



Insolvency Act 1985

1985 CHAPTER 65

U.K.

An Act to make provision with respect to the insolvency of companies and individuals, the winding up of companies, the disqualification and personal liability of persons involved in the management of companies and the avoidance of certain transactions at an undervalue; and for connected purposes. [30th October 1985]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Commencement Information

II Act not in force at Royal Assent see [s.236\(2\)](#); Act wholly in force at 29.12.1986.

PART I U.K.

1—11. ^{F1} U.K.

Textual Amendments

F1 Ss. 1–11, 15, 17, 19–107, 108(1)(3)–(7), 109–212, 216, 221–234, 235(2)–(5), 236(3)–(5) repealed by Insolvency Act 1986 (c. 45, SIF 66), s. 438, **Sch. 12**

Status: Point in time view as at 01/02/1991.
Changes to legislation: There are currently no known outstanding effects for the Insolvency Act 1985. (See end of Document for details)

PART II U.K.

12— **F2 U.K.**
14.

Textual Amendments
F2 Ss. 12–14, 16, 18, 108(2) repealed by Company Directors Disqualification Act 1986 (c. 46, SIF 27), s. 23(2), **Sch. 4**

15 **F3 U.K.**

Textual Amendments
F3 Ss. 1–11, 15, 17, 19–107, 108(1)(3)–(7), 109–212, 216, 221–234, 235(2)–(5), 236(3)–(5) repealed by Insolvency Act 1986 (c. 45, SIF 66), s. 438, **Sch. 12**

16 **F4 U.K.**

Textual Amendments
F4 Ss. 12–14, 16, 18, 108(2) repealed by Company Directors Disqualification Act 1986 (c. 46, SIF 27), s. 23(2), **Sch. 4**

17 **F5 U.K.**

Textual Amendments
F5 Ss. 1–11, 15, 17, 19–107, 108(1)(3)–(7), 109–212, 216, 221–234, 235(2)–(5), 236(3)–(5) repealed by Insolvency Act 1986 (c. 45, SIF 66), s. 438, **Sch. 12**

18 **F6 U.K.**

Textual Amendments
F6 Ss. 12–14, 16, 18, 108(2) repealed by Company Directors Disqualification Act 1986 (c. 46, SIF 27), s. 23(2), **Sch. 4**

19— **F7 U.K.**
107.

Status: Point in time view as at 01/02/1991.
Changes to legislation: There are currently no known outstanding effects for the Insolvency Act 1985. (See end of Document for details)

Textual Amendments

F7 Ss. 1–11, 15, 17, 19–107, 108(1)(3)–(7), 109–212, 216, 221–234, 235(2)–(5), 236(3)–(5) repealed by Insolvency Act 1986 (c. 45, SIF 66), s. 438, **Sch. 12**

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U.K.

- (1) **F8**
- (2) **F9**
- (3) **F8**

Textual Amendments

F8 Ss. 1–11, 15, 17, 19–107, 108(1)(3)–(7), 109–212, 216, 221–234, 235(2)–(5), 236(3)–(5) repealed by Insolvency Act 1986 (c. 45, SIF 66), s. 438, **Sch. 12**
F9 Ss. 12–14, 16, 18, 108(2) repealed by Company Directors Disqualification Act 1986 (c. 46, SIF 27), s. 23(2), **Sch. 4**

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..... **F10** **U.K.**

Textual Amendments

F10 Ss. 1–11, 15, 17, 19–107, 108(1)(3)–(7), 109–212, 216, 221–234, 235(2)–(5), 236(3)–(5) repealed by Insolvency Act 1986 (c. 45, SIF 66), s. 438, **Sch. 12**

PART III **U.K.**

110—
211.

..... **F11** **U.K.**

Textual Amendments

F11 Ss. 1–11, 15, 17, 19–107, 108(1)(3)–(7), 109–212, 216, 221–234, 235(2)–(5), 236(3)–(5) repealed by Insolvency Act 1986 (c. 45, SIF 66), s. 438, **Sch. 12**

PART IV **U.K.**

MISCELLANEOUS AND SUPPLEMENTAL

Miscellaneous

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..... **F12** **U.K.**

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Insolvency Act 1985. (See end of Document for details)

Textual Amendments

F12 Ss. 1–11, 15, 17, 19–107, 108(1)(3)–(7), 109–212, 216, 221–234, 235(2)–(5), 236(3)–(5) repealed by Insolvency Act 1986 (c. 45, SIF 66), s. 438, **Sch. 12**

[^{F13}213 **Co-operation between courts exercising jurisdiction in relation to insolvency law.** **U.K.**

- (1) An order made by a court in any part of the United Kingdom in the exercise of jurisdiction in relation to insolvency law shall be enforced in any other part of the United Kingdom as if it were made by a court exercising the corresponding jurisdiction in that other part ; but, without prejudice to the following provisions of this section, nothing in this subsection shall require a court in any part of the United Kingdom to enforce, in relation to property situated in that part, any order made by a court in any other part of the United Kingdom.
- (2) The Secretary of State, with the concurrence in relation to property situated in England and Wales of the Lord Chancellor, may by order make provision for securing that a trustee or assignee under the insolvency law of any part of the United Kingdom has, with such modifications as may be specified in the order, the same rights in relation to any property situated in another part of the United Kingdom as he would have in the corresponding circumstances if he were a trustee or assignee circumstances under the insolvency law of that other part.
- (3) The courts having jurisdiction in relation to insolvency law in any part of the United Kingdom shall assist the courts having the corresponding jurisdiction in any other part of the United Kingdom or any relevant country or territory.
- (4) For the purposes of subsection (3) above a request made to a court in any part of the United Kingdom by a court in any other part of the United Kingdom or in a relevant country or territory shall be authority for the court to which the request is made to apply, in relation to any matters specified in the request, the insolvency law which is applicable by either court in relation to comparable matters falling within its jurisdiction ; and in exercising its discretion under this subsection, a court shall have regard in particular to the rules of private international law.
- (5) Where a person who is a trustee or assignee under the insolvency law of any part of the United Kingdom claims property situated in any other part of the United Kingdom (whether by virtue of an order under subsection (2) above or otherwise), the submission of that claim to the court exercising jurisdiction in relation to insolvency law in that other part shall be treated in the same manner as a request made by a court for the purposes of subsection (3) above.
- (6) Section 38 of the ^{M1}Criminal Law Act 1977 (execution of warrant of arrest throughout the United Kingdom) shall apply to a warrant which, in exercise of any jurisdiction in relation to insolvency law, is issued in any part of the United Kingdom for the arrest of a person as it applies to a warrant issued in that part of the United Kingdom for the arrest of a person charged with an offence.
- (7) Without prejudice to any power to make rules of court, any power to make provision by subordinate legislation for the purpose of giving effect in relation to companies or individuals to the insolvency law of any part of the United Kingdom shall include

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Changes to legislation: There are currently no known outstanding effects for the Insolvency Act 1985. (See end of Document for details)

power to make provision for the purpose of giving effect in that part to any provision made by or under the preceding provisions of this section.

(8) An order under subsection (2) above shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

(9) In this section “insolvency law” means—

- (a) in relation to England and Wales, provision extending to England and Wales and made by or under this Act or Parts XIX to XXI of the 1985 Act;
- (b) in relation to Scotland, provision extending to Scotland and made by or under this Act, Parts XVIII to XXI of the 1985 Act or the ^{M2}Bankruptcy (Scotland) Act 1985;
- (c) in relation to Northern Ireland, provision made by or under the Bankruptcy Acts (Northern Ireland) 1857 to 1980, Part V, VI or IX of the ^{M3}Companies Act (Northern Ireland) 1960 or Part IV of the ^{M4}Companies (Northern Ireland) Order 1978;
- (d) in relation to any relevant country or territory, so much of the law of that country or territory as corresponds to provisions falling within any of the foregoing paragraphs;

and references in this subsection to any enactment include, in relation to any time before the coming into force of that enactment, references to the corresponding enactment in force at that time.

(10) In this section “relevant country or territory” means—

- (a) any of the Channel Islands or the Isle of Man; or
- (b) any country or territory designated for the purposes of this section by the Secretary of State by order made by statutory instrument.]

