



# Insolvency Act 1986

## 1986 CHAPTER 45

### PART IX

#### BANKRUPTCY

#### [<sup>F1</sup>CHAPTER A1

##### ADJUDICATORS: BANKRUPTCY APPLICATIONS BY DEBTORS AND BANKRUPTCY ORDERS

#### [<sup>F1</sup>263I Debtors against whom an adjudicator may make a bankruptcy order

- (1) An adjudicator has jurisdiction to determine a bankruptcy application only if—
  - (a) the centre of the debtor's main interests is in England and Wales, or
    - [ the centre of the debtor's main interests is in a member State (other than
  - <sup>F2</sup>(ab) Denmark) and the debtor has an establishment in England and Wales, or]
  - (b) <sup>F3</sup>... the test in subsection (2) is met.
- (2) The test is that—
  - (a) the debtor is domiciled in England and Wales, or
  - (b) at any time in the period of three years ending with the day on which the application is made to the adjudicator, the debtor—
    - (i) has been ordinarily resident, or has had a place of residence, in England and Wales, or
    - (ii) has carried on business in England and Wales.
- (3) The reference in subsection (2) to the debtor carrying on business includes—
  - (a) the carrying on of business by a firm or partnership of which the debtor is a member, and
  - (b) the carrying on of business by an agent or manager for the debtor or for such a firm or partnership.
- (4) In this section, references to the centre of the debtor's main interests have the same meaning as in Article 3 of the [<sup>F4</sup>EU Regulation].

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**Changes to legislation:** *Insolvency Act 1986, Section 263I is up to date with all changes known to be in force on or before 12 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) View outstanding changes*

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[ In this section “establishment” has the same meaning as in Article 2(10) of the EU <sup>F5</sup>(5) Regulation.]]

#### Textual Amendments

- F1** Pt. 9 Ch. A1 inserted (25.4.2013 for specified purposes, 6.4.2016 in so far as not already in force) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(1)(i)(3), **Sch. 18**; S.I. 2016/191, art. 2
- F2** S. 263I(1)(ab) inserted (31.12.2020) by [The Insolvency \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/146\)](#), reg. 1(3), **Sch. para. 31(2)(a)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in s. 263I(1)(b) omitted (31.12.2020) by virtue of [The Insolvency \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/146\)](#), reg. 1(3), **Sch. para. 31(2)(b)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in s. 263I(4) substituted (26.6.2017) by [The Insolvency Amendment \(EU 2015/848\) Regulations 2017 \(S.I. 2017/702\)](#), reg. 1, **Sch. para. 18** (with regs. 3, 4)
- F5** S. 263I(5) inserted (31.12.2020) by [The Insolvency \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/146\)](#), reg. 1(3), **Sch. para. 31(3)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)

**Changes to legislation:**

Insolvency Act 1986, Section 263I is up to date with all changes known to be in force on or before 12 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.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act amendment to earlier affecting provision S.I. 1986/1999, art. 3, Sch. 1 Pt. 2 by [S.I. 2017/1119 Sch. 3 para. 1](#)
- Act savings and transitional provisions for amendments by S.I. 2022/1166 by [S.I. 2022/1172 Regulations](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 41HB(2) words substituted by [2018 c. 14 s. 1\(3\)\(b\)](#)