

Changes to legislation: *Insolvency Act 1986, Paragraph 98 is up to date with all changes known to be in force on or before 12 April 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*

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** Pt. 2 (including Sch. B1) applied (with modifications) (1.2.2011) by The Financial Services and Markets Act 2000 (Administration Orders Relating to Insurers) Order 2010 (S.I. 2010/3023), art. 2, **Sch.** (with art. 6) (as amended (1.4.2013) by S.I. 2013/472, **Sch. 2 para. 195(c)**; and (7.4.2017) by S.I. 2017/400, regs. 1(2), 9)
- C1** Pt. 2 (including Sch. B1) applied (with modifications) (6.4.2014) by The Co-operative and Community Benefit Societies and Credit Unions (Arrangements, Reconstructions and Administration) Order 2014 (S.I. 2014/229), art. 2(2), **Sch. 1** (as renamed (1.8.2014) by S.I. 2014/1815, **Sch. para 33**; and as amended (1.8.2014) by S.I. 2014/1822, **art. 5**; and (13.3.2018) by S.I. 2018/208, regs. 1(3), **15(3)(b)**)
- C1** Sch. B1 applied in part (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) (as amended (6.4.2017) by S.I. 2017/540, reg. 1, **Sch. 1 para. 6(2)** (with reg. 4))
- C1** Pt. 2 (including Sch. B1) applied (with modifications) (1.12.1994) by The Insolvent Partnerships Order 1994 (S.I. 1994/2421), art. 6(1), **Sch. 2** (as amended (1.7.2005) by S.I. 2005/1516, art. 7, **Sch. 1**; (1.4.2013) by S.I. 2013/472, **Sch. 2 para. 11(b)**); (1.1.2015) by S.I. 2014/3486, arts. 1(2), **13** (with art. 3); (6.4.2017) by S.I. 2017/540, reg. 1, **Sch. 2 para. 6** (with reg. 4); (19.12.2018) by S.I. 2018/1244, arts. 1(2), **19(2)(3)** (with art. 3)); and (28.12.2020) (temp.) by S.I. 2020/1350, regs. 1(4), **121(3)**)
- C1** Sch. B1 applied (with modifications) by S.I. 2010/3023, art. 2, Sch. (as amended (13.3.2018) by The Small Business, Enterprise and Employment Act 2015 (Consequential Amendments, Savings and Transitional Provisions) Regulations 2018 (S.I. 2018/208), regs. 1(3), **12** (with reg. 22))
- C1** Sch. B1 specified provisions applied (with modifications) (4.7.2018) by The Insolvency of Registered Providers of Social Housing Regulations 2018 (S.I. 2018/728), regs. 1, 2(2), **Sch. 1 Pt. 1**
- C1** Sch. B1 specified provisions applied (with modifications) by S.I. 2012/3013, Sch. 2 Pt. 1 (as inserted (4.7.2018) by The Insolvency of Registered Providers of Social Housing Regulations 2018 (S.I. 2018/728), regs. 1, 3(6), **Sch. 2**)
- C1** Sch. B1 specified provisions applied (with modifications) (13.7.2018 for E.W.) by Financial Services (Banking Reform) Act 2013 (c. 33), s. 148(5), **Sch. 6 para. 5**; S.I. 2018/848, **art. 2(b)** (as amended by S.I. 2017/400, regs. 1(2), **6(a)(c)**; and S.I. 2018/208, regs. 1(3), **6(a)**)
- C1** Sch. B1 specified provisions applied (with modifications) (31.1.2019) by Technical and Further Education Act 2017 (c. 19), s. 47(2), **Sch. 3**; S.I. 2018/1161, **reg. 3(c)** (as amended (26.12.2023) by 2023 c. 55, s. 255(2)(c), **Sch. 4 para. 210(a)** (with s. 247))
- C1** Sch. B1 specified provisions applied (with modifications) (31.1.2019) by Technical and Further Education Act 2017 (c. 19), s. 47(2), **Sch. 4**; S.I. 2018/1161, **reg. 3(d)** (as amended: (28.6.2022) by 2022 c. 21, **ss. 25(4)**, 36(2); and (26.12.2023) by 2023 c. 55, s. 255(2)(c), **Sch. 4 para. 211(a)** (with s. 247))

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- 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](#) (as amended (26.6.2020) by [Corporate Insolvency and Governance Act 2020 \(c. 12\)](#), s. 49(1), [Sch. 9 para. 27](#) (with ss. 2(2), 5(2)))
- C1** Sch. B1 modified (28.12.2020 until IP completion day when the amending provision ceases to have effect in accordance with reg. 1(4) of the amending S.I.) by [The Bank Recovery and Resolution \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1350\)](#), regs. 1(4), [114](#) (with reg. 108)
- C1** Sch. B1 excluded in part (E.W.) (15.3.2024) by [The Water Industry \(Special Administration\) Regulations 2024 \(S.I. 2024/205\)](#), regs. 2(2), [5\(2\)](#) (with reg. 64)