Textual Amendments

F13 Ss. 213, 214, 217(1)-(3) repealed (E.W.S.) by Insolvency Act 1986 (c. 45, SIF 66), s. 438, **Sch. 12**

Marginal Citations

M1 1977 c. 45
M2 1985 c. 66
M3 1960 c. 22 (N.I.)
M4 S.I. 1978/1042 (N.I. 12)

[^{F14}**214 Parliamentary disqualification etc.** **U.K.**

(1) Where a court in England and Wales or Northern Ireland adjudges an individual bankrupt or a court in Scotland awards sequestration of an individual’s estate, the individual shall be disqualified—

- (a) for sitting or voting in the House of Lords
- (b) for being elected to, or sitting or voting in, the House of Commons; and
- (c) for sitting or voting in a committee of either House.

(2) Where an individual is disqualified under this section, the disqualification shall cease—

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- (a) except where the adjudication is annulled or the award recalled or reduced without the individual having been first discharged, on the discharge of the individual; and
 - (b) in the said excepted case, on the annulment, recall or reduction, as the case may be.
- (3) No writ of summons shall be issued to any lord of Parliament who is for the time being disqualified under this section for sitting and voting in the House of Lords.
- (4) Where a member of the House of Commons who is disqualified under this section continues to be so disqualified until the end of the period of six months beginning with the day of the adjudication or award, his seat shall be vacated at the end of that period.
- (5) A court which makes an adjudication or award such as is mentioned in subsection (1) above in relation to any lord of Parliament or member of the House of Commons shall forthwith certify the adjudication or award to the Speaker of the House of Lords or, as the case may be, to the Speaker of the House of Commons.
- (6) Where a court has certified an adjudication or award to the Speaker of the House of Commons under subsection (5) above, then, immediately after it becomes apparent which of the following certificates is applicable, the court shall certify to the Speaker of the House of Commons—
- (a) that the period of six months beginning with the day of the adjudication or award has expired without the adjudication or award having been annulled, recalled or reduced; or
 - (b) that the adjudication or award has been annulled, recalled or reduced before the end of that period.
- (7) Subject to the preceding provisions of this section, so much of this Act and of any other enactment (whenever passed) and of any subordinate legislation (whenever made) as—
- (a) makes provision for or in connection with bankruptcy in one or more parts of the United Kingdom; or
 - (b) makes provision conferring a power of arrest in connection with the winding up or insolvency of companies in one or more parts of the United Kingdom,
- shall apply in relation to persons having privilege of Parliament or peerage as it applies in relation to persons not having such privilege.]

Textual Amendments
F14 Ss. 213, 214, 217(1)-(3) repealed (E.W.S.) by [Insolvency Act 1986 \(c. 45, SIF 66\)](#), s. 438, [Sch. 12](#)

215 ^{F15} **U.K.**

Textual Amendments
F15 S. 215 repealed by [Land Registration Act 1988 \(c. 3, SIF 98:2\)](#), s. 2, [Sch.](#)

216 ^{F16} **U.K.**

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Insolvency Act 1985. (See end of Document for details)

Textual Amendments

F16 Ss. 1–11, 15, 17, 19–107, 108(1)(3)–(7), 109–212, 216, 221–234, 235(2)–(5), 236(3)–(5) repealed by Insolvency Act 1986 (c. 45, SIF 66), s. 438, **Sch. 12**

217 Amendments of Restrictive Trade Practices Act 1976. **U.K.**

[^{F17}(1) No restriction in respect of any of the matters specified in subsection (2) below shall, after the coming into force of this section, be regarded as a restriction by virtue of which the ^{M5}Restrictive Trade Practices Act 1976 applies to any agreement (whenever made).

(2) The said matters are—

- (a) the charges to be made, quoted or paid for insolvency services supplied, offered or obtained;
- (b) the terms or conditions on or subject to which insolvency services are to be supplied or obtained;
- (c) the extent (if any) to which, or the scale (if any) on which, insolvency services are to be made available, supplied or obtained;
- (d) the form or manner in which insolvency services are to be made available, supplied or obtained;
- (e) the persons or classes of persons for whom or from whom, or the areas or places in or from which, insolvency services are to be made available or supplied or are to be obtained.

(3) In this section “insolvency services” means the services of persons acting as insolvency practitioners or carrying out under the law of Northern Ireland functions corresponding to those mentioned in section 1(2) or (3) above, in their capacity as such; and expressions which are also used in the said Act of 1976 have the same meanings as in that Act.]

(4) In Schedule 1 to the said Act of 1976 (services excluded from designated services), after paragraph 9 there shall be inserted the following paragraph—

“9A Insolvency services within the meaning of section 217 of the Insolvency Act 1985.”

Textual Amendments

F17 Ss. 213, 214, 217(1)–(3) repealed (E.W.S.) by Insolvency Act 1986 (c. 45, SIF 66), s. 438, **Sch. 12**

Marginal Citations

M5 1976 c. 34

218 Amendments of Employment Protection (Consolidation) Act 1978. **U.K.**

(1) Section 122 of the ^{M6}Employment Protection (Consolidation) Act 1978 (employee’s right on the insolvency of his employer to be paid certain debts out of the Redundancy Fund) shall be amended as follows.

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Changes to legislation: There are currently no known outstanding effects for the Insolvency Act 1985. (See end of Document for details)

- (2) In subsection (1) (conditions of payment), after paragraph (a) there shall be inserted the following paragraph—
- “(aa) that the employment of the employee has been terminated; and”.
- (3) For subsection (2) (date for determining debts payable out of Fund) there shall be substituted the following subsection—
- “(2) In this section “the relevant date”—
- (a) in relation to arrears of pay (not being remuneration under a protective award made under section 101 of the Employment Protection Act 1975) and to holiday pay, means the date on which the employer became insolvent;
- (b) in relation to such an award and to a basic award of compensation for unfair dismissal, means whichever is the latest of—
- (i) the date on which the employer became insolvent;
- (ii) the date of the termination of the employee’s employment;
- and
- (iii) the date on which the award was made;
- (c) in relation to any other debt to which this section applies, means whichever is the later of the dates mentioned in sub-paragraphs (i) and (ii) of paragraph (b).”
- (4) For subsection (4) (debts to be treated as arrears of pay) there shall be substituted the following subsection—
- “(4) For the purposes of this section, the following amounts shall be treated as arrears of pay, namely—
- (a) a guarantee payment;
- (b) remuneration on suspension on medical grounds under section 19;
- (c) any payment for time off under section 27(3) or 31(3) or 31A(4);
- (d) remuneration under a protective award made under section 101 of the Employment Protection Act 1975;
- (e) statutory sick pay, payable under Part I of the Social Security and Housing Benefits Act 1982.”
- (5) In subsection (7) (reasonable payments to apprentices and articled clerks), for the words from “section 34” onwards there shall be substituted the words “section 181 of the Insolvency Act 1985 (effect of bankruptcy on apprenticeships etc.), whether as originally enacted or as applied to the winding up of a company by rules under section 106 of that Act”.
- (6) In subsection (9) (provisions applying on appointment of certain officers)—
- (a) after the words “a liquidator,” there shall be inserted the words “an administrator,”; and
- (b) for the words from “liquidator and” onwards there shall be substituted the words “ “trustee”, in relation to a composition or arrangement, includes the supervisor of a composition or scheme proposed for the purposes of, and approved under, Chapter II of Part II or Chapter I of Part III of the Insolvency Act 1985”.

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Insolvency Act 1985. (See end of Document for details)

Marginal Citations

M6 1978 c. 44.

219 Amendments of Banking Act 1979. **U.K.**

(1) For subsections (1) and (2) of section 18 of the ^{M7}Banking Act 1979 (grounds on which a recognised bank or licensed institution may be wound up on the petition of the Bank of England), there shall be substituted the following subsections—

“(1) On a petition presented by the Bank by virtue of this section, the court having jurisdiction under the Companies Act 1985 may wind up a recognised bank or licensed institution under that Act if—

- (a) the institution is unable to pay its debts within the meaning of section 518 of that Act; or
- (b) the court is of the opinion that it is just and equitable that the institution should be wound up;

and for the purposes of such a petition an institution which defaults in an obligation to pay any sum due and payable to a depositor shall be deemed to be unable to pay its debts as mentioned in paragraph (a) above.

