



Insolvency Act 1986

1986 CHAPTER 45

PART X

INDIVIDUAL INSOLVENCY: GENERAL PROVISIONS

Modifications etc. (not altering text)

- C1** Second Group of Parts (Pts. 8-11) modified (31.12.1996) by 1991 c. 57, **Sch. 10** (as substituted by 1995 c. 25, s. 120(1), **Sch. 22 para. 183** (with ss. 7(6), 115, 117); S.I. 1996/2909, **art. 3**)
Second Group of Parts (Pts. 8-11) modified (11.11.1999 for specified purposes and 6.4.2002 otherwise) by 1999 c. 30, s. **12(1)**; S.I. 2002/153, **art. 2(b)**

372 Supplies of gas, water, electricity, etc.

- (1) This section applies where on any day (“the relevant day”)—
- a bankruptcy order is made against an individual or an interim receiver of an individual’s property is appointed, or
 - a voluntary arrangement proposed by an individual is approved under Part VIII, or
 - a deed of arrangement is made for the benefit of an individual’s creditors;
- and in this section “the office-holder” means the official receiver, the trustee in bankruptcy, the interim receiver, the supervisor of the voluntary arrangement or the trustee under the deed of arrangement, as the case may be.
- (2) If a request falling within the next subsection is made for the giving after the relevant day of any of the supplies mentioned in subsection (4), the supplier—
- may make it a condition of the giving of the supply that the office-holder personally guarantees the payment of any charges in respect of the supply, but
 - shall not make it a condition of the giving of the supply, or do anything which has the effect of making it a condition of the giving of the supply, that any outstanding charges in respect of a supply given to the individual before the relevant day are paid.

Status: Point in time view as at 06/04/2011.

Changes to legislation: Insolvency Act 1986, Part X is up to date with all changes known to be in force on or before 23 May 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)

- (3) A request falls within this subsection if it is made—
- (a) by or with the concurrence of the office-holder, and
 - (b) for the purposes of any business which is or has been carried on by the individual, by a firm or partnership of which the individual is or was a member, or by an agent or manager for the individual or for such a firm or partnership.
- (4) The supplies referred to in subsection (2) are—
- [^{F1}(a) a supply of gas by a gas supplier within the meaning of Part I of the Gas Act 1986;]
 - [^{F2}(b) a supply of electricity by an electricity supplier within the meaning of Part I of the Electricity Act 1989;]
 - (c) a supply of water by [^{F3}a water undertaker],
 - [^{F4}(d) a supply of communications services by a provider of a public electronic communications service.]
- (5) The following applies to expressions used in subsection (4)—
- [^{F5}(a)
 - [^{F6}(b)
 - [^{F7}(c) “communications services” do not include electronic communications services to the extent that they are used to broadcast or otherwise transmit programme services (within the meaning of the Communications Act 2003).]

Textual Amendments

- F1** S. 372(4)(a) substituted (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 14(3)**; S.I. 1996/218, **art. 2**
- F2** S. 372(4)(b) substituted (1.10.2001) by 2000 c. 27, s. 108, **Sch. 6 para. 47(3)(a)**; S.I. 2001/3266, **art. 2, Sch.** (subject to transitional provisions in arts. 3-20)
- F3** Words substituted by **Water Act 1989** (c. 15, SIF 130), s. 190, **Sch. 25 para. 78(1)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)
- F4** S. 372(4)(d) substituted (25.7.2003 for specified purposes, 29.12.2003 for specified purposes) by **Communications Act 2003** (c. 21), ss. 406, 408, 411, **Sch. 17 para. 82(3)(a)** (with Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1) (with art. 3(2) (as amended (8.12.2003) by 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3(2)** (with art. 11)
- F5** S. 372(5)(a) repealed (1.3.1996) by 1995 c. 45, ss. 16(1), 17(5), Sch. 4 para. 14(4), **Sch. 6**; S.I. 1996/218, **art. 2**
- F6** S. 372(5)(b) repealed (1.10.2001) by 2000 c. 27, s. 108, Sch. 6 para. 47(3)(b), **Sch. 8**; S.I. 2001/3266, **art. 2, Sch.** (subject to transitional provisions in arts. 3 to 20)
- F7** S. 372(5)(c) substituted (25.7.2003 for specified purposes, 29.12.2003 for specified purposes) by **Communications Act 2003** (c. 21), ss. 406, 408, 411, **Sch. 17 para. 82(3)(b)** (with Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1) (with art. 3(2) (as amended (8.12.2003) by 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3(2)** (with art. 11)

Modifications etc. (not altering text)

- C2** S. 372, applied with modifications by S.I. 1986/1999, art. 3, **Sch. 1 Pt. II**

373 Jurisdiction in relation to insolvent individuals.

- (1) The High Court and the county courts have jurisdiction throughout England and Wales for the purposes of the Parts in this Group.

