



Insolvency Act 1985

CHAPTER 65

INSOLVENCY ACT 1985

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Status: This is the original version (as it was originally enacted).

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Status: This is the original version (as it was originally enacted).

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225 Official Petitioner. ?

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4 The extent of the director's responsibility for any failure by...
5 The extent of the director's responsibility for any failure by...

PART II — MATTERS APPLICABLE WHERE COMPANY HAS BECOME
INSOLVENT

- 6 The extent of the director's responsibility for the causes of...
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- 6 Power to refer to arbitration any question affecting the company....
- 7 Power to effect and maintain insurances in respect of the...
- 8 Power to use the company's seal.
- 9 Power to do all acts and to execute in the...
- 10 Power to draw, accept, make and endorse any bill of...
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- 12 Power to do all such things (including the carrying out...
- 13 Power to make any payment which is necessary or incidental...
- 14 Power to carry on the business of the company.
- 15 Power to establish subsidiaries of the company.
- 16 Power to transfer to subsidiaries of the company the whole...
- 17 Power to grant or accept a surrender of a lease...
- 18 Power to make any arrangement or compromise on behalf of...
- 19 Power to call up any uncalled capital of the company....
- 20 Power to rank and claim in the bankruptcy, insolvency, sequestration...
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- 23 Power to do all other things incidental to the exercise...

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Debts due to Customs and Excise

- 2 (1) Any value added tax which is referable to the...

Social security contributions

- 3 (1) All sums which on the relevant date are due...

Contributions to occupational pension schemes etc.

- 4 Any sum which is owed by the debtor and is...

Remuneration of employees etc.

- 5 (1) So much of any amount which—

Status: This is the original version (as it was originally enacted).

- 6 So much of any amount which— (a) is ordered, whether...
PART II — INTERPRETATION OF PART I

General interpretation of Schedule

- 1 (1) In this Schedule " the debtor "—

Periods to which value added tax referable

- 2 For the purposes of paragraph 2(1) of Part I of...

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2 Provision for regulating the practice and procedure of any court...

Notices etc.

- 3 Provision requiring notice of any proceedings in connection with or...
4 Provision with respect to the form, manner of serving, contents...
5 Provision specifying the persons to whom any notice is to...

Registration of voluntary arrangements

- 6 Provision for the registration of compositions or schemes approved under...

Provisional liquidator

- 7 Provision as to the manner in which a provisional liquidator...

Conduct of insolvency

- 8 Provision with respect to the certification of any person as,...
9 The following provision with respect to meetings of a company's...
10 Provision as to the functions, membership and proceedings of a...
11 Provision as to the manner in which any requirement that...
12 Provision as to the debts that may be proved in...
13 Provision with respect to the manner of the distribution of...
14 Provision which, with or without modifications, applies in relation to...

Financial provisions

- 15 Provision as to the amount, or manner of determining the...
16 Provision with respect to the manner in which moneys received...
17 Provision as to the fees, costs, charges and other expenses...
18 Provision as to the fees, costs, charges and other expenses...
19 Provision as to the fees, costs, charges and other expenses...

Information and records

- 20 Provision requiring registrars and other officers of courts having jurisdiction...
- 21 Provision requiring a creditor, member or contributory or such a...
- 22 Provision as to the manner in which public examinations under...
- 23 Provision imposing requirements with respect to— (a) the preparation and...
- 24 Provision requiring the person who is the supervisor of a...
- 25 Provision as to the manner in which the liquidator of...
- 26 Provision imposing requirements in connection with the carrying out of...

General

- 27 Provision conferring power on the Secretary of State to make...
- 28 Provision conferring a discretion on the court.
- 29 Provision conferring power on the court to make orders for...
- 30 Provision making non-compliance with any of the rules a criminal...
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- 2 In section 301(1) (register of disqualification orders), for the words...
- 3 In section 441(1) (inspector's report to be evidence of opinion...
- 4 In section 449(1) (non-disclosure, except for certain purposes, of information...
- 5 In section 507(1) (meaning of " contributory "), after the...
- 6 (1) For subsection (2) of section 630 (responsibility for company's...
- 7 (1) Section 733 (liability of directors for offences by company...

