



Insolvency Act 1986

1986 CHAPTER 45

PART IX

BANKRUPTCY

[^{F1}CHAPTER A1

ADJUDICATORS: BANKRUPTCY APPLICATIONS BY DEBTORS AND BANKRUPTCY ORDERS

[^{F1}263K Determination of bankruptcy application

- (1) After receiving a bankruptcy application, an adjudicator must determine whether the following requirements are met—
 - (a) the adjudicator had jurisdiction under section 263I to determine the application on the date the application was made,
 - (b) the debtor is unable to pay his or her debts at the date of the determination,
 - (c) no bankruptcy petition is pending in relation to the debtor at the date of the determination, and
 - (d) no bankruptcy order has been made in respect of any of the debts which are the subject of the application at the date of the determination.
- (2) If the adjudicator is satisfied that each of the requirements in subsection (1) are met, the adjudicator must make a bankruptcy order against the debtor.
- (3) If the adjudicator is not so satisfied, the adjudicator must refuse to make a bankruptcy order against the debtor.
- (4) The adjudicator must make a bankruptcy order against the debtor or refuse to make such an order before the end of the prescribed period (“the determination period”).]

Changes to legislation: *Insolvency Act 1986, Section 263K is up to date with all changes known to be in force on or before 19 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*

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

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[View outstanding changes](#)

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