



Insolvency Act 1976

1976 CHAPTER 60

An Act to amend the law relating to insolvency; and for connected purposes. [15th November 1976]

Annotations:

Modifications etc. (not altering text)

C1 Words of enactment omitted under authority of [Statute Law Revision Act 1948 \(c. 62\), s. 3](#)

1 F1

Annotations:

Amendments (Textual)

F1 S. 1 repealed by [Insolvency Act 1985 \(c. 65, SIF 66\)](#), s. 235, [Sch. 10 Pt. IV](#) (with saving (E.W.) in [Insolvency Act 1986 \(c. 45, SIF 66\)](#), ss. 437, 443, [Sch. 11 para. 10\(2\)](#))

2 F2

Annotations:

Amendments (Textual)

F2 S. 2 repealed by [Insolvency Act 1985 \(c. 65, SIF 66\)](#), s. 235, [Sch. 10 Pt. IV](#) (with saving in [Insolvency Act 1986 \(c. 45, SIF 66\)](#), ss. 437, 443, [Sch. 11 para. 10\(2\)](#))

3 F3

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Annotations:**Amendments (Textual)**

F3 S. 3 repealed by [Insolvency Act 1986 \(c. 45, SIF 66\)](#), ss. 438, 443, [Sch. 12](#)

4

F4

Annotations:**Amendments (Textual)**

F4 S. 4 repealed by [Insolvency Act 1985 \(c. 65, SIF 66\)](#), s. 235, [Sch. 10 Pt. III](#) (with saving in [Insolvency Act 1986 \(c.45, SIF 66\)](#), ss. 437, 443, [Sch. 11 para. 10\(2\)](#))

5 Proof of debts in bankruptcy.

[^{F5}(1) For paragraph 2 of Schedule 2 to the Bankruptcy Act 1914 (debt to be proved by affidavit) there shall be substituted—

“2 A debt may be proved by delivering or sending through the post in a prepaid letter to the official receiver or, if a trustee has been appointed, to the trustee—

(a) in any case in which the official receiver or trustee so requires, an affidavit verifying the debt ;

(b) in any other case, an unsworn claim to the debt.”

(2) In paragraphs 3, 4 and 5 of that Schedule after the word “affidavit”, wherever it occurs, there shall be inserted the words “or claim”.]

[^{F6}(3) For section 45 of the ^{M1}Bankruptcy (Scotland) Act 1913 (evidence to be produced by creditor) there shall be substituted—

45 “ Method of making claims by creditors.

(1) Subject to section 118(3) of this Act, to entitle a creditor to vote or draw a dividend, he shall be bound to produce at the meeting, or in the hands of the trustee, the account and vouchers necessary to prove the debt claimed by the creditor, and either—

(a) a notice of claim to the debt in such form as the Secretary of State may by regulations made by statutory instrument prescribe ; or

(b) in any case in which the trustee so requires, an oath to the effect and taken in manner hereinbefore appointed in the case of creditors petitioning for sequestration.

(2) In this Act any reference—

(a) in sections 46, 55 to 58, 119 and 120 to “oath” shall include a reference to notice of claim under this section ;

(b) in sections 47, 48 and 53 to “oath and claim” or to “oath or claim” shall include a reference to notice of claim under this section ;

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- (c) in section 176(4) to “oath and claim” shall include a reference to notice of claim and account and vouchers under this section ;
 - (d) in section 123 to “oath” shall, except sp far as it relates to a mode of examination, include a reference to notice of claim under this section.”
- (4) For subsection (3) of section 118 of the said Act of 1913 (provision as to preferential payments) there shall be substituted—

“(3) Where in respect of any of the foregoing debts the trustee has not required an oath in terms of section 45(1)(b) of this Act he may, with the consent of the Commissioners, also dispense with any requirement to produce a notice of claim in respect of that debt.

(3A) The trustee may, with the consent of the Commissioners, pay ant of the foregoing debts before the period for the payment of the first dividend.”]

Annotations:

Amendments (Textual)

- F5** S. 5(1)(2) repealed (E.W.) by Insolvency Act 1985 (c. 65, SIF 66), s. 235, **Sch. 10 Pt. III** (with saving in Insolvency Act 1986 (c.45, SIF 66), ss. 437, 443, **Sch. 11 para. 10(2)**)
- F6** S. 5(3)(4) repealed (S.) by Bankruptcy (Scotland) Act 1985 (c. 66, SIF 66), s. 75(2)(3), **Sch. 8**

Modifications etc. (not altering text)

- C2** The text of s. 5 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and,except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M1** 1913 c. 20.