Voluntary arrangements

- 8 In section 153(3) (financial assistance allowed), for the words "...

Administration orders

- 9 At any time when an administration order is in force,...
- 10 In sections 395(1) and 410(2) (certain charges void if not...
- 11 In section 425(1) (power of company to compromise with creditors...
- 12 In section 426(6) (liability of officer or liquidator of company...
- 13 In section 478(6) (receiver to be appointed within one month...
- 14 In paragraph 4(3) of Part I of Schedule 12 (orders...

Receivers and managers (England and Wales)

- 15 (1) Section 196 (payment of debts out of assets subject...
- 16 (1) Section 492 (receivers and managers appointed out of court)...
- 17 (1) Section 498 (receivership accounts to be delivered to the...

Status: This is the original version (as it was originally enacted).

Receivers (Scotland)

- 18 In subsection (3) of section 463 (effect of floating charge...
- 19 In subsection (6) of section 464 (ranking of floating charges),...
- 20 (1) Section 475 (priority of debts) shall be amended as...
- 21 (1) Section 476(1) (distribution of monies) shall be amended as...
- 22 (1) Schedule 24 (punishment of offences) shall be amended as...

Winding up

- 23 In section 222(4) (obligation to preserve accounting records), for the...
- 24 For subsection (6) of section 461 (application of winding-up rules...
- 25 In sections 512(3), 515(5), 518(2), 622(7) and 624(7) (being provisions...
- 26 In section 512(4) (jurisdiction in relation to winding up), for...
- 27 (1) Section 518 (definition of inability to pay debts) shall...
- 28 In section 519(1) (presentation of application for winding up), after...
- 29 In section 525(2) and (3) (restriction on proceedings against a...
- 30 For section 535 (liquidators in Scotland) there shall be substituted...
- 31 (1) Section 539 (powers of liquidator) shall be amended as...
- 32 In section 552(3) (debts due from contributory), after the words...
- 33 In section 562 (attendance at company meetings (Scotland)), for the...
- 34 In section 567(2) (delegation of powers to liquidator (England and...
- 35 In section 577 (statutory declaration that the company is able...
- 36 In section 584(1) (general company meeting at each year's end),...
- 37 (1) In subsection (1) of section 589 (appointment of liquidator),...
- 38 (1) Section 590 (appointment of committee of inspection) shall be...
- 39 In section 591(2) (remuneration of liquidator: cesser of director's powers),...
- 40 In section 593 (application of section 582 to creditors' voluntary...
- 41 (1) In subsection (1) of section 598 (powers and duties...
- 42 After subsection (1) of section 625 (transactions in fraud of...
- 43 In section 626(1)(d) (failure to inform liquidator that false debt...
- 44 In section 632 (prosecution of delinquent officers and members of...
- 45 In section 651(1) (power of court, within two years of...
- 46 For subsection (2) of section 657 (effect of Crown disclaimer)...
- 47 For subsection (1) of section 658 (application of section 620)...
- 48 In section 659(2) (which refers to the costs of a...
- 49 (1) In subsection (1) of section 664 (power to alter...
- 50 In section 667((1)(a)) (inability of unregistered company to pay debts),...
- 51 In section 668(6) (inability of unregistered company to pay its...
- 52 (1) In section 669 (inability of unregistered company to pay...

SCHEDULE 7 — Provisions Capable of Inclusion in Individual Insolvency Rules

Courts

- 1 Provision with respect to the arrangement and disposition of the...
- 2 Provision for enabling a registrar in bankruptcy of the High...
- 3 Provision for regulating the practice and procedure of any court...
- 4 Provision conferring rights of audience, in courts exercising jurisdiction for...

Notices etc.

- 5 Provision requiring notice of any proceedings under Part III of...
- 6 Provision with respect to the form, manner of serving, contents...
- 7 Provision specifying the persons to whom any notice under Part...

Registration of voluntary arrangements

- 8 Provision for the registration of compositions or schemes approved under...

Interim receiver

- 9 Provision as to the manner in which an interim receiver...

Receiver or manager

- 10 Provision as to the manner in which the official receiver...

