
STATUTORY INSTRUMENTS

1986 No. 1999

**The Administration of Insolvent Estates
of Deceased Persons Order 1986**

1. This Order may be cited as the Administration of Insolvent Estates of Deceased Persons Order 1986 and shall come into force on 29th December 1986.

2. In this Order—

“the Act” means the Insolvency Act 1986;

“insolvency administration order” means an order for the administration in bankruptcy of the insolvent estate of a deceased debtor (being an individual at the date of his death);

“insolvency administration petition” means a petition for an insolvency administration order; and

“the Rules” means the Insolvency Rules 1986(1).

3.—(1) The provisions of the Act specified in Parts II and III of Schedule 1 to this Order shall apply to the administration in bankruptcy of the insolvent estates of deceased persons dying before presentation of a bankruptcy petition with the modifications specified in those Parts and with any further such modifications as may be necessary to render them applicable to the estate of a deceased person and in particular with the modifications specified in Part I of that Schedule, and the provisions of the Rules, the Insolvency Regulations 1986(2) and any order made under section 415 of the Act (fees and deposits) shall apply accordingly.

(2) In the case of any conflict between any provision of the Rules and any provision of this Order, the latter provision shall prevail.

4.—(1) Where the estate of a deceased person is insolvent and is being administered otherwise than in bankruptcy, subject to paragraphs (2) and (3) below, the same provisions as may be in force for the time being under the law of bankruptcy with respect to the assets of individuals adjudged bankrupt shall apply to the administration of the estate with respect to the respective rights of secured and unsecured creditors, to debts and liabilities provable, to the valuation of future and contingent liabilities and to the priorities of debts and other payments.

(2) The reasonable funeral, testamentary and administration expenses have priority over the preferential debts listed in Schedule 6 to the Act.

(3) Section 292(2) of the Act shall not apply.

5.—(1) If a debtor by or against whom a bankruptcy petition has been presented dies, the proceedings in the matter shall, unless the court otherwise orders, be continued as if he were alive, with the modifications specified in Schedule 2 to this Order.

(2) The reasonable funeral and testamentary expenses have priority over the preferential debts listed in Schedule 6 to the Act.

(1) S.I. 1986/1925.

(2) S.I. 1986/1994.

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

(3) If a debtor dies after presentation of a bankruptcy petition but before service, the court may order service to be effected on his personal representative or such other person as it thinks fit.

6. The definitions in Article 2 of this Order other than the first definition shall be added to those in section 385 of the Act.

Dated 20th November 1986.

Hailsham of St Marylebone, C.

I concur,

Dated 21st November 1986.

Michael Howard,
Parliamentary Under-Secretary of State,
Department of Trade and Industry.