



# Insolvency Act 1986

## 1986 CHAPTER 45

### PART XV

#### SUBORDINATE LEGISLATION

##### *General insolvency rules*

#### **411 Company insolvency rules.**

(1) Rules may be made—

- (a) in relation to England and Wales, by the Lord Chancellor with the concurrence of the Secretary of State [<sup>F1</sup>and, in the case of rules that affect court procedure, with the concurrence of the Lord Chief Justice], or
- (b) in relation to Scotland, by the Secretary of State,

for the purpose of giving effect to [<sup>F2</sup>Parts A1] to VII of this Act [<sup>F3</sup>or the [<sup>F4</sup>EU Regulation]].

[<sup>F5</sup>(1A) Rules may also be made for the purpose of giving effect to Part 2 of the Banking Act 2009 (bank insolvency orders); and rules for that purpose shall be made—

- (a) in relation to England and Wales, by the Lord Chancellor with the concurrence of—
  - (i) the Treasury, and
  - (ii) in the case of rules that affect court procedure, the Lord Chief Justice,or
- (b) in relation to Scotland, by the Treasury.]

[<sup>F6</sup>(1B) Rules may also be made for the purpose of giving effect to Part 3 of the Banking Act 2009 (bank administration); and rules for that purpose shall be made—

- (a) in relation to England and Wales, by the Lord Chancellor with the concurrence of—
  - (i) the Treasury, and

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- (ii) in the case of rules that affect court procedure, the Lord Chief Justice,  
or  
(b) in relation to Scotland, by the Treasury.]
- (2) Without prejudice to the generality of subsection (1), [<sup>F7</sup>(1A)][<sup>F8</sup>or (1B)] or to any provision of those Parts by virtue of which rules under this section may be made with respect to any matter, rules under this section may contain—
- (a) any such provision as is specified in Schedule 8 to this Act or corresponds to provision contained immediately before the coming into force of section 106 of the <sup>M1</sup>Insolvency Act 1985 in rules made, or having effect as if made, under section 663(1) or (2) of the [<sup>F9</sup>the Companies Act 1985] (old winding-up rules), and
  - (b) such incidental, supplemental and transitional provisions as may appear to the Lord Chancellor or, as the case may be, the Secretary of State [<sup>F10</sup>or the Treasury] necessary or expedient.
- [<sup>F11</sup>(2A) For the purposes of subsection (2), a reference in Schedule 8 to this Act to doing anything under or for the purposes of a provision of this Act includes a reference to doing anything under or for the purposes of the [<sup>F12</sup>EU Regulation] (in so far as the provision of this Act relates to a matter to which the [<sup>F12</sup>EU Regulation] applies).
- (2B) Rules under this section for the purpose of giving effect to the [<sup>F13</sup>EU Regulation] may not create [<sup>F14</sup>a new relevant offence].]
- [<sup>F15</sup>(2C) For the purposes of subsection (2), a reference in Schedule 8 to this Act to doing anything under or for the purposes of a provision of this Act includes a reference to doing anything under or for the purposes of Part 2 of the Banking Act 2009.]
- [<sup>F16</sup>(2D) For the purposes of subsection (2), a reference in Schedule 8 to this Act to doing anything under or for the purposes of a provision of this Act includes a reference to doing anything under or for the purposes of Part 3 of the Banking Act 2009.]
- (3) In Schedule 8 to this Act “liquidator” includes a provisional liquidator [<sup>F17</sup>or bank liquidator][<sup>F18</sup>or administrator]; and references above in this section to [<sup>F19</sup>Parts A1] to VII of this Act [<sup>F20</sup>or Part 2 [<sup>F21</sup>or 3] of the Banking Act 2009] are to be read as including [<sup>F22</sup>the Companies Acts] so far as relating to, and to matters connected with or arising out of, the insolvency or winding up of companies.
- [<sup>F23</sup>(3A) In this section references to Part 2 or 3 of the Banking Act 2009 include references to those Parts as applied to building societies (see section 90C of the Building Societies Act 1986).]
- (4) Rules under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
  - (5) Regulations made by the Secretary of State [<sup>F24</sup>or the Treasury] under a power conferred by rules under this section shall be made by statutory instrument and, after being made, shall be laid before each House of Parliament.
  - (6) Nothing in this section prejudices any power to make rules of court.
  - [<sup>F25</sup>(7) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.]

