



Insolvency Act 1986

1986 CHAPTER 45

PART IX

BANKRUPTCY

CHAPTER III

TRUSTEES IN BANKRUPTCY

Tenure of office as trustee

296 Appointment of trustee by Secretary of State.

- (1) At any time when the official receiver is the trustee of a bankrupt's estate by virtue of any provision of this Chapter ^{F1}... he may apply to the Secretary of State for the appointment of a person as trustee instead of the official receiver.
- (2) On an application under subsection (1) the Secretary of State shall either make an appointment or decline to make one.
- (3) Such an application may be made notwithstanding that the Secretary of State has declined to make an appointment either on a previous application under subsection (1) ^{F2}... or under section 300(4) below.
- (4) Where the trustee of a bankrupt's estate has been appointed by the Secretary of State (whether under this section or otherwise), the trustee shall give notice to the bankrupt's creditors of his appointment or, if the court so allows, shall advertise his appointment in accordance with the court's directions.
- (5) In that notice or advertisement the trustee shall [^{F3}explain the procedure for establishing a creditors' committee under section 301.]

Status: Point in time view as at 13/03/2018.

Changes to legislation: Insolvency Act 1986, Section 296 is up to date with all changes known to be in force on or before 20 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)

Textual Amendments

- F1** Words in s. 296(1) omitted (6.4.2017 for E.W.) by virtue of [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), s. 164(1), **Sch. 10 para. 7(a)**; S.I. 2016/1020, reg. 4(f)
- F2** Words in s. 296(3) omitted (6.4.2017 for E.W.) by virtue of [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), s. 164(1), **Sch. 10 para. 7(b)**; S.I. 2016/1020, reg. 4(f)
- F3** Words in s. 296(5) substituted for s. 296(5)(a)(b) (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), s. 164(1), **Sch. 9 para. 76**; S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e)

Modifications etc. (not altering text)

- C1** S. 296 applied (with modifications) by S.I. 1986/1999, art. 3, **Sch. 1 Pt. II** (as amended (6.4.2016) by [The Enterprise and Regulatory Reform Act 2013 \(Consequential Amendments\) \(Bankruptcy\) and the Small Business, Enterprise and Employment Act 2015 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/481\)](#), reg. 1, **Sch. 2 para. 2(7)(c)**)
- C2** S. 296 applied (with modifications) (1.12.1994) by S.I. 1994/2421, art. 8(3)(9), **Sch. 4 Pt. II para. 12**
- C3** S. 296 modified (1.12.1994) by S.I. 1994/2421, art. 11(2)(3), **Sch. 7 para. 13**

Status:

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Changes to legislation:

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