

Status: Point in time view as at 15/09/2003.

Changes to legislation: Insolvency Act 1986, APPOINTMENT OF ADMINISTRATOR BY COURT is up to date with all changes known to be in force on or before 02 June 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)

SCHEDULES

[^{F1}SCHEDULE B1

ADMINISTRATION

Textual Amendments

- F1** Sch. B1 inserted (15.9.2003) by 2002 c. 40, ss. 248(2), 279, Sch. 16 (with s. 249(1)-(3)(6)); S.I. 2003/2093, art. 2(1), Sch. 1 (subject to arts. 3-8 (as amended by S.I. 2003/2332, art. 2))

Modifications etc. (not altering text)

- C1** Sch. B1 applied in part (with modifications) (5.10.2004) by Energy Act 2004 (c. 20), ss. 159(1), 198, Sch. 20 Pts. 1-3; S.I. 2004/2575, art. 2(1), Sch. 1
- C1** Sch. B1 applied (with modifications) (1.7. 2005) by S.I. 1994/2421, art. 6(1), Sch. 2 (as amended (1.7.2005) by S.I. 2005/1516, arts. 3, 7, Sch. 1 (with art. 2))
- C1** Sch. B1: specified provisions applied (with modifications) (1.10.2011) by Postal Services Act 2011 (c. 5), ss. 73, 93(2)(3), {Sch. 10 Pts. 1, 2}; S.I. 2011/2329, art. 3 (with arts. 4, 5)

APPOINTMENT OF ADMINISTRATOR BY COURT

Administration order

- 10 An administration order is an order appointing a person as the administrator of a company.

Conditions for making order

- 11 The court may make an administration order in relation to a company only if satisfied—
- (a) that the company is or is likely to become unable to pay its debts, and
 - (b) that the administration order is reasonably likely to achieve the purpose of administration.

Administration application

- 12 (1) An application to the court for an administration order in respect of a company (an “administration application”) may be made only by—
- (a) the company,
 - (b) the directors of the company,
 - (c) one or more creditors of the company,
 - (d) the justices’ chief executive for a magistrates’ court in the exercise of the power conferred by section 87A of the Magistrates’ Courts Act 1980 (c. 43) (fine imposed on company), or
 - (e) a combination of persons listed in paragraphs (a) to (d).

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- (2) As soon as is reasonably practicable after the making of an administration application the applicant shall notify—
- (a) any person who has appointed an administrative receiver of the company,
 - (b) any person who is or may be entitled to appoint an administrative receiver of the company,
 - (c) any person who is or may be entitled to appoint an administrator of the company under paragraph 14, and
 - (d) such other persons as may be prescribed.
- (3) An administration application may not be withdrawn without the permission of the court.
- (4) In sub-paragraph (1) “creditor” includes a contingent creditor and a prospective creditor.
- [^{F2}(5) Sub-paragraph (1) is without prejudice to section 7(4)(b).]

Textual Amendments

F2 Sch. B1 para. 12(5) added (15.9.2003) by [The Enterprise Act 2002 \(Insolvency\) Order 2003 \(S.I. 2003/2096\)](#), [art. 2\(2\)](#)

Powers of court

- 13 (1) On hearing an administration application the court may—
- (a) make the administration order sought;
 - (b) dismiss the application;
 - (c) adjourn the hearing conditionally or unconditionally;
 - (d) make an interim order;
 - (e) treat the application as a winding-up petition and make any order which the court could make under section 125;
 - (f) make any other order which the court thinks appropriate.
- (2) An appointment of an administrator by administration order takes effect—
- (a) at a time appointed by the order, or
 - (b) where no time is appointed by the order, when the order is made.
- (3) An interim order under sub-paragraph (1)(d) may, in particular—
- (a) restrict the exercise of a power of the directors or the company;
 - (b) make provision conferring a discretion on the court or on a person qualified to act as an insolvency practitioner in relation to the company.
- (4) This paragraph is subject to paragraph 39.]

Modifications etc. (not altering text)

C1 Sch. B1 para. 13 restricted (5.10.2004) by [Energy Act 2004 \(c. 20\)](#), [ss. 162\(3\)](#), 198; [S.I. 2004/2575](#), [art. 2\(1\)](#), [Sch. 1](#)

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