7 para 3(3)); S.I. 2000/1034, **art. 2**; S.S.I. 2000/445, **art. 2**
- F5** Word in s. 433(3)(a) omitted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force) by virtue of **Small Business, Enterprise and Employment Act 2015 (c. 26)**, s. 164(1), **Sch. 9 para. 56(a)**; S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3)
- F6** Word in s. 433(3)(a) substituted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force) by **Small Business, Enterprise and Employment Act 2015 (c. 26)**, s. 164(1), **Sch. 9 para. 56(b)**; S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3)

#### Modifications etc. (not altering text)

- C1** S. 433 applied with modifications by S.I. 1986/1999, art. 3, **Sch. 1 Pt. II**
- C2** S. 433 applied (with modifications) (17.2.2009 for certain purposes, otherwise 21.2.2009) by **Banking Act 2009 (c. 1)**, **ss. 103**, 263(1)(2) (with s. 247); S.I. 2009/296, **arts. 2, 3**, Sch. para. 2
- C3** S. 433 applied (with modifications) (17.2.2009 for certain purposes, otherwise 21.2.2009) by **Banking Act 2009 (c. 1)**, **ss. 145**, 263(1)(2) (with s. 247); S.I. 2009/296, **arts. 2, 3**, Sch. para. 3

#### Marginal Citations

- M1** 1985 c. 65.
- M2** 1911 c. 6.

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