



Insolvency Act 1986

1986 CHAPTER 45

PART XV **E+W+S**

SUBORDINATE LEGISLATION

Other order-making powers

421 Insolvent estates of deceased persons. **E+W**

- (1) The Lord Chancellor may, by order made with the concurrence of the Secretary of State ^[F1]and the Lord Chief Justice], provide that such provisions of this Act as may be specified in the order shall apply ^[F2]in relation] to the administration of the insolvent estates of deceased persons with such modifications as may be so specified.
- ^[F3](1A) An order under this section may make provision in relation to the ^[F4]EU Regulation] .
- (1B) But provision made by virtue of this section in relation to the ^[F5]EU Regulation] may not create ^[F6]a new relevant offence].]
- (2) An order under this section may make different provision for different cases and may contain such incidental, supplemental and transitional provisions as may appear to the Lord Chancellor ^[F7]and the Lord Chief Justice] necessary or expedient.
- (3) An order under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) For the purposes of this section the estate of a deceased person is insolvent if, when realised, it will be insufficient to meet in full all the debts and other liabilities to which it is subject.
- ^[F8](5) 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.]

Changes to legislation: Insolvency Act 1986, Section 421 is up to date with all changes known to be in force on or before 26 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** Words in s. 421(1) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15(1), 148, **Sch. 4 para. 192(2)**; [S.I. 2006/1014, art. 2\(a\)](#), Sch. 1
- F2** Words in s. 421(1) inserted (2.4.2001) by [2000 c. 39, s. 12\(2\)](#); [S.I. 2001/766, art. 2](#) (subject to transitional provisions in [art. 3](#))
- F3** S. 421(1A)(1B) inserted (3.5.2002) by [S.I. 2002/1037, reg. 3\(6\)](#)
- F4** Words in s. 421(1A) substituted (26.6.2017) by [The Insolvency Amendment \(EU 2015/848\) Regulations 2017 \(S.I. 2017/702\)](#), reg. 1, **Sch. para. 27** (with regs. 3, 4)
- F5** Words in s. 421(1B) substituted (26.6.2017) by [The Insolvency Amendment \(EU 2015/848\) Regulations 2017 \(S.I. 2017/702\)](#), reg. 1, **Sch. para. 27** (with regs. 3, 4)
- F6** Words in s. 421(1B) substituted (31.12.2020) by [The Insolvency \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/146\)](#), reg. 1(3), **Sch. para. 40** (with regs. 4, 5); [2020 c. 1, Sch. 5 para. 1\(1\)](#)
- F7** Words in s. 421(2) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15(1), 148, **Sch. 4 para. 192(3)**; [S.I. 2006/1014, art. 2\(a\)](#), Sch. 1
- F8** S. 421(5) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15(1), 148, **Sch. 4 para. 192(4)**; [S.I. 2006/1014, art. 2\(a\)](#), Sch. 1

Modifications etc. (not altering text)

- C1** S. 421 amended (30.12.2002) by [2002 c. 29, s. 311\(6\)](#); [S.I. 2002/3015, art. 2, Sch.](#) (subject to savings in [art. 3](#))

Changes to legislation:

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