



Insolvency Act 1986

1986 CHAPTER 45

PART XIII

INSOLVENCY PRACTITIONERS AND THEIR QUALIFICATION

f¹ General

Textual Amendments

- F1** S. 391S and cross-heading inserted (1.10.2015 immediately after 2015 c. 20, s. 17 comes into force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), ss. **142**, 164(1); S.I. 2015/1689, reg. 3(a)

391S Power for Secretary of State to obtain information

- (1) A person mentioned in subsection (2) must give the Secretary of State such information as the Secretary of State may by notice in writing require for the exercise of the Secretary of State's functions under this Part.
- (2) Those persons are—
 - (a) a recognised professional body;
 - (b) any individual who is or has been authorised under section 390A to act as an insolvency practitioner;
 - (c) any person who is connected to such an individual.
- (3) A person is connected to an individual who is or has been authorised to act as an insolvency practitioner if, at any time during the authorisation—
 - (a) the person was an employee of the individual;
 - (b) the person acted on behalf of the individual in any other way;
 - (c) the person employed the individual;
 - (d) the person was a fellow employee of the individual's employer;

Status: Point in time view as at 07/04/2017.

Changes to legislation: Insolvency Act 1986, Cross Heading: General is up to date with all changes known to be in force on or before 30 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)

- (e) in a case where the individual was employed by a firm, partnership or company, the person was a member of the firm or partnership or (as the case may be) a director of the company.
- (4) In imposing a requirement under subsection (1) the Secretary of State may specify—
- (a) the time period within which the information in question is to be given, and
 - (b) the manner in which it is to be verified.]

Modifications etc. (not altering text)

- C1** Pt. 13 applied (with modifications) (7.4.2017) by [Building Societies Act 1986 \(1986 c. 53\)](#), [Sch. 15A](#) (as amended by [S.I. 2017/400](#), [regs. 1\(2\)](#), [2\(4\)](#))
- C2** Pt. 13 applied (with modifications) (7.4.2017) by [Friendly Societies Act 1992 \(1992 c. 40\)](#), [Sch. 10](#) (as amended by [S.I. 2017/400](#), [regs. 1\(2\)](#), [3](#))
- C3** Pt. 13 applied (with modifications) (7.4.2017) by [Building Societies Act 1986 \(1986 c. 53\)](#), [Sch. 15](#) (as amended by [S.I. 2017/400](#), [regs. 1\(2\)](#), [2\(3\)](#))
- C4** [Ss. 391A-391T](#) applied (with modifications) (7.4.2017) by [Banking Act 2009 \(2009 c. 1\)](#), [s. 145](#) Table 2 (as amended by [S.I. 2017/400](#), [regs. 1\(2\)](#), [5\(10\)](#))
- C5** [Ss. 391A-391T](#) applied (with modifications) (7.4.2017) by [Banking Act 2009 \(2009 c. 1\)](#), [s. 103](#) (as amended by [S.I. 2017/400](#), [regs. 1\(2\)](#), [5\(4\)](#))

[^{F2}391T Compliance orders

- (1) If at any time it appears to the Secretary of State that—
- (a) a recognised professional body has failed to comply with a requirement imposed on it by or by virtue of this Part, or
 - (b) any other person has failed to comply with a requirement imposed on the person by virtue of section 391S,
- the Secretary of State may make an application to the court.
- (2) If, on an application under this section, the court decides that the body or other person has failed to comply with the requirement in question, it may order the body or person to take such steps as the court considers will secure that the requirement is complied with.
- (3) In this section, “the court” means the High Court or, in Scotland, the Court of Session.]

Textual Amendments

- F2** S. 391T inserted (1.10.2015 immediately after 2015 c. 20, s. 17 comes into force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), [ss. 143](#), 164(1); [S.I. 2015/1689](#), [reg. 3\(a\)](#)

Modifications etc. (not altering text)

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