Administration of individual insolvency

- 11 Provision with respect to the certification of the appointment of...
- 12 The following provision with respect to meetings of creditors—
- 13 Provision as to the functions, membership and proceedings of a...
- 14 Provision as to the manner in which any requirement that...
- 15 Provision as to the manner in which any requirement imposed...
- 16 Provision as to the terms and conditions that may be...
- 17 Provision as to the debts that may be proved in...
- 18 Provision with respect to the manner of the distribution of...
- 19 Provision modifying the application of Part III of this Act...

Financial provisions

- 20 Provision as to the amount, or manner of determining the...
- 21 Provision with respect to the manner in which moneys received...
- 22 Provision as to the fees, costs, charges and other expenses...
- 23 Provision as to the fees, costs, charges and other expenses...

Information and records

- 24 Provision requiring registrars and other officers of courts having jurisdiction...
- 25 Provision requiring a creditor or a committee established under section...
- 26 Provision as to the manner in which public examinations under...
- 27 Provision imposing requirements with respect to— (a) the preparation and...
- 28 Provision requiring the person who is the supervisor of a...
- 29 Provision as to the manner in which the trustee of...

General

- 30 Provision conferring power on the Secretary of State to make...
- 31 Provision conferring a discretion on the court.
- 32 Provision making non-compliance with any of the rules a criminal...
- 33 Provision making different provision for different cases, including different provision...

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SCHEDULE 8 — Consequential Amendments

The Bills of Sale Act (1878) Amendment Act 1882

- 1 In section 11 of the Bills of Sale Act (1878)...

The Deeds of Arrangement Act 1914

- 2 (1) The Deeds of Arrangement Act 1914 shall be amended...

The Settled Land Act 1925

- 3 In section 103 of the Settled Land Act 1925 (legal...

The Law of Property Act 1925

- 4 In section 52(2)(b) of the Law of Property Act 1925...

The Land Registration Act 1925

- 5 (1) The Land Registration Act 1925 shall be amended as...

The Agricultural Credits Act 1928

- 6 In section 7 of the Agricultural Credits Act 1928 (effect...

The Third Parties (Rights against Insurers) Act 1930

- 7 (1) The Third Parties (Rights against Insurers) Act 1930 shall...

The Exchange Control Act 1947

- 8 In paragraphs 6, 7(4) and 8(4) of Schedule 4 to...

The Agricultural Holdings Act 1948

- 9 In section 68(6) of the Agricultural Holdings Act 1948 (definition...

The Arbitration Act 1950

- 10 In section 3(2) of the Arbitration Act 1950 (application to...

The Administration of Justice Act 1956

- 11 In section 40 of the Administration of Justice Act 1956...

The Licensing Act 1964

- 12 (1) The Licensing Act 1964 shall be amended as follows....

The Law of Property (Joint Tenants) Act 1964

- 13 In paragraph (b) of the proviso to section 1(1) of...

The General Rate Act 1967

- 14 For subsection (2) of section 90 of the General Rate...

The Medicines Act 1968

15 In section 72(4) of the Medicines Act 1968 (which specifies...

The Transport Act 1968

16 In section 86 of the Transport Act 1968 (transferability of...

The Insolvency Services (Accounting and Investment) Act 1970

17 In section 4 of the Insolvency Services (Accounting and Investment)...

The Conveyancing and Feudal Reform (Scotland) Act 1970

18 In Schedule 3 to the Conveyancing and Feudal Reform (Scotland)...

The Superannuation Act 1972

19 In section 5(2) of the Superannuation Act 1972 (rule that...

The Road Traffic Act 1972

20 In section 150 of the Road Traffic Act 1972 (bankruptcy...

The Land Charges Act 1972

21 (1) The Land Charges Act 1972 shall be amended as...

The Local Government Act 1972

22 For subsection (1) of section 81 of the Local Government...

The Matrimonial Causes Act 1973

23 In section 39 of the Matrimonial Causes Act 1973 (settlement...

The Powers of Criminal Courts Act 1973

24 In section 39(3)(d) of the Powers of Criminal Courts Act...

The Solicitors Act 1974

25 In section 12(1)(0) of the Solicitors Act 1974 (application for...

The Social Security Pensions Act 1975

26 (1) In section 58 of the Social Security Pensions Act...