(2) If a petition is presented by the Bank by virtue of this section for the winding up of a recognised bank or licensed institution which is a partnership (whether limited or not), the court has jurisdiction, and the Companies Act 1985 has effect, as if the institution concerned were an unregistered company within the meaning of Part XXI of that Act.”

(2) For subsection (4) of that section there shall be substituted the following subsection—

“(4) In its application to Northern Ireland, this section shall have effect—

- (a) with the substitution of a reference to the Companies Act (Northern Ireland) 1960 for any reference to the Companies Act 1985;
- (b) with the substitution of a reference to section 211 of the said Act of 1960 for the reference to section 518 of the said Act of 1985;
- (c) with the substitution of a reference to Part IX of the said Act of 1960 for the reference to Part XXI of the said Act of 1985; and
- (d) with the insertion in subsection (2) after the words “(whether limited or not)” of the words “then, notwithstanding section 348(d) of the Companies Act (Northern Ireland) 1960 (exclusion of partnerships etc. having less than eight members)”.

(3) In subsection (2) of section 19 of that Act (cases in which the Bank of England may disclose information obtained under or for the purposes of that Act), after paragraph (b) there shall be inserted the following paragraph—

“(ba) in connection with any proceedings under any provision of Parts XVIII to XXI of the Companies Act 1985 or any provision (other than section 100) of Part II of the Insolvency Act 1985; or”.

(4) In subsection (8) of that section, for paragraph (a) there shall be substituted the following paragraphs—

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Changes to legislation: There are currently no known outstanding effects for the Insolvency Act 1985. (See end of Document for details)

- “(a) for the reference in subsection (2) to Parts XVIII to XXI of the Companies Act 1985 there shall be substituted a reference to Parts V, VI and IX of the Companies Act (Northern Ireland) 1960;
- (aa) for any reference in subsection (5) to section 432 or 442 of the said Act of 1985 there shall be substituted respectively a reference to section 159 or 165A of the said Act of 1960;”.

Marginal Citations

M7 1979 c. 37.

220 Amendments of County Courts Act 1984. U.K.

- (1) The ^{M8}County Courts Act 1984 shall be amended as follows.
- (2) In section 112(4)(b) (minimum amount which must be owed to creditor presenting, or joining in, a bankruptcy petition while administration order is in force), for “£400” there shall be substituted “£1500”.
- (3) In subsection (1) of section 115 (execution while administration order is in force if debtor’s property exceeds £10 in value), for “£10” there shall be substituted the words “the minimum amount”.
- (4) After subsection (1) of the said section 115 there shall be inserted the following subsection—
 - “(1A) In subsection (1) above “the minimum amount” means £50 or such other amount as the Lord Chancellor may by order specify instead of that amount or the amount for the time being specified in such an order; and an order under this subsection shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.”

Marginal Citations

M8 1984 c. 28.

221 F18 U.K.

Textual Amendments

F18 Ss. 1–11, 15, 17, 19–107, 108(1)(3)–(7), 109–212, 216, 221–234, 235(2)–(5), 236(3)–(5) repealed by Insolvency Act 1986 (c. 45, SIF 66), s. 438, **Sch. 12**

222— F19 U.K.
229.

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Insolvency Act 1985. (See end of Document for details)

Textual Amendments

F19 Ss. 1–11, 15, 17, 19–107, 108(1)(3)–(7), 109–212, 216, 221–234, 235(2)–(5), 236(3)–(5) repealed by Insolvency Act 1986 (c. 45, SIF 66), s. 438, **Sch. 12**

Other supplemental provisions

230— ^{F20} **U.K.**
234.

Textual Amendments

F20 Ss. 1–11, 15, 17, 19–107, 108(1)(3)–(7), 109–212, 216, 221–234, 235(2)–(5), 236(3)–(5) repealed by Insolvency Act 1986 (c. 45, SIF 66), s. 438, **Sch. 12**

235 Consequential amendments, transitional provisions, savings and repeals. U.K.

(1) The enactments mentioned in Schedule 8 to this Act shall have effect with the amendments there specified (being amendments consequential on the provisions of this Act).

(2) ^{F21}

Textual Amendments

F21 Ss. 1–11, 15, 17, 19–107, 108(1)(3)–(7), 109–212, 216, 221–234, 235(2)–(5), 236(3)–(5) repealed by Insolvency Act 1986 (c. 45, SIF 66), s. 438, **Sch. 12**

236 Short title, commencement and extent. U.K.

(1) This Act may be cited as the Insolvency Act 1985.

(2) This Act shall come into force on such day as the Secretary of State may, by order made by statutory instrument, appoint; and different days may be so appointed for different purposes and for different provisions.

(3) ^{F22}

Subordinate Legislation Made

P1 Power of appointment conferred by s. 236(2) exercised: [S.I. 1986/6](#), 185, 463, 840 and 1924

Textual Amendments

F22 Ss. 1–11, 15, 17, 19–107, 108(1)(3)–(7), 109–212, 216, 221–234, 235(2)–(5), 236(3)–(5) repealed by Insolvency Act 1986 (c. 45, SIF 66), s. 438, **Sch. 12**

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SCHEDULES

SCHEDULE 1 U.K.

Section 8.

INSOLVENCY PRACTITIONERS TRIBUNAL

1—4. F23

Textual Amendments

F23 Sch. 1 paras. 1–4, 5(4), Schs. 3–5, Sch. 6 paras. 5, 6, 9, 15–17, 20–22, 25–44, 48–52, Sch. 7, Sch. 9 paras. 1, 4–24, Sch. 10 repealed by Insolvency Act 1986 (c. 45, SIF 66), s. 438, **Sch. 12**

Supervision by Council on Tribunals

- 5 (1) The ^{M9}Tribunals and Inquiries Act 1971 shall be amended as follows.
- (2) In section 8(2) (concurrence required for removal of members of certain tribunals), after “6A” there shall be inserted “10A”.
- (3) In section 13(1) (appeals from certain tribunals), after “10” there shall be inserted “10A”.
- (4) F24

Textual Amendments

F24 Sch. 1 paras. 1–4, 5(4), Schs. 3–5, Sch. 6 paras. 5, 6, 9, 15–17, 20–22, 25–44, 48–52, Sch. 7, Sch. 9 paras. 1, 4–24, Sch. 10 repealed by Insolvency Act 1986 (c. 45, SIF 66), s. 438, **Sch. 12**

Marginal Citations

M9 1971 c. 62.

Parliamentary disqualification

- 6 (1) In Part III of Schedule 1 to the ^{M10}House of Commons Disqualification Act 1975 (disqualifying offices), there shall be inserted at the appropriate place the following entry—
- “Any member of the Insolvency Practitioners Tribunal in receipt of remuneration.”
- (2) A corresponding amendment shall be made in Part III of Schedule 1 to the ^{M11}Northern Ireland Assembly Disqualification Act 1975.

Status: Point in time view as at 01/02/1991.
Changes to legislation: There are currently no known outstanding effects for the Insolvency Act 1985. (See end of Document for details)

Marginal Citations

- M10** 1975 c. 24.
- M11** 1975 c. 25.

SCHEDULE 2 **U.K.**

. . . F25

Textual Amendments

- F25** Sch. 2, Sch. 6 paras. 1, 2, 14, Sch. 9 paras. 2, 3 repealed by [Company Directors Disqualification Act 1986](#) (c. 46, SIF 27), s. 23(2), **Sch. 4**

SCHEDULES 3—5 **U.K.**

. . . F26

Textual Amendments

- F26** Sch. 1 paras. 1–4, 5(4), Schs. 3–5, Sch. 6 paras. 5, 6, 9, 15–17, 20–22, 25–44, 48–52, Sch. 7, Sch. 9 paras. 1, 4–24, Sch. 10 repealed by [Insolvency Act 1986](#) (c. 45, SIF 66), s. 438, **Sch. 12**

SCHEDULE 6 **U.K.**

Section 109.