REPLACING ADMINISTRATOR

Vacation of office: discharge from liability

- 98 (1) Where a person ceases to be the administrator of a company (whether because he vacates office by reason of resignation, death or otherwise, because he is removed from office or because his appointment ceases to have effect) he is discharged from liability in respect of any action of his as administrator.
- (2) The discharge provided by sub-paragraph (1) takes effect—
- (a) in the case of an administrator who dies, on the filing with the court of notice of his death,
 - (b) in the case of an administrator appointed under paragraph 14 or 22 ^{F2}who has not made a statement under paragraph 52(1)(b)], at a time appointed by resolution of the creditors' committee or, if there is no committee, by ^{F3}decision] of the creditors,
 - ^{F4}(ba) [in the case of an administrator appointed under paragraph 14 or 22 who has made a statement under paragraph 52(1)(b), at a time decided by the relevant creditors,] or
 - (c) in any case, at a time specified by the court.
- (3) ^{F5}[For the purposes of sub-paragraph (2)(ba), the “relevant creditors” of a company are—]
- (a) each secured creditor of the company, or
 - (b) if the administrator has made a distribution to preferential creditors or thinks that a distribution may be made to preferential creditors—
 - (i) each secured creditor of the company, and
 - ^{F6}(ii) [the preferential creditors of the company.]
- ^{F7}(3A) [In a case where the administrator is removed from office, a decision of the creditors for the purposes of sub-paragraph (2)(b), or of the preferential creditors for the purposes of sub-paragraph (2)(ba), must be made by a qualifying decision procedure.]
- (4) Discharge—
- (a) applies to liability accrued before the discharge takes effect, and
 - (b) does not prevent the exercise of the court's powers under paragraph 75.]

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Textual Amendments

- F2** Words in Sch. B1 para. 98(2)(b) inserted (1.10.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), [Sch. 6 para. 7\(2\)](#); S.I. 2015/1732, art. 2(e)(ii)
- F3** Word in Sch. B1 para. 98(2)(b) substituted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), s. 164(1), [Sch. 9 para. 10\(36\)](#); S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with [reg. 5](#)) (as amended by S.I. 2017/363, reg. 3); S.I. 2019/816, reg. 4(c) (with [reg. 5](#))
- F4** Sch. B1 para. 98(2)(ba) inserted (1.10.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), [Sch. 6 para. 7\(3\)](#); S.I. 2015/1732, art. 2(e)(ii)
- F5** Words in Sch. B1 para. 98(3) substituted (1.10.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), [Sch. 6 para. 7\(4\)\(a\)](#); S.I. 2015/1732, art. 2(e)(ii)
- F6** Sch. B1 para. 98(3)(b)(ii) substituted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), s. 164(1), [Sch. 9 para. 10\(37\)](#); S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with [reg. 5](#)) (as amended by S.I. 2017/363, reg. 3); S.I. 2019/816, reg. 4(c) (with [reg. 5](#))
- F7** Sch. B1 para. 98(3A) inserted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force, 6.4.2019 for S. in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), s. 164(1), [Sch. 9 para. 10\(38\)](#); S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with [reg. 5](#)) (as amended by S.I. 2017/363, reg. 3); S.I. 2019/816, reg. 4(c) (with [reg. 5](#))

Modifications etc. (not altering text)

- C2** Sch. B1 para. 98 applied (with modifications) (17.2.2009 for certain purposes, otherwise 21.2.2009) by [Banking Act 2009 \(c. 1\)](#), [ss. 145](#), 263(1)(2) (with s. 247); S.I. 2009/296, [arts. 2](#), 3, Sch. para. 3 (as amended (13.3.2018) by [The Small Business, Enterprise and Employment Act 2015 \(Consequential Amendments, Savings and Transitional Provisions\) Regulations 2015 \(S.I. 2015/1020\)](#), reg. 1(3), [5\(5\)](#))
- C3** Sch. B1 paras. 98-107 modified (5.7.2018) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), Sch. 5 Pts. 1, 2; S.I. 2018/805, reg. 3(b)
- C4** Sch. B1 para. 98 applied (with modifications) (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\)](#), reg. 2, [37](#) (with [reg. 5](#)) (as amended (4.1.2024) by S.I. 2023/1399, reg. 1(2), [4](#), 11)
- C5** Sch. B1 paras. 98-104 applied (with modifications) (E.W.) (15.3.2024) by [The Water Industry \(Special Administration\) Regulations 2024 \(S.I. 2024/205\)](#), reg. 2(2), [5\(1\)](#), 34-37 (with [reg. 64](#))

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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\(3\)\(b\)](#)