6—8. **F7**

Annotations:

Amendments (Textual)

- F7** Ss. 6–8, 11 repealed by Insolvency Act 1985 (c. 65, SIF 66), s. 235, **Sch. 10 Pt. III** (with saving in Insolvency Act 1986 (c.45, SIF 66), ss. 437, 443, **Sch. 11 para. 10(2)**)

9 **F8**

Annotations:

Amendments (Textual)

- F8** S. 9 repealed by Companies Consolidation (Consequential Provisions) Act 1985 (c.9, SIF 27), ss. 29, 31(8), **Sch. 1**

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10 F9

Annotations:

Amendments (Textual)

- F9** S. 10 repealed (the repeal being in force 1.3.1986 so far as relating to the making of rules under s. 663 of the Companies Act 1985 and otherwise the repeal came into force 29.12.1986) by [Insolvency Act 1985 \(c.65, SIF 66\)](#), ss. 235, 236(2), **Sch. 10 Pt. IV** (with saving in [Insolvency Act 1986 \(c. 45, SIF 66\)](#), ss. 437, 443, **Sch. 11 para. 10(2)**)

11 F10

Annotations:

Amendments (Textual)

- F10** Ss. 6–8, 11 repealed by [Insolvency Act 1985 \(c. 65, SIF 66\)](#), s. 235, **Sch. 10 Pt. III** (with saving in [Insolvency Act 1986 \(c.45, SIF 66\)](#), ss. 437, 443, **Sch. 11 para. 10(2)**)

12 Administration order rules.

- (1) The power to make rules under [^{F11}section 75 of the County Courts Act 1984] (county court rules) shall include power to make rules for the purposes of [^{F12}Part VI] of that Act (administration orders), section 4 of the ^{M2}Attachment of Earnings Act 1971 . . . ^{F13}.
- (2) ^{F14}

Annotations:

Amendments (Textual)

- F11** Words substituted by [County Courts Act 1984 \(c. 28, SIF 34\)](#), s. 148(1)(2), **Sch. 2 para. 60(a)**, Sch. 3 para. 9
- F12** Words substituted by [County Courts Act 1984 \(c. 28, SIF 34\)](#), s. 148(1)(2), **Sch. 2 para. 60(b)**, Sch. 3 para. 9
- F13** Words repealed by [Insolvency Act 1985 \(c. 65, SIF 66\)](#), s. 235, **Sch. 10 Pt. III** (with saving in [Insolvency Act 1986 \(c.45, SIF 66\)](#), ss. 437, 443, **Sch. 11 para. 10(2)**)
- F14** S. 12(2) repealed by [County Courts Act 1984 \(c. 28, SIF 34\)](#), s. 148(2)(3), Sch. 3 para. 9, **Sch. 4**

Marginal Citations

- M2** 1971 c. 32.

13 Other provisions about administration orders.

- (1) Section 21 of the Administration of Justice Act 1965 and section 4(3) of the Attachment of Earnings Act 1971 (under which an application for an administration order and the making of an order requiring the debtor to furnish a list of creditors with a view to the making of an administration order constitute an act of bankruptcy) shall cease to have effect.

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- (2) In section 4(1)(a) of the said Act of 1971 (power to make an administration order on application for attachment of earnings order) for the words “an order should be made for the administration of his estate” there shall be substituted the words “an administration order should be made”.

Annotations:

Modifications etc. (not altering text)

- C3** The text of s. 13 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

14 Short title and supplementary provisions.

- (1) This Act may be cited as the Insolvency Act 1976.
- (2) Except where the context otherwise requires, any reference in this Act to any enactment is a reference to that enactment as amended or extended by or under any other enactment, including this Act.
- (3) ^{F15}
- (4) The enactments mentioned in Schedule 3 to this Act are hereby repealed to the extent specified in the third column to that Schedule.
- (5) This Act shall come into force on such date as may be specified by the Secretary of State by order made by statutory instrument; and different dates may be specified for different provisions.
- (6) This Act does not extend to Northern Ireland; and only sections 1, 5, . . . ^{F16}, and this section and Schedule 1 extend to Scotland.