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### Textual Amendments

- F1** Words in s. 411(1)(a) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15(1), 148, [Sch. 4 para. 188\(2\)](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1
- F2** Words in s. 411(1) substituted (26.6.2020) by [Corporate Insolvency and Governance Act 2020 \(c. 12\)](#), s. 49(1), [Sch. 3 para. 22\(2\)](#) (with ss. 2(2), 5(2))
- F3** Words in s. 411(1) inserted (3.5.2002) by S.I. 2002/1037, [reg. 3\(1\)](#)
- F4** Words in s. 411(1) substituted (26.6.2017) by [The Insolvency Amendment \(EU 2015/848\) Regulations 2017 \(S.I. 2017/702\)](#), [reg. 1](#), [Sch. para. 24](#) (with regs. 3, 4)
- F5** S. 411(1A) inserted (17.2.2009 for certain purposes, otherwise 21.2.2009) by [Banking Act 2009 \(c. 1\)](#), [ss. 125\(2\)](#), 263(1)(2) (with s. 247); S.I. 2009/296, [arts. 2, 3](#), Sch.
- F6** S. 411(1B) inserted (17.2.2009 for certain purposes, otherwise 21.2.2009) by [Banking Act 2009 \(c. 1\)](#), [ss. 160\(2\)](#), 263(1)(2) (with s. 247); S.I. 2009/296, [arts. 2, 3](#), Sch.
- F7** Words in s. 411(2) inserted (17.2.2009 for certain purposes, otherwise 21.2.2009) by [Banking Act 2009 \(c. 1\)](#), [ss. 125\(3\)\(a\)](#), 263(1)(2) (with s. 247); S.I. 2009/296, [arts. 2, 3](#), Sch.
- F8** Words in s. 411(2) inserted (17.2.2009 for certain purposes, otherwise 21.2.2009) by [Banking Act 2009 \(c. 1\)](#), [ss. 160\(3\)](#), 263(1)(2) (with s. 247); S.I. 2009/296, [arts. 2, 3](#), Sch.
- F9** Words in s. 411(2)(a) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#) arts. 2(1), 8, {Sch. 1 para. 79} (with art. 10, Sch. 1 para. 84)
- F10** Words in s. 411(2) inserted (17.2.2009 for certain purposes, otherwise 21.2.2009) by [Banking Act 2009 \(c. 1\)](#), [ss. 125\(3\)\(b\)](#), 263(1)(2) (with s. 247); S.I. 2009/296, [arts. 2, 3](#), Sch.
- F11** S. 411(2A)(2B) inserted (3.5.2002) by S.I. 2002/1037, [reg. 3\(2\)](#)
- F12** Words in s. 411(2A) substituted (26.6.2017) by [The Insolvency Amendment \(EU 2015/848\) Regulations 2017 \(S.I. 2017/702\)](#), [reg. 1](#), [Sch. para. 24](#) (with regs. 3, 4)
- F13** Words in s. 411(2B) substituted (26.6.2017) by [The Insolvency Amendment \(EU 2015/848\) Regulations 2017 \(S.I. 2017/702\)](#), [reg. 1](#), [Sch. para. 24](#) (with regs. 3, 4)