Status: Point in time view as at 06/04/2011.

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- (2) For the purposes of those Parts, a county court has, in addition to its ordinary jurisdiction, all the powers and jurisdiction of the High Court; and the orders of the court may be enforced accordingly in the prescribed manner.
- (3) Jurisdiction for the purposes of those Parts is exercised—
 - (a) by the High Court [^{F8}or the Central London County Court] in relation to the proceedings, which, in accordance with the rules, are allocated to the London insolvency district, and
 - (b) by each county court in relation to the proceedings which are so allocated to the insolvency district of that court.
- (4) Subsection (3) is without prejudice to the transfer of proceedings from one court to another in the manner prescribed by the rules; and nothing in that subsection invalidates any proceedings on the grounds that they were initiated or continued in the wrong court.

Textual Amendments

F8 Words in s. 373(3)(a) inserted (6.4.2011) by [The London Insolvency District \(Central London County Court\) Order 2011 \(S.I. 2011/761\)](#), **art. 5** (with art. 9)

Modifications etc. (not altering text)

C3 s.373 applied with modifications by [S.I. 1986/1999](#), **art. 3**, **Sch. 1 Pt. II**

374 Insolvency districts.

- (1) The Lord Chancellor may [^{F9}, with the concurrence of the Lord Chief Justice,] by order designate the areas which are for the time being to be comprised, for the purposes of the Parts in this Group, in the London insolvency district and the insolvency district of each county court; and an order under this section may—
 - (a) exclude any county court from having jurisdiction for the purposes of those Parts, or
 - (b) confer jurisdiction for those purposes on any county court which has not previously had that jurisdiction.
- (2) An order under this section may contain such incidental, supplemental and transitional provisions as may appear to the Lord Chancellor [^{F10}and the Lord Chief Justice] necessary or expedient.
- (3) An order under this section shall be made by statutory instrument and, after being made, shall be laid before each House of Parliament.
- (4) Subject to any order under this section—
 - (a) the district which, immediately before the appointed day, is the London bankruptcy district becomes, on that day, the London insolvency district;
 - (b) any district which immediately before that day is the bankruptcy district of a county court becomes, on that day, the insolvency district of that court, and
 - (c) any county court which immediately before that day is excluded from having jurisdiction in bankruptcy is excluded, on and after that day, from having jurisdiction for the purposes of the Parts in this Group.

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[^{F11}(5) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.]

Textual Amendments

- F9** Words in s. 374(1) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15(1), 148, [Sch. 4 para. 187\(2\)](#); [S.I. 2006/1014](#), [art. 2\(a\)](#), Sch. 1
- F10** Words in s. 374(2) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15(1), 148, [Sch. 4 para. 187\(3\)](#); [S.I. 2006/1014](#), [art. 2\(a\)](#), Sch. 1
- F11** S. 374(5) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15(1), 148, [Sch. 4 para. 187\(4\)](#); [S.I. 2006/1014](#), [art. 2\(a\)](#), Sch. 1

Modifications etc. (not altering text)

- C4** S. 374 applied (with modifications) by [S.I. 1986/1999](#), [art. 3](#), [Sch. 1 Pt. II](#)

375 Appeals etc. from courts exercising insolvency jurisdiction.

- (1) Every court having jurisdiction for the purposes of the Parts in this Group may review, rescind or vary any order made by it in the exercise of that jurisdiction.
- (2) An appeal from a decision made in the exercise of jurisdiction for the purposes of those Parts by a county court or by a registrar in bankruptcy of the High Court lies to a single judge of the High Court; and an appeal from a decision of that judge on such an appeal lies ^{F12} . . . to the Court of Appeal.
- (3) A county court is not, in the exercise of its jurisdiction for the purposes of those Parts, to be subject to be restrained by the order of any other court, and no appeal lies from its decision in the exercise of that jurisdiction except as provided by this section.

Textual Amendments

- F12** Words in s. 375(2) repealed (27.9.1999) by [1999 c. 22](#), ss. 106, 108(3), [Sch. 15 Pt. III](#) (with s. 107, [Sch. 14 paras. 7\(2\), 36\(9\)](#))

Modifications etc. (not altering text)

- C5** S. 375 applied with modifications by [S.I. 1986/1999](#), [art. 3](#), [Sch. 1 Pt. II](#)

376 Time-limits.

Where by any provision in this Group of Parts or by the rules the time for doing anything is limited, the court may extend the time, either before or after it has expired, on such terms, if any, as it thinks fit.

Modifications etc. (not altering text)

- C6** S. 376 applied with modifications by [S.I. 1986/1999](#), [art. 3](#), [Sch. 1 Pt. II](#)

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377 Formal defects.