Annotations:

Amendments (Textual)

- F15** S. 14(3) repealed by [Companies Consolidation \(Consequential Provisions\) Act 1985 \(c. 9, SIF 27\)](#), ss. 29, 31(8), [Sch. 1](#) and also expressed to be repealed (E.W.) by [Insolvency Act 1985 \(c.65, SIF 66\)](#), s. 235, [Sch. 10 Pt. III](#) (with saving in [Insolvency Act 1986 \(c.45, SIF 66\)](#), ss. 437, 443, [Sch. 11 para. 10\(2\)](#))
- F16** Figure repealed by [Companies Consolidation \(Consequential Provisions\) Act 1985 \(c. 9, SIF 27\)](#), ss. 29, 31(8), [Sch. 1](#)

Modifications etc. (not altering text)

- C4** The text of s. 14(4) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.
- C5** Power of appointment conferred by s. 14(5) partly exercised: [S.I. 1976/1960](#), 1977/363, 1977/1375, 1978/139 (Act fully in force as regards ss. 12, 14(1)(2))

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SCHEDULES

SCHEDULE

1.....
F17

Annotations:

Amendments (Textual)

F17 Sch. 1 repealed by [Insolvency Act 1985 \(c. 65, SIF 66\)](#), s. 235, **Sch. 10 Pt. IV** (with saving (E.W.) in [Insolvency Act 1986 \(c. 45, SIF 66\)](#), ss. 437, 443, **Sch. 11 para. 10(2)**)

SCHEDULE 2

Section 3.

CONSEQUENTIAL AMENDMENTS RELATING TO INSOLVENCY SERVICES ACCOUNT

Annotations:

Modifications etc. (not altering text)

C6 The text of Sch. 2(1)(2)(5)—(9) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

The ^{M3}Bankruptcy Act 1914

Annotations:

Marginal Citations

M3 [1914 c. 59](#)

- 1 In section 89(2) of the Bankruptcy Act 1914 for the words “the Bankruptcy Estates Account”, there shall be substituted the words “the Insolvency Services Account”.
- 2 In section 153(1) and (4) of that Act for the words “the Bankruptcy Estates Account” there shall be substituted the words “the Insolvency Services Account”.
- 3, 4. **F18**

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Annotations:

Amendments (Textual)

F18 Sch. 2 paras. 3, 4 repealed by [Companies Consolidation \(Consequential Provisions\) Act 1985 \(c. 9, SIF 27\)](#), ss. 29, 31(8), [Sch. 1](#)

The ^{M4}Insolvency Services (Accounting and Investment) Act 1970

Annotations:

Marginal Citations

M4 1970 c. 8.

- 5 In section 3(1)(b) of the Insolvency Services (Accounting and Investment) Act 1970 for the words “The Companies Liquidation Account” there shall be substituted the words “the Insolvency Services Account”.
- 6 In section 4(a) of that Act for the words “the Companies Liquidation Account”, there shall be substituted the words “the Insolvency Services Account”.
- 7 In section 5 of that Act—
- (a) in subsection (1) for the words “the Bankruptcy Estates Account and the Companies Liquidation Account respectively” and “those accounts” there shall be substituted respectively the words “the Insolvency Services Account”, and “that account” ;
 - (b) in subsection (2) for the words “the Bankruptcy Estates Account or the Companies Liquidation Account” and “those accounts respectively” there shall be substituted respectively the words “the Insolvency Services Account” and “that account” ;
 - (c) in subsection (3) for the words “the Bankruptcy Estates Account or the Companies Liquidation Account” there shall be substituted the words “the Insolvency Services Account”.
- 8 In section 6 of that Act for the words “the Bankruptcy Estates Account or the Companies Liquidation Account” there shall be substituted the words “the Insolvency Services Account”.
- 9 In section 7(2) of that Act for the words “section 89 of the Bankruptcy Act 1914 and section 360 of the Companies Act 1948 respectively” there shall be substituted the words “section 3 of the Insolvency Act 1976”.

SCHEDULE 3

Section 14.

REPEALS

Annotations:

Modifications etc. (not altering text)

C7 The text of Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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REPEALS

Session and Chapter	Short title	Extent of repeal
1965 c. 73.	Race Relations Act 1965.	The whole Act, so far as unrepealed.
1968 c. 71.	Race Relations Act 1968.	The whole Act.
1972 c. 11.	Superannuation Act 1972.	In Schedule 1, the words " Race Relations Board ".
1973 c. 50.	Employment and Training Act 1973.	In Schedule 3, paragraph 10.
1974 c. 52.	Trade Union and Labour Relations Act 1974.	In Schedule 1, paragraph 28.
1975 c. 24.	House of Commons Disqualification Act 1975.	In Part II of Schedule 1, the words " The Community Relations Commission ", and the entry beginning " The Race Relations Board ".
1975 c. 25.	Northern Ireland Assembly Disqualification Act 1975.	In Part II of Schedule 1, the entry beginning " The Race Relations Board ".
1975 c. 65.	Sex Discrimination Act 1975.	In section 72(4) the word " an ", in the last place where it occurs.
1975 c. 71.	Employment Protection Act 1975.	In Part III of Schedule 16, paragraph 28.

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Changes and effects yet to be applied to the whole Act, associated Parts and Chapters:

- Act repealed by [2004 c. 14 Sch. 1 Pt. 17](#) Group 6