AMENDMENTS OF 1985 ACT

Disqualification etc.

1, 2. F27

Textual Amendments

- F27** Sch. 2, Sch. 6 paras. 1, 2, 14, Sch. 9 paras. 2, 3 repealed by [Company Directors Disqualification Act 1986](#) (c. 46, SIF 27), s. 23(2), **Sch. 4**

3 In section 441(1) (inspector’s report to be evidence of opinion of inspectors), at the end there shall be inserted the words “ and, in proceedings on an application under section 13 of the Insolvency Act 1985, as evidence of any fact stated therein ”.

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Insolvency Act 1985. (See end of Document for details)

- 4 In section 449(1) (non-disclosure, except for certain purposes, of information obtained by Secretary of State), after paragraph (b) there shall be inserted the following paragraph—
- “(ba) with a view to the institution of, or otherwise for the purposes of, any proceedings on an application under section 12 or 13 of the Insolvency Act 1985.”.

5, 6. F28

Textual Amendments

F28 Sch. 1 paras. 1–4, 5(4), Schs. 3–5, Sch. 6 paras. 5, 6, 9, 15–17, 20–22, 25–44, 48–52, Sch. 7, Sch. 9 paras. 1, 4–24, Sch. 10 repealed by Insolvency Act 1986 (c. 45, SIF 66), s. 438, **Sch. 12**

7 F29

Textual Amendments

F29 Sch. 6 para. 7 repealed by Company Directors Disqualification Act 1986 (c. 46, SIF 27), s. 23(2), **Sch. 4** and also expressed to be repealed in part (subject to the transitional and saving provisions mentioned in S.I. 1990/355, **art. 5**) by Companies Act 1989 (c. 40, SIF 27), ss. 212, 213(2), **Sch. 24**

Voluntary arrangements

- 8 In section 153(3) (financial assistance allowed), for the words “section 601 (winding up imminent or in progress)” there shall be substituted the words “Chapter II of Part II of the Insolvency Act 1985”.

Administration orders

9 F30

Textual Amendments

F30 Sch. 1 paras. 1–4, 5(4), Schs. 3–5, Sch. 6 paras. 5, 6, 9, 15–17, 20–22, 25–44, 48–52, Sch. 7, Sch. 9 paras. 1, 4–24, Sch. 10 repealed by Insolvency Act 1986 (c. 45, SIF 66), s. 438, **Sch. 12**

- 10 In sections 395(1) and 410(2) (certain charges void if not registered), after the word “liquidator” there shall be inserted the words “ or administrator ”.

- 11 In section 425(1) (power of company to compromise with creditors and members), for the words “, of the liquidator” there shall be substituted the words “ or an administration order being in force in relation to a company, of the liquidator or administrator ”.

- 12 In section 426(6) liability of officer or liquidator of company for default in connection with the circulation of information as to a compromise), after the word “liquidator” there shall be inserted the words “ or administrator ”.

- 13 In section 478(6) (receiver to be appointed within one month of cessation of appointment of earlier receiver), at the end there shall be inserted the words—

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Insolvency Act 1985. (See end of Document for details)

“and for the purposes of calculating the period of one month under this subsection no account shall be taken of any period during which an administration order under Part II of the Insolvency Act 1985 is in force”.

14 F31

Textual Amendments

F31 Sch. 2, Sch. 6 paras. 1, 2, 14, Sch. 9 paras. 2, 3 repealed by Company Directors Disqualification Act 1986 (c. 46, SIF 27), s. 23(2), **Sch. 4**

15—17. F32

Textual Amendments

F32 Sch. 1 paras. 1–4, 5(4), Schs. 3–5, Sch. 6 paras. 5, 6, 9, 15–17, 20–22, 25–44, 48–52, Sch. 7, Sch. 9 paras. 1, 4–24, Sch. 10 repealed by Insolvency Act 1986 (c. 45, SIF 66), s. 438, **Sch. 12**

Receivers (Scotland)

18 In subsection (3) of section 463 (effect of floating charge on winding up), for the words “section 614(2)” there shall be substituted the words “ section 89 of the Insolvency Act 1985 ”.

19 In subsection (6) of section 464 (ranking of floating charges), for the words “section 614(2) (preferential debts in winding up)” there shall be substituted the words “ section 89 of the Insolvency Act 1985 ”.

20—22. F33

Textual Amendments

F33 Sch. 1 paras. 1–4, 5(4), Schs. 3–5, Sch. 6 paras. 5, 6, 9, 15–17, 20–22, 25–44, 48–52, Sch. 7, Sch. 9 paras. 1, 4–24, Sch. 10 repealed by Insolvency Act 1986 (c. 45, SIF 66), s. 438, **Sch. 12**

Winding up

23 F34

Textual Amendments

F34 Sch. 6 paras. 23, 45 repealed by Companies Act 1989 (c. 40, SIF 27), **ss. 212, 213(2)** Sch. 24

24 For subsection (6) of section 461 (application of winding-up rules to petition under Part XVI) there shall be substituted the following subsection—

“(6) The power under section 106 of the Insolvency Act 1985 to make rules shall, so far as it relates to a winding-up petition, apply for the purposes of a petition under this Part.”

25—44. F35

Status: Point in time view as at 01/02/1991.
Changes to legislation: There are currently no known outstanding effects for the Insolvency Act 1985. (See end of Document for details)

Textual Amendments
F35 Sch. 1 paras. 1–4, 5(4), Schs. 3–5, Sch. 6 paras. 5, 6, 9, 15–17, 20–22, 25–44, 48–52, Sch. 7, Sch. 9 paras. 1, 4–24, Sch. 10 repealed by Insolvency Act 1986 (c. 45, SIF 66), s. 438, **Sch. 12**

45 **F36**

Textual Amendments
F36 Sch. 6 paras. 23, 45 repealed by Companies Act 1989 (c. 40, SIF 27), **ss. 212, 213(2)** Sch. 24

46 For subsection (2) of section 657 (effect of Crown disclaimer) there shall be substituted the following subsection—
“(2) As regards property in England and Wales, subsections (3) and (5) to (7) of section 91 of the Insolvency Act 1985 and section 92 of that Act shall apply as if the property had been disclaimed by the liquidator under the said section 91 immediately before the dissolution of the company.”

47 For subsection (1) of section 658 (application of section 620) there shall be substituted the following subsection—
“(1) Subsection (7) of section 91 of the Insolvency Act 1985 shall apply to land in England and Wales which by operation of law vests subject to a rentcharge in the Crown or any other person on the dissolution of a company as it applies to land so vesting on a disclaimer under that section.”

48–52. **F37**

Textual Amendments
F37 Sch. 1 paras. 1–4, 5(4), Schs. 3–5, Sch. 6 paras. 5, 6, 9, 15–17, 20–22, 25–44, 48–52, Sch. 7, Sch. 9 paras. 1, 4–24, Sch. 10 repealed by Insolvency Act 1986 (c. 45, SIF 66), s. 438, **Sch. 12**

SCHEDULE 7 **U.K.**

. . . **F38**

Textual Amendments
F38 Sch. 1 paras. 1–4, 5(4), Schs. 3–5, Sch. 6 paras. 5, 6, 9, 15–17, 20–22, 25–44, 48–52, Sch. 7, Sch. 9 paras. 1, 4–24, Sch. 10 repealed by Insolvency Act 1986 (c. 45, SIF 66), s. 438, **Sch. 12**

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Insolvency Act 1985. (See end of Document for details)

SCHEDULE 8 **U.K.**

Section 235.

CONSEQUENTIAL AMENDMENTS

The ^{M12}Bills of Sale Act (1878) Amendment Act 1882

Marginal Citations

M12 1882 c. 43.

- 1 In section 11 of the Bills of Sale Act (1878) Amendment Act 1882 (local registration of bills of sale), for the words “the London bankruptcy district as defined by the Bankruptcy Act 1869” and the words “the said London bankruptcy district” there shall be substituted, in each case, the words “the London insolvency district”.

The ^{M13}Deeds of Arrangement Act 1914

Marginal Citations

M13 1914 c. 47.