- F14** Words in s. 411(2B) substituted (31.12.2020) by [The Insolvency \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/146\)](#), [reg. 1\(3\)](#), [Sch. para. 37](#) (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)
- F15** S. 411(2C) inserted (17.2.2009 for certain purposes, otherwise 21.2.2009) by [Banking Act 2009 \(c. 1\)](#), [ss. 125\(4\)](#), 263(1)(2) (with s. 247); S.I. 2009/296, [arts. 2, 3](#), Sch.
- F16** S. 411(2D) inserted (17.2.2009 for certain purposes, otherwise 21.2.2009) by [Banking Act 2009 \(c. 1\)](#), [ss. 160\(4\)](#), 263(1)(2) (with s. 247); S.I. 2009/296, [arts. 2, 3](#), Sch.
- F17** Words in s. 411(3) inserted (17.2.2009 for certain purposes, otherwise 21.2.2009) by [Banking Act 2009 \(c. 1\)](#), [ss. 125\(5\)\(a\)](#), 263(1)(2) (with s. 247); S.I. 2009/296, [arts. 2, 3](#), Sch.
- F18** Words in s. 411(3) inserted (17.2.2009 for certain purposes, otherwise 21.2.2009) by [Banking Act 2009 \(c. 1\)](#), [ss. 160\(5\)\(a\)](#), 263(1)(2) (with s. 247); S.I. 2009/296, [arts. 2, 3](#), Sch.
- F19** Words in s. 411(3) substituted (26.6.2020) by [Corporate Insolvency and Governance Act 2020 \(c. 12\)](#), s. 49(1), [Sch. 3 para. 22\(3\)](#) (with ss. 2(2), 5(2))
- F20** S. 411(3) text amended (17.2.2009 for certain purposes, otherwise 21.2.2009) by [Banking Act 2009 \(c. 1\)](#), [ss. 125\(5\)\(b\)](#), 263(1)(2) (with s. 247); S.I. 2009/296, [arts. 2, 3](#), Sch.
- F21** Words in s. 411(3) inserted (17.2.2009 for certain purposes, otherwise 21.2.2009) by [Banking Act 2009 \(c. 1\)](#), [ss. 160\(5\)\(b\)](#), 263(1)(2) (with s. 247); S.I. 2009/296, [arts. 2, 3](#), Sch.
- F22** Words in s. 411(3) substituted (1.10.2007) by [The Companies Act 2006 \(Commencement No. 3, Consequential Amendments, Transitional Provisions and Savings\) Order 2007 \(S.I. 2007/2194\)](#), art. 10(1), [Sch. 4 para. 44](#) (with art. 12)
- F23** S. 411(3A) inserted (29.3.2009) by [The Building Societies \(Insolvency and Special Administration\) Order 2009 \(S.I. 2009/805\)](#), [art. 13](#)
- F24** Words in s. 411(5) inserted (17.2.2009 for certain purposes, otherwise 21.2.2009) by [Banking Act 2009 \(c. 1\)](#), [ss. 125\(6\)](#), 263(1)(2) (with s. 247); S.I. 2009/296, [arts. 2, 3](#), Sch.
- F25** S. 411(7) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15(1), 148, [Sch. 4 para. 188\(3\)](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1

