



Insolvency Act 1986

1986 CHAPTER 45

The Third Group of Parts Miscellaneous Matters Bearing on both Company and Individual Insolvency ; General Interpretation ; Final Provisions

PART XII

PREFERENTIAL DEBTS IN COMPANY AND INDIVIDUAL INSOLVENCY

386 Categories of preferential debts

- (1) A reference in this Act to the preferential debts of a company or an individual is to the debts listed in Schedule 6 to this Act (money owed to the Inland Revenue for income tax deducted at source; VAT, car tax, betting and gaming duties; social security and pension scheme contributions; remuneration etc. of employees); and references to preferential creditors are to be read accordingly.
- (2) In that Schedule " the debtor " means the company or the individual concerned.
- (3) Schedule 6 is to be read with Schedule 3 to the Social Security Pensions Act 1975 (occupational pension scheme contributions).

387 " The relevant date "

- (1) This section explains references in Schedule 6 to the relevant date (being the date which determines the existence and amount of a preferential debt).
- (2) For the purposes of section 4 in Part I (meetings to consider company voluntary arrangement), the relevant date in relation to a company which is not being wound up is—
 - (a) where an administration order is in force in relation to the company, the date of the making of that order, and
 - (b) where no such order has been made, the date of the approval of the voluntary arrangement.
- (3) In relation to a company which is being wound up, the following applies—

*Status: This is the original version (as it was originally enacted). This
item of legislation is currently only available in its original format.*

- (a) if the winding up is by the court, and the winding-up order was made immediately upon the discharge of an administration order, the relevant date is the date of the making of the administration order;
 - (b) if the case does not fall within paragraph (a) and the company—
 - (i) is being wound up by the court, and
 - (ii) had not commenced to be wound up voluntarily before the date of the making of the winding-up order,the relevant date is the date of the appointment (or first appointment) of a provisional liquidator or, if no such appointment has been made, the date of the winding-up order;
 - (c) if the case does not fall within either paragraph (a) or (b), the relevant date is the date of the passing of the resolution for the winding up of the company.
- (4) In relation to a company in receivership (where section 40 or, as the case may be, section 59 applies), the relevant date is—
- (a) in England and Wales, the date of the appointment of the receiver by debenture-holders, and
 - (b) in Scotland, the date of the appointment of the receiver under section 53(6) or (as the case may be) 54(5).
- (5) For the purposes of section 258 in Part VIII (individual voluntary arrangements), the relevant date is, in relation to a debtor who is not an undischarged bankrupt, the date of the Interim order made under section 252 with respect to his proposal.
- (6) In relation to a bankrupt, the following applies—
- (a) where at the time the bankruptcy order was made there was an interim receiver appointed under section 286, the relevant date is the date on which the interim receiver was first appointed after the presentation of the bankruptcy petition;
 - (b) otherwise, the relevant date is the date of the making of the bankruptcy order.