- 2 (1) The Deeds of Arrangement Act 1914 shall be amended as follows.
- (2) In subsections (1) and (4) of section 3 (extension by court having jurisdiction in bankruptcy of period for assent and registration), for the words “in bankruptcy in” there shall be substituted the words “for the purposes of Part III of the Insolvency Act 1985 in relation to”.
- (3) In section 11 (security of trustee)—
- (a) in subsection (1), for the words “in bankruptcy in” and the words “London bankruptcy district” there shall be substituted, respectively, the words “for the purposes of Part III of the Insolvency Act 1985 in relation to” and the words “London insolvency district”; and
- (b) in subsection (2), for the words “in bankruptcy in” there shall be substituted the words “for the purposes of Part III of the Insolvency Act 1985 in relation to”.
- (4) In section 13(2) (default in transmission of accounts to Secretary of State), for the words from “and the judge” onwards there shall be substituted the words “and, in addition, shall be guilty of contempt of court and liable to be punished accordingly”.
- (5) In section 14 (transmission of accounts to creditors), for the words from “the High Court” onwards there shall be substituted the words “he shall be guilty of contempt of court and liable to be punished accordingly”.
- (6) In section 15(1) (audit of accounts in accordance with the ^{M14}Bankruptcy Act 1914), for the words “all the provisions of the Bankruptcy Act 1914” there shall be substituted the words “any rules made under section 207 of the Insolvency Act 1985”.
- (7) In section 16 (payment of undistributed moneys into court), for the words “in bankruptcy in” there shall be substituted the words “for the purposes of Part III of the Insolvency Act 1985 in relation to”.

Status: Point in time view as at 01/02/1991.

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- (8) In section 19(1) (provisions for protection of trustees under void deeds), for the words “receiving order” there shall be substituted the words “bankruptcy order”.
- (9) In section 23 (courts in which applications for enforcement of trusts to be made), for the words “in bankruptcy in” there shall be substituted the words “for the purposes of Part III of the Insolvency Act 1985 in relation to”.
- (10) In section 30(1) (interpretation), for the words “the Bankruptcy Act 1914” there shall be substituted the words “the Insolvency Act 1985”.

Marginal Citations

M14 1914 c. 59.

The ^{M15}Settled Land Act 1925

Marginal Citations

M15 1925 c. 18.

- 3 In section 103 of the Settled Land Act 1925 (legal estate in settled land not to vest in trustee in bankruptcy of estate owner), for the words from the beginning to “an” there shall be substituted the words “For the purposes of determining, where the estate owner of any settled land is bankrupt, whether the legal estate in the settled land is comprised in, or is capable of being claimed for, the bankrupt’s estate, the legal estate in the settled land shall be deemed not to vest in the”.

The ^{M16}Law of Property Act 1925

Marginal Citations

M16 1925 c. 20.

- 4 In section 52(2)(b) of the Law of Property Act 1925 (exceptions from requirement that conveyances are to be by deed), for the words “section fifty-four of the ^{M17}Bankruptcy Act 1914” there shall be substituted the words “section 91 or 161 of the Insolvency Act 1985”.

Marginal Citations

M17 1914 c. 59.

The ^{M18}Land Registration Act 1925

Marginal Citations

M18 1925 c. 21.

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Insolvency Act 1985. (See end of Document for details)

- 5 (1) The Land Registration Act 1925 shall be amended as follows.
- (2) In section 42 (transmissions on bankruptcy of proprietor)—
- (a) in subsection (1), for the words “part of the property of the bankrupt divisible amongst his creditors” there shall be substituted the words “comprised in the bankrupt’s estate”; and
 - (b) in subsection (2), for the words “section fifty-four of the Bankruptcy Act 1914” there shall be substituted the words “section 161 of the Insolvency Act 1985”.
- (3) In section 61 (protection of creditors prior to registration of trustee in bankruptcy)—
- (a) in subsection (3), for the words “receiving order in bankruptcy” there shall be substituted the words “bankruptcy order”;
 - (b) in subsection (6)—
 - (i) for the words from “, notwithstanding” to “the disposition,” there shall be substituted the words “, notwithstanding that the person making the disposition is adjudged bankrupt,”; and
 - (ii) for the words “an available act of bankruptcy or of the receiving order or” there shall be substituted the words “the bankruptcy petition or the”;
 - (c) in subsection (7), for the words “a receiving order” there shall be substituted the words “a bankruptcy order”;
 - (d) F39
- (4) In section 62 (rules made as to certain details)—
- (a) in paragraph (a), after the word “debtor”, in each place where it occurs, there shall be inserted the words “or bankrupt” and for the words “receiving order” there shall be substituted the words “bankruptcy order”; and
 - (b) in paragraph (b), for the words “receiving order” there shall be substituted the words “bankruptcy order”.
- (5) F39

Textual Amendments

F39 Sch. 8 para. 5(3)(d)(5)(6) repealed by Land Registration Act 1988 (c. 3, SIF 98:2), s. 2, Sch.

The ^{M19}Agricultural Credits Act 1928

Marginal Citations

M19 1928 c. 43.

- 6 In section 7 of the Agricultural Credits Act 1928 (effect of floating charge), in paragraph (a)(i) of the proviso, for the words “receiving order in bankruptcy” there shall be substituted the words “bankruptcy order”.

The Third Parties (Rights against Insurers) Act 1930

- 7 (1) The Third Parties (Rights against Insurers) Act 1930 shall be amended as follows.

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Insolvency Act 1985. (See end of Document for details)

- (2) In section 1 (rights of third parties against insurers on bankruptcy etc. of the insured)
-
- (a) in subsection (1)(b), after the words “winding-up order” there shall be inserted the words “or an administration order” and at the end there shall be inserted the words “or of a composition or scheme proposed for the purposes of Chapter II of Part II of the Insolvency Act 1985 being approved under that Chapter”;
 - (b) in subsection (2), for the words from “an order is made” to “law of bankruptcy” there shall be substituted the words “the estate of any person falls to be administered in accordance with an order under section 228 of the Insolvency Act 1985” and for the words “the said Act” there shall be substituted the words “any such order”;
 - (c) in subsection (3), for the words from “making of an order” to “his estate” there shall be substituted the words “estate of any person falling to be administered in accordance with an order under section 228 of the Insolvency Act 1985”.
- (3) In section 2 (duty to give necessary information to third parties)—
- (a) in subsection (1)—
 - (i) for the words from “an order being made” to “estate of any person” there shall be substituted the words “the estate of any person falling to be administered in accordance with an order under section 228 of the Insolvency Act 1985”;
 - (ii) after the words “winding-up order” there shall be inserted the words “or an administration order”, and
 - (iii) after the word “liquidator” there shall be inserted the word “administrator”;
 - and
 - (b) after that subsection there shall be inserted the following subsection—

“(1A) The reference in subsection (1) of this section to a trustee includes a reference to the supervisor of a composition or scheme proposed for the purposes of, and approved under, Chapter II of Part II or Chapter I of Part III of the Insolvency Act 1985.”
- (4) In section 3 (settlement between insurers and insured)—
- (a) after the words “winding-up order” there shall be inserted the words “or an administration order”;
 - (b) after the words “or winding up” there shall be inserted the words “or the day of the making of the administration order”; and
 - (c) after the word “commencement”, in the second place where it occurs, there shall be inserted the words “or day”.
- (5) In section 4(b) (application to Scotland), for the words from “an order” to “law of bankruptcy” there shall be substituted the words “an estate falling to be administered in accordance with an order under section 228 of the Insolvency Act 1985”.

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Insolvency Act 1985. (See end of Document for details)

Textual Amendments

F40 Sch. 8 para. 8 repealed by Finance Act 1987 (c. 16, SIF 99:6), s. 72, **Sch. 16 Pt. XI**

9 **F41**

Textual Amendments

F41 Sch. 8 paras. 9, 30 repealed by Agricultural Holdings Act 1986 (c. 5, SIF 2:3), ss. 99(1), 101(1), Sch. 13 para. 3, **Sch. 15 Pt. I**

The ^{M20}Arbitration Act 1950

Marginal Citations

M20 1950 c. 27.