The Recess Elections Act 1975

27 In section 1(2) of the Recess Elections Act 1975 (which...

The Insolvency Act 1976

28 For paragraph (a) of section 3(3) of the Insolvency Act...

The Land Drainage Act 1976

29 In paragraph 8 of Schedule 1 to the Land Drainage...

Status: This is the original version (as it was originally enacted).

The Agricultural Holdings (Notices to Quit) Act 1977

30 In section 12(1A) of the Agricultural Holdings (Notices to Quit)...

The Employment Protection (Consolidation) Act 1978

31 (1) The Employment Protection (Consolidation) Act 1978 shall be amended...

The Banking Act 1979

32 (1) The Banking Act 1979 shall be amended as follows....

The Estate Agents Act 1979

33 In section 23(2) of the Estate Agents Act 1979 (prohibition...

The Public Passenger Vehicles Act 1981

34 In section 19(3)(a) of the Public Passenger Vehicles Act 1981...

The Supreme Court Act 1981

35 In section 40A of the Supreme Court Act 1981 (which...

The Civil Jurisdiction and Judgments Act 1982

36 After paragraph (b) of section 18(3) of the Civil Jurisdiction...

The Insurance Companies Act 1982

37 (1) The Insurance Companies Act 1982 shall be amended as...

The County Courts Act 1984

38 (1) The County Courts Act 1984 shall be amended as...

The Housing Act 1985

39 (1) The Housing Act 1985 shall be amended as follows....

The Administration of Justice Act 1985

40 In section 16(1)(g) of the Administration of Justice Act 1985...

SCHEDULE 9 — Transitional Provisions and Savings

PART I — INSOLVENCY PRACTITIONERS

1 Where an individual began to act as insolvency practitioner in...

PART II — COMPANY INSOLVENCY ETC

Disqualification etc.

2 Where— (a) an application is made under section 12 of...

3 An application shall not be made under section 13 of...

4 The court shall not make a declaration under section 15...

5 Section 17 of this Act shall not apply where the...

Administration orders

- 6 (1) Where any right to appoint an administrative receiver of...

Receivers and managers (England and Wales)

- 7 (1) Subject to sub-paragraph (2) below, where any provision of...

Receivers (Scotland)

- 8 (1) Subject to sub-paragraph (2) below, where any provision of...

Winding up etc.

- 9 (1) Subject to sub-paragraphs (2) to (8) and paragraph 10...

Setting aside preferences and other transactions

- 10 (1) Where a provision of Chapter VII of Part II...
PART III — INDIVIDUAL INSOLVENCY

Bankruptcy: general

- 11 (1) Subject to the following provisions of this Part of...
12 (1) In relation to any such case as is mentioned...
13 Transactions entered into before the bankruptcy commencement date shall have...

Discharge from old bankruptcy

- 14 (1) Where a person— (a) was adjudged bankrupt before the...

Appointment of trustee by Secretary of State

- 15 Where a person was adjudged bankrupt before the bankruptcy commencement...

Release of trustee in old bankruptcy

- 16 (1) Where a person was adjudged bankrupt before the bankruptcy...

Power to employ solicitor

- 17 Where a person was adjudged bankrupt before the bankruptcy commencement...

Copyright

- 18 Where a person who is adjudged bankrupt on a petition...

Second bankruptcy

- 19 (1) Section 170 of this Act shall apply with the...

Setting aside preferences and other transactions

- 20 (1) A preference given, assignment made or other transaction entered...

Status: This is the original version (as it was originally enacted).

Bankruptcy offences

- 21 (1) Where a bankruptcy order is made under Part III...

Power to make rules

- 22 (1) The preceding provisions of this Part of this Schedule...

The bankruptcy commencement date

- 23 In this Part of this Schedule " the bankruptcy commencement...

PART IV — MISCELLANEOUS

- 24 (1) A transaction entered into before the coming into force...

SCHEDULE 10 — Repeals

PART I — REPEALS CONSEQUENTIAL ON PART I

PART II — REPEALS CONSEQUENTIAL ON PART II

PART III — REPEALS RELATING TO BANKRUPTCY

PART IV — OTHER REPEALS