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### Modifications etc. (not altering text)

- C1** S. 411 extended by [Company Directors Disqualification Act 1986 \(c. 46, SIF 27\)](#), **ss. 21(2), 25**  
S. 411 extended by [Building Societies Act 1986 \(c. 53, SIF 16\)](#), **ss. 54(3)(a)(5)(a), 90, 126(3)**, Sch. 15 para. 58(1)  
S. 411 extended by [Financial Services Act 1986 \(c. 60, SIF 69\)](#), **s. 54(6)**  
S. 411 extended (E.W.) by [Banking Act 1987 \(c. 22, SIF 10\)](#), **s. 62(8)(a)**  
S. 411 extended (S.) by [Banking Act 1987 \(c. 22, SIF 10\)](#), **s. 62(8)(b)(i)**  
S. 411 extended (with modifications) (7.2.1994) by 1993 c. 43, **s. 59(5)**, 150(1)(c); S.I. 1994/86, **art. 2**  
S. 411 extended (1.12.1997) by 1986 c. 53, **Sch. 15A para. 4(1)** (as inserted (1.12.1997) by 1997 c. 32, s. 39(2), **Sch. 6**; S.I. 1997/2668, art. 2, **Sch. Pt. 1(i)**)  
Ss. 411, 412 extended (E.W.) (25.2.2001) by 2000 c. 8, **s. 215(8)(a)**; S.I. 2001/516, art. 2, **Sch. Pt. 1**
- C2** S. 411 applied (1.12.1994) by S.I. 1994/2421, **arts. 4(3)(e), 6(3)(e)**  
S. 411 applied (1.2.2001) by 2000 c. 38, **s. 30(5)** (with s. 105(2)(b)(5), 106); S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to transitional provision and saving in Sch. 2 Pt. II)  
S. 411 applied (with modifications) (15.7.2003) by 1999 c. 29, ss. 220(5), 425(2) (with ss. 165, 217, Sch. 12 para. 9(1)); S.I. 2003/1920, **art. 2(b)**  
S. 411 applied (15.7.2003) by 1999 c. 29, ss. 221(3), 425(2) (with ss. 165, 217, Sch. 12 para. 9(1)); S.I. 2003/1920, **art. 2(b)**  
S. 411 applied (with modifications) (5.10.2004) by [Energy Act 2004 \(c. 20\)](#), **ss. 159(3)**, 198; S.I. 2004/2575, **art. 2(1)**, Sch. 1  
S. 411 applied in part (20.1.2007 for specified purposes, otherwise 1.10.2007) by [Companies Act 2006 \(c. 46\)](#), **ss. 997, 1300(2)**; S.I. 2006/3428, **art. 3(3)** (subject to art. 5, Sch. 1 and with arts. 6, 8, Sch. 5); S.I. 2007/2194, **art. 2(1)(j)**
- C3** S. 411 applied (with modifications) (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), **ss. 73(3)**, 93(2)(3); S.I. 2011/2329, **art. 3** (with arts. 4, 5)
- C4** S. 411 extended (with modifications) (27.3.2012 for specified purposes) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 130(9)**, 306(1)(d), (4)
- C5** S. 411 modified (3.2.2017) by [Housing and Planning Act 2016 \(c. 22\)](#), **ss. 102(5)**, 216(3) (with ss. 116, 117); S.I. 2017/75, reg. 3(c)
- C6** Third Group of Parts (Pts. 12-19) applied to limited liability partnerships (with modifications) (E.W.S.) (6.4.2001) by S.I. 2001/1090, reg. 5, Schs. 3, 4 (as amended (4.3.2004) by S.I. 2004/355, **art. 10**; (1.10.2005) by S.I. 2005/1989, reg. 3, **Sch. 2** (with reg. 4); and (8.12.2017) by S.I. 2017/1119, reg. 1(1), Sch. 1 Pts. 2, 3)
- C7** S. 411 modified (31.1.2019) by [Technical and Further Education Act 2017 \(c. 19\)](#), **ss. 32(1)**, 47(2); S.I. 2018/1161, reg. 3(a)
- C8** S. 411 extended (temp.) (26.6.2020) by [Corporate Insolvency and Governance Act 2020 \(c. 12\)](#), s. 49(1), Sch. 4 paras. 3, 4 (with ss. 2(2), 5(2), Sch. 4 para. 1)
- C9** S. 411 applied (with modifications) (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\)](#), regs. 2, 37 (with reg. 5) (as amended (4.1.2024) by S.I. 2023/1399, regs. 1(2), 4, 11)
- C10** S. 411 applied (with modifications) (E.W.) (23.2.2024) by [The Water Industry \(Special Administration\) Regulations 2024 \(S.I. 2024/205\)](#), regs. 2(1), 5(1), 49 (with reg. 64)
- C11** S. 411(1)(b)(2) functions made exercisable concurrently (9.2.2018) by [The Scotland Act 1998 \(Insolvency Functions\) Order 2018 \(S.I. 2018/174\)](#), arts. 1(1), 2 (with art. 6(1))
- C12** S. 411(1)(b)(2) functions made exercisable concurrently (9.2.2018) by [The Scotland Act 1998 \(Insolvency Functions\) Order 2018 \(S.I. 2018/174\)](#), arts. 1(1), 5 (with art. 6(2))
- C13** S. 411(1B) extended (1.3.2014 for specified purposes, 13.7.2018 for E.W. in so far as not already in force) by [Financial Services \(Banking Reform\) Act 2013 \(c. 33\)](#), **ss. 121(3)**, 148(5); S.I. 2014/377, art. 2(1)(b), Sch. Pt. 2; S.I. 2018/848, art. 2(b)
- C14** S. 411(4) excluded (9.2.2018) by [The Scotland Act 1998 \(Insolvency Functions\) Order 2018 \(S.I. 2018/174\)](#), arts. 1(1), 4(1)

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**C15** S. 411(5) excluded (9.2.2018) by [The Scotland Act 1998 \(Insolvency Functions\) Order 2018 \(S.I. 2018/174\)](#), arts. 1(1), **4(3)**

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**Marginal Citations**

**M1** 1985 c. 65.

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