10 In section 3(2) of the Arbitration Act 1950 (application to court with consent of committee of inspection in certain cases where party to arbitration agreement adjudged bankrupt), for the words “committee of inspection” there shall be substituted the words “committee established under section 148 of the Insolvency Act 1985”.

The ^{M21}Administration of Justice Act 1956

Marginal Citations

M21 1956 c. 46.

11 In section 40 of the Administration of Justice Act 1956 (effect of registration of judgments of courts outside England and Wales)—
(a) the words “the Bankruptcy Act 1914” shall be omitted; and
(b) for the words “those Acts” there shall be substituted the words “the said Act of 1869”.

The ^{M22}Licensing Act 1964

Marginal Citations

M22 1964 c. 26.

12 (1) The Licensing Act 1964 shall be amended as follows.
(2) For paragraph (c) of section 8(1) (justices’ licence to be transferred to trustee of licence in the case of a bankruptcy or composition or scheme), there shall be substituted the following paragraph—
“(c) where the holder of the licence has been adjudged bankrupt, or a composition or scheme proposed by the holder of the licence has been

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Changes to legislation: There are currently no known outstanding effects for the Insolvency Act 1985. (See end of Document for details)

approved under Chapter I of Part III of the Insolvency Act 1985, or a trustee has been appointed under a deed of arrangement within the meaning of the Deeds of Arrangement Act 1914 for the benefit of the creditors of the holder of the licence, to the trustee of the bankrupt's estate or under the deed or the supervisor of the composition or scheme or the new tenant or occupier of the premises;"

- (3) For subsection (5) of section 10 (protection orders where licensee dies or is adjudged bankrupt etc.) there shall be substituted the following subsection—

“(5) Where the holder of a justices’ licence has died or has been adjudged bankrupt, or a composition or scheme proposed by the holder of a justices’ licence has been approved under Chapter I of Part III of the Insolvency Act 1985, or a trustee has been appointed under a deed of arrangement within the meaning of the Deeds of Arrangement Act 1914 for the benefit of the creditors of the holder of a justices’ licence, the personal representatives or the person who is for the time being the trustee of the bankrupt’s estate or under the deed or the supervisor of the composition or scheme shall be in the same position as regards carrying on business under the licence as a person to whom a protection order has been validly granted on the date of the death, or, as the case may be, the date on which he became trustee or supervisor.”

The ^{M23}Law of Property (Joint Tenants) Act 1964

Marginal Citations

M23 1964 c. 63.

- 13 In paragraph (b) of the proviso to section 1(1) of the Law of Property (Joint Tenants) Act 1964 (assumptions on sale of land by survivor of joint tenants), for the words “a receiving order in bankruptcy” there shall be substituted the words “a bankruptcy order”.

The ^{M24}General Rate Act 1967

Marginal Citations

M24 1967 c. 9.

- 14 For subsection (2) of section 90 of the General Rate Act 1967 (period of disqualification for membership of local valuation panel by reason of bankruptcy) there shall be substituted the following subsection—

“(2) A disqualification attaching to a person by reason of subsection (1)(a) of this section shall cease—

- (a) unless the bankruptcy order made against that person is previously annulled, on his discharge from bankruptcy; and
- (b) if the bankruptcy order is so annulled, on the date of the annulment.”

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Insolvency Act 1985. (See end of Document for details)

The ^{M25}Medicines Act 1968

Marginal Citations

M25 1968 c. 67.

- 15 In section 72(4) of the Medicines Act 1968 (which specifies the persons who may carry on the business of a pharmacist in the case of his death or disability), at the end there shall be inserted the words—

“; and in paragraph (b) above the reference to a trustee appointed under a composition, scheme or deed of arrangement includes a reference to the supervisor of a composition or scheme proposed for the purposes of, and approved under, Chapter I of Part III of the Insolvency Act 1985.”

The ^{M26}Transport Act 1968

Marginal Citations

M26 1968 c. 73.

- 16 In section 86 of the Transport Act 1968 (transferability of operators’ licences), for the words “bankruptcy or liquidation of” there shall be substituted the words “or bankruptcy of the holder or, in the case of a company, of the holder going into liquidation, of an administration order being made in relation to”.

The ^{M27}Insolvency Services (Accounting and Investment) Act 1970

Marginal Citations

M27 1970 c. 8.

- 17 In section 4 of the Insolvency Services (Accounting and Investment) Act 1970 (payment of interest under section 660(5) of the 1985 Act), for the words from “section 660(5)” to “1948” there shall be substituted the words “rules made by virtue of paragraph 16 of schedule 5 to the Insolvency Act 1985.”

The ^{M28}Conveyancing and Feudal Reform (Scotland) Act 1970

Marginal Citations

M28 1970 c. 35.

- 18 In schedule 3 to the Conveyancing and Feudal Reform (Scotland) Act 1970 (the standard conditions of a security), in standard condition 9(2)(b), for the words from “or an order” to “1925” there shall be substituted the words “or his estate falls to be administered in accordance with an order under section 228 of the Insolvency Act 1985”.

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Insolvency Act 1985. (See end of Document for details)

The ^{M29}Superannuation Act 1972

Marginal Citations

M29 1972 c. 11.

- 19 In section 5(2) of the Superannuation Act 1972 (rule that benefit is unassignable not to affect powers of court under section 51(2) of the ^{M30}Bankruptcy Act 1914)—
- (a) for the words “section 51(2) of the Bankruptcy Act 1914” there shall be substituted the words “section 156 of the Insolvency Act 1985”; and
 - (b) for the words “the said section 51(2)” there shall be substituted the words “section 51(2) of the Bankruptcy Act 1914 or the said section 156”.

Marginal Citations

M30 1914 c. 59.

The ^{M31}Road Traffic Act 1972

Marginal Citations

M31 1972 c. 20.

- 20 In section 150 of the Road Traffic Act 1972 (bankruptcy of insured or secured persons not to affect claims by third parties)—
- (a) for paragraph (b) of subsection (1) there shall be substituted the following paragraph—
- “(b) the said person dies and his estate falls to be administered in accordance with an order under section 228 of the Insolvency Act 1985,”;
- (b) in paragraph (c) of that subsection, after the words “winding-up order” there shall be inserted the words “or an administration order”;
 - (c) in subsection (2), for the words from “an order’s being made” to “include” there shall be substituted the words “a person’s estate falling to be administered in accordance with an order under section 228 of the Insolvency Act 1985 shall have effect as”.

The ^{M32}Land Charges Act 1972

Marginal Citations

M32 1972 c. 61.

- 21 (1) The Land Charges Act 1972 shall be amended as follows.
- (2) In section 5(8) (unregistered bankruptcy petition not to bind purchaser in good faith, for money or money’s worth without notice of an available act of bankruptcy) the words “without notice of an available act of bankruptcy” shall be omitted.
 - (3) In section 6 (the register of writs and orders affecting land)—

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Changes to legislation: There are currently no known outstanding effects for the Insolvency Act 1985. (See end of Document for details)

- (a) for paragraph (c) of subsection (1) there shall be substituted the following paragraph—
 - “(c) any bankruptcy order, whether or not the bankrupt’s estate is known to include land.”;
 - (b) in subsection (3), for the words “receiving order in bankruptcy” there shall be substituted the words “bankruptcy order”;
 - (c) for subsection (5) there shall be substituted the following subsection—
 - “(5) Subject to subsection (6) below, the title of a trustee in bankruptcy shall be void as against a purchaser of a legal estate in good faith for money or money’s worth unless the bankruptcy order is for the time being registered under this section.”; and
 - (d) in subsection (6), the words “without notice of an available act of bankruptcy” shall be omitted.
- (4) In section 16(2) (general rules)—
- (a) for the words “general rules under section 132 of the ^{M33}Bankruptcy Act 1914 for carrying into effect the objects of that Act” there shall be substituted the words “rules under section 207 of the Insolvency Act 1985”;
 - (b) for the words “a receiving order in bankruptcy” there shall be substituted the words “a bankruptcy order”; and
 - (c) for the words “by that Act” there shall be substituted the words “by Part III of that Act”.

Marginal Citations

M33 1914 c. 59.

The ^{M34}Local Government Act 1972

Marginal Citations

M34 1972 c. 70.