The acts of a person as the trustee of a bankrupt's estate or as a special manager, and the acts of the creditors' committee established for any bankruptcy, are valid notwithstanding any defect in the appointment, election or qualifications of the trustee or manager or, as the case may be, of any member of the committee.

Modifications etc. (not altering text)

C7 S. 377 applied with modifications by S.I. 1986/1999, art. 3, Sch. 1 Pt. II

378 Exemption from stamp duty.

Stamp duty shall not be charged on—

- (a) any document, being a deed, conveyance, assignment, surrender, admission or other assurance relating solely to property which is comprised in a bankrupt's estate and which, after the execution of that document, is or remains at law or in equity the property of the bankrupt or of the trustee of that estate,
- (b) any writ, order, certificate or other instrument relating solely to the property of a bankrupt or to any bankruptcy proceedings.

Modifications etc. (not altering text)

C8 S. 378 applied with modifications by S.I. 1986/1999, art. 3, Sch. 1 Pt. II

379 Annual report.

As soon as practicable after the end of 1986 and each subsequent calendar year, the Secretary of State shall prepare and lay before each House of Parliament a report about the operation during that year of so much of this Act as is comprised in this Group of Parts, and about proceedings in the course of that year under the ^{M1}Deeds of Arrangement Act 1914.

Modifications etc. (not altering text)

C9 S. 379 applied with modifications by S.I. 1986/1999, art. 3, Sch. 1 Pt. II

Marginal Citations

M1 1914 c. 47.

^{F13}REMOTE ATTENDANCE AT MEETINGS

Textual Amendments

F13 Ss. 379A 379B and cross-headings inserted (6.4.2010) by The Legislative Reform (Insolvency) (Miscellaneous Provisions) Order 2010 (S.I. 2010/18), art. 3(2)

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379A Remote attendance at meetings

- (1) Where—
 - (a) a bankruptcy order is made against an individual or an interim receiver of an individual's property is appointed, or
 - (b) a voluntary arrangement in relation to an individual is proposed or is approved under Part 8,
 this section applies to any meeting of the individual's creditors summoned under this Act or the rules.
- (2) Where the person summoning a meeting (“the convener”) considers it appropriate, the meeting may be conducted and held in such a way that persons who are not present together at the same place may attend it.
- (3) Where a meeting is conducted and held in the manner referred to in subsection (2), a person attends the meeting if that person is able to exercise any rights which that person may have to speak and vote at the meeting.
- (4) For the purposes of this section—
 - (a) a person exercises the right to speak at a meeting when that person is in a position to communicate to all those attending the meeting, during the meeting, any information or opinions which that person has on the business of the meeting; and
 - (b) a person exercises the right to vote at a meeting when—
 - (i) that person is able to vote, during the meeting, on resolutions put to the vote at the meeting, and
 - (ii) that person's vote can be taken into account in determining whether or not such resolutions are passed at the same time as the votes of all the other persons attending the meeting.
- (5) The convener of a meeting which is to be conducted and held in the manner referred to in subsection (2) may make whatever arrangements the convener considers appropriate to—
 - (a) enable those attending the meeting to exercise their rights to speak or vote, and
 - (b) ensure the identification of those attending the meeting and the security of any electronic means used to enable attendance.
- (6) Where in the reasonable opinion of the convener—
 - (a) a meeting will be attended by persons who will not be present together at the same place, and
 - (b) it is unnecessary or inexpedient to specify a place for the meeting,
 any requirement under this Act or the rules to specify a place for the meeting may be satisfied by specifying the arrangements the convener proposes to enable persons to exercise their rights to speak or vote.
- (7) In making the arrangements referred to in subsection (5) and in forming the opinion referred to in subsection (6)(b), the convener must have regard to the legitimate interests of the creditors and others attending the meeting in the efficient despatch of the business of the meeting.
- (8) If—
 - (a) the notice of a meeting does not specify a place for the meeting,

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- (b) the convener is requested in accordance with the rules to specify a place for the meeting, and
 - (c) that request is made by not less than ten percent in value of the creditors,
- it shall be the duty of the convener to specify a place for the meeting.

USE OF WEBSITES

379B Use of websites

- (1) This section applies where—
- (a) a bankruptcy order is made against an individual or an interim receiver of an individual's property is appointed, or
 - (b) a voluntary arrangement in relation to an individual is proposed or is approved under Part 8,
- and “the office-holder” means the official receiver, the trustee in bankruptcy, the interim receiver, the nominee or the supervisor of the voluntary arrangement, as the case may be.
- (2) Where any provision of this Act or the rules requires the office-holder to give, deliver, furnish or send a notice or other document or information to any person, that requirement is satisfied by making the notice, document or information available on a website—
- (a) in accordance with the rules, and
 - (b) in such circumstances as may be prescribed.]

Status:

Point in time view as at 06/04/2011.

Changes to legislation:

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