22 For subsection (1) of section 81 of the Local Government Act 1972 (period of disqualification for membership of local authority by reason of bankruptcy) there shall be substituted the following subsection—

- “(1) Where a person is disqualified under section 80 above by reason of having been adjudged bankrupt, the disqualification shall cease—
 - (a) unless the bankruptcy order made against that person is previously annulled, on his discharge from bankruptcy; and
 - (b) if the bankruptcy order is so annulled, on the date of the annulment.”

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Insolvency Act 1985. (See end of Document for details)

The ^{M35}Matrimonial Causes Act 1973

Marginal Citations

M35 1973 c. 18.

- 23 In section 39 of the Matrimonial Causes Act 1973 (settlement etc. made in compliance with a property adjustment order may be avoided on bankruptcy of settlor), for the words from “a settlement of” onwards there shall be substituted the words “a transaction in respect of which an order may be made under section 174 of the Insolvency Act 1985 (transactions at an undervalue and preferences)”.

- 24 **F42**

Textual Amendments

F42 Sch. 8 para. 24 repealed by Criminal Justice Act 1988 (c. 33, SIF 39:1), ss. 123, 170, Sch. 8 para. 16, Sch. 16

The ^{M36}Solicitors Act 1974

Marginal Citations

M36 1974 c. 47.

- 25 In section 12(1)(i) of the Solicitors Act 1974 (application for a practising certificate by a person who has been adjudged bankrupt and has obtained his discharge), for the words “and having obtained his discharge” there shall be substituted the words “and discharged”.

The ^{M37}Social Security Pensions Act 1975

Marginal Citations

M37 1975 c. 60.

- 26 (1) In section 58 of the Social Security Pensions Act 1975 (under which schedule 3 to that Act has effect for giving priority in bankruptcy etc. to certain debts) after the word “effect” there shall be inserted the words “for the purposes of schedule 4 to the Insolvency Act 1985 (preferential debts)”; and schedule 3 to the said Act of 1975 shall be amended as follows.
- (2) In each of paragraphs 1, 2(1) and 3(1), for the words from the beginning to “included” there shall be substituted the words “This schedule applies to”.
- (3) In the said paragraphs 1 and 2(1), for the words “date of the relevant event” there shall be substituted the words “relevant date” and, in the said paragraph 3(1), for the words “the occurrence of the relevant event” there shall be substituted the words “a person going into liquidation or being adjudged bankrupt”.

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Insolvency Act 1985. (See end of Document for details)

- (4) In paragraph 2(2), for the words “in a case where the relevant event took place on or after the day of the passing of the ^{M38}Social Security Act 1985” there shall be substituted the words “in any other case”.
- (5) In paragraph 4, for the words from “event’,” to “that Act” there shall be substituted the words “date’ has the same meaning as in schedule 4 to the Insolvency Act 1985”.

Marginal Citations

M38 1985 c. 53.

The ^{M39}Recess Elections Act 1975

Marginal Citations

M39 1975 c. 66.

- 27 In section 1(2) of the Recess Elections Act 1975 (which defines certain expressions used in that Act), in the definition of “certificate of vacancy” for the words from “the relevant bankruptcy enactment” to the end of paragraph (b) there shall be substituted the words “section 214(6)(a) of the Insolvency Act 1985”.

The ^{M40}Insolvency Act 1976

Marginal Citations

M40 1976 c. 60.

- 28 For paragraph (a) of section 3(3) of the Insolvency Act 1976 (payment of sums received under the ^{M41}Bankruptcy Act 1914 to be paid into the Insolvency Services Account) there shall be substituted the following paragraph—
“(a) under Part II or III of the Insolvency Act 1985; or”.

Marginal Citations

M41 1914 c. 59.

The ^{M42}Land Drainage Act 1976

Marginal Citations

M42 1976 c. 70.

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Insolvency Act 1985. (See end of Document for details)

29 In paragraph 8 of schedule 1 to the Land Drainage Act 1976 (disqualification for membership of land drainage committees), for sub-paragraph (2) there shall be substituted the following sub-paragraph—

- “(2) Where a person is disqualified under sub-paragraph (1) above by reason of having been adjudged bankrupt, the disqualification shall cease—
- (a) unless the bankruptcy order made against that person is previously annulled, on his discharge from bankruptcy; and
 - (b) if the bankruptcy order is so annulled, on the date of the annulment.”

30 F43

Textual Amendments

F43 Sch. 8 paras. 9, 30 repealed by [Agricultural Holdings Act 1986 \(c. 5, SIF 2:3\)](#), ss. 99(1), 101(1), Sch. 13 para. 3, **Sch. 15 Pt. I**

The ^{M43}Employment Protection (Consolidation) Act 1978

Marginal Citations

M43 1978 c. 44.

- 31 (1) The Employment Protection (Consolidation) Act 1978 shall be amended as follows.
- (2) In section 106 (which provides for the payment of money out of the Redundancy Fund where an employer is insolvent)—
- (a) in subsection (5), for paragraphs (a) and (b) there shall be substituted the following paragraphs—
 - “(a) he has been adjudged bankrupt or has made a composition or arrangement with his creditors;
 - (b) he has died and his estate falls to be administered in accordance with an order under section 228 of the Insolvency Act 1985; or”;
 - (b) in paragraph (c) of that subsection and in paragraph (c) of subsection (6), after the words “winding-up order” there shall be inserted the words “or an administration order” and at the end there shall be inserted the words “or a composition or scheme proposed for the purposes of Chapter II of Part II of the Insolvency Act 1985 is approved under that Chapter”.
- (3) In section 123 (payment of unpaid contributions to occupational pension scheme)—
- (a) in subsection (4), for the words “section 121(2)” there shall be substituted the words “section 122(4)”;
 - (b) in subsection (6)—
 - (i) after the words “a liquidator” there shall be inserted the words “an administrator”; and
 - (ii) for the words from “‘liquidator’ and” onwards there shall be substituted the words “‘trustee’, in relation to a composition or

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arrangement, includes the supervisor of a composition or scheme proposed for the purposes of, and approved under, Chapter II of Part II or Chapter I of Part III of the Insolvency Act 1985.”

- (4) F44
- (5) In section 127 (interpretation of sections 122 to 126)—
- (a) for paragraphs (a) and (b) of subsection (1) there shall be substituted the following paragraphs—
 - “(a) he has been adjudged bankrupt or has made a composition or arrangement with his creditors;
 - (b) he has died and his estate falls to be administered in accordance with an order under section 228 of the Insolvency Act 1985; or”;
 - (b) in paragraph (c) of that subsection and in paragraph (c) of subsection (2), after the words “winding-up order” there shall be inserted the words “or an administration order” and at the end there shall be inserted the words “or a composition or scheme proposed for the purposes of Chapter II of Part II of the Insolvency Act 1985 is approved under that Chapter”.

Textual Amendments

F44 Sch. 8 para. 31(4) repealed by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 29(4), **Sch. 7 Pt. II**

The Banking Act 1979

- 32 (1) The Banking Act 1979 shall be amended as follows.
- (2) In section 6 (grounds for revocation of recognition or licence), in subsection (3)(d), for the words “a receiving order” there shall be substituted the words “a bankruptcy order”.
- (3) In section 28 (payments to depositors when institution becomes insolvent)—
- (a) in subsection (3) (meaning of “insolvent” in relation to a body corporate), after paragraph (b) there shall be inserted the words “or
 - (c) on the holding of a creditors’ meeting summoned under section 83 of the Insolvency Act 1985 (effect of insolvency on members’ voluntary winding up);”
 - (b) in subsection (4)(b) (meaning of “insolvent” in relation to a partnership), for the words “receiving order” there shall be substituted the words “bankruptcy order”;
 - (c) in subsection (6) (rights of Deposit Protection Board)—
 - (i) for sub-paragraph (ii) of paragraph (b) there shall be substituted the following sub-paragraph—
 - “(ii) to be a member of any committee established under section 148 of the Insolvency Act 1985;”;
 - (ii) for sub-paragraph (iv) of that paragraph there shall be substituted the following sub-paragraph—
 - “(iv) to be a member of a committee established for the purposes of Part XX or Part XXI of

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the Companies Act 1985 under section 590 of that Act or under section 74 or 75 of the Insolvency Act 1985 or of a committee of inspection appointed for the purposes of Part V or Part IX of the Companies Act (Northern Ireland) 1960”;

(iii) in the words after the said sub-paragraph (iv), for the words “committee of inspection” there shall be substituted the words “such a committee as is mentioned in paragraph (b)(ii) or (iv) above”;

(d) in paragraph (b) of subsection (7) (which refers to the person in whom property is vested where an adjudication of bankruptcy is annulled under section 21(2) of the ^{M44}Bankruptcy Act 1914), for the words from “subsection (2)” to the end of the paragraph there shall be substituted the words “section 116(4) of the Insolvency Act 1985, to any person in whom the property of the firm is vested under section 129(4) of that Act; or”.

(4) In section 31(7) (which refers to rules under section 663 of the Companies Act 1985 and to rules under section 132 of the Bankruptcy Act 1914)—

(a) in paragraph (a) (England and Wales), for the words from “section 663” to “1914” there shall be substituted the words “sections 106 and 207 of the Insolvency Act 1985”; and

(b) in paragraph (b) (Scotland), for the words “section 663 of the Companies Act 1985” there shall be substituted the words “the said section 106”.

Marginal Citations

M44 [1914 c. 59.](#)

The ^{M45}Estate Agents Act 1979

Marginal Citations

M45 [1979 c. 38.](#)

33 In section 23(2) of the Estate Agents Act 1979 (prohibition on bankrupts engaging in estate agency work to cease on discharge), for paragraph (b) there shall be substituted the following paragraph—

“(b) he is discharged from bankruptcy.”

The ^{M46}Public Passenger Vehicles Act 1981

Marginal Citations

M46 [1981 c. 14.](#)

34 In section 19(3) of the Public Passenger Vehicles Act 1981 (holder of PSV operator’s licence to give notice of bankruptcy etc.), after the word “estate” there shall be inserted the words “or the making of an administration order under Chapter III of Part II of the Insolvency Act 1985 in relation to the holder”.

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The ^{M47}Supreme Court Act 1981

Marginal Citations

M47 1981 c. 54.

- 35 In section 40A of the Supreme Court Act 1981 (which relates to the deduction of the administrative and clerical expenses of garnishees), for the words “section 40 of the Bankruptcy Act 1914” there shall be substituted the words “section 179 of the Insolvency Act 1985”.

The ^{M48}Civil Jurisdiction and Judgments Act 1982

Marginal Citations

M48 1982 c. 27.

- 36 After paragraph (b) of section 18(3) of the Civil Jurisdiction and Judgments Act 1982 (judgments to which provisions relating to the enforcement of judgments within the United Kingdom do not apply), there shall be inserted the following paragraph—
- “(ba) a judgment given in the exercise of jurisdiction in relation to insolvency law, within the meaning of section 213 of the Insolvency Act 1985;”.

The ^{M49}Insurance Companies Act 1982

Marginal Citations

M49 1982 c. 50.

- 37 (1) The Insurance Companies Act 1982 shall be amended as follows.
- (2) In section 55(5) (creditors’ meetings etc. in winding up of company with long-term business), for the words “subsections (1) to (3) of section 540” there shall be substituted the words “subsection (3) of section 540”.
- (3) In section 56 (continuation of long term business of insurance companies in liquidation)—
- (a) in subsection (4), for the words “Section 556(3) of the Companies Act” and for the words “section 556 of the Companies Act” there shall be substituted, respectively, the words “Section 90(5) of the Insolvency Act 1985” and the words “section 90 of the said Act of 1985”;
- (b) in subsection (7), for the words “committee of inspection” there shall be substituted the words “a specified committee”.
- (4) In section 59 (winding-up rules)—
- (a) in subsection (1), for the words “section 663 of the Companies Act” there shall be substituted the words “section 106 of the Insolvency Act 1985”; and
- (b) in subsection (2), for the words “section 663 of the Companies Act” and the words “section 614 of, and schedule 19 to, the Companies Act” there shall

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be substituted, respectively, the words “section 106 of the Insolvency Act 1985” and the words “section 89 of, and schedule 4 to, the Insolvency Act 1985”.

The ^{M50}County Courts Act 1984

Marginal Citations

M50 [1984 c. 28.](#)

- 38 (1) The County Courts Act 1984 shall be amended as follows.
- (2) In section 98(3) (protection of registrar selling goods under execution), for the words “sections 40 and 41 of the ^{M51}Bankruptcy Act 1914” there shall be substituted the words “section 179 of the Insolvency Act 1985”.
- (3) In section 102(8) (claims for rent where goods seized in execution), for the words “section 35 of the Bankruptcy Act 1914” there shall be substituted the words “section 179 of the Insolvency Act 1985”.
- (4) In section 109(2) (which relates to the deduction of the administrative and clerical expenses of garnishees), for the words “section 40 of the Bankruptcy Act 1914” there shall be substituted the words “section 179 of the Insolvency Act 1985”.

Marginal Citations

M51 [1914 c. 59.](#)

The Housing Act 1985

- 39 (1) The Housing Act 1985 shall be amended as follows.
- (2) In paragraph 3(4) of schedule 18 (suspension of condition as to residence), for the words “is administered in bankruptcy under section 130 of the Bankruptcy Act 1914” there shall be substituted the words “falls to be administered in accordance with an order under section 228 of the Insolvency Act 1985”.
- (3) In paragraph 5(3) of that schedule (conditions affecting house purchased by means of advance), for the words “being administered in bankruptcy under section 130 of the Bankruptcy Act 1914” there shall be substituted the words “falling to be administered in accordance with an order under section 228 of the Insolvency Act 1985”.

The ^{M52}Administration of Justice Act 1985

Marginal Citations

M52 [1985 c. 61.](#)

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40 In section 16(1)(g) of the Administration of Justice Act 1985 (conditional licences), for the words “and having obtained his discharge” there shall be substituted the words “and discharged”.

SCHEDULE 9 **U.K.**

Section 235.

TRANSITIONAL PROVISIONS AND SAVINGS

PART I **U.K.**

1 F45

Textual Amendments

F45 Sch. 1 paras. 1–4, 5(4), Schs. 3–5, Sch. 6 paras. 5, 6, 9, 15–17, 20–22, 25–44, 48–52, Sch. 7, Sch. 9 paras. 1, 4–24, Sch. 10 repealed by Insolvency Act 1986 (c. 45, SIF 66), s. 438, **Sch. 12**

PART II **U.K.**

2, 3. F46

Textual Amendments

F46 Sch. 2, Sch. 6 paras. 1, 2, 14, Sch. 9 paras. 2, 3 repealed by Company Directors Disqualification Act 1986 (c. 46, SIF 27), s. 23(2), **Sch. 4**

4–10. F47

Textual Amendments

F47 Sch. 1 paras. 1–4, 5(4), Schs. 3–5, Sch. 6 paras. 5, 6, 9, 15–17, 20–22, 25–44, 48–52, Sch. 7, Sch. 9 paras. 1, 4–24, Sch. 10 repealed by Insolvency Act 1986 (c. 45, SIF 66), s. 438, **Sch. 12**

PARTS III AND IV **U.K.**

11–24. F48

Textual Amendments

F48 Sch. 1 paras. 1–4, 5(4), Schs. 3–5, Sch. 6 paras. 5, 6, 9, 15–17, 20–22, 25–44, 48–52, Sch. 7, Sch. 9 paras. 1, 4–24, Sch. 10 repealed by Insolvency Act 1986 (c. 45, SIF 66), s. 438, **Sch. 12**

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Insolvency Act 1985. (See end of Document for details)

SCHEDULE 10 U.K.

F49

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Textual Amendments

F49 Sch. 1 paras. 1–4, 5(4), Schs. 3–5, Sch. 6 paras. 5, 6, 9, 15–17, 20–22, 25–44, 48–52, Sch. 7, Sch. 9 paras. 1, 4–24, Sch. 10 repealed by Insolvency Act 1986 (c. 45, SIF 66), s. 438, **Sch. 12**

Status:

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Changes to legislation:

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