



# Insolvency Act 1986

## 1986 CHAPTER 45

### PART XVII

#### MISCELLANEOUS AND GENERAL

#### 431 Summary proceedings.

- (1) Summary proceedings for any offence under any of [<sup>F1</sup>Parts A1] to VII of this Act may (without prejudice to any jurisdiction exercisable apart from this subsection) be taken against a body corporate at any place at which the body has a place of business, and against any other person at any place at which he is for the time being.
- (2) Notwithstanding anything in section 127(1) of the <sup>M1</sup>Magistrates' Courts Act 1980, an information relating to such an offence which is triable by a magistrates' court in England and Wales may be so tried if it is laid at any time within 3 years after the commission of the offence and within 12 months after the date on which evidence sufficient in the opinion of the Director of Public Prosecutions or the Secretary of State (as the case may be) to justify the proceedings comes to his knowledge.
- (3) Summary proceedings in Scotland for such an offence shall not be commenced after the expiration of 3 years from the commission of the offence.

Subject to this (and notwithstanding anything in [<sup>F2</sup>section 136 of the Criminal Procedure (Scotland) Act 1995]), such proceedings may (in Scotland) be commenced at any time within 12 months after the date on which evidence sufficient in the Lord Advocate's opinion to justify the proceedings came to his knowledge or, where such evidence was reported to him by the Secretary of State, within 12 months after the date on which it came to the knowledge of the latter; and subsection (3) of that section applies for the purpose of this subsection as it applies for the purpose of that section.

- (4) For purposes of this section, a certificate of the Director of Public Prosecutions, the Lord Advocate or the Secretary of State (as the case may be) as to the date on which such evidence as is referred to above came to his knowledge is conclusive evidence.

*Changes to legislation: Insolvency Act 1986, Section 431 is up to date with all changes known to be in force on or before 20 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. 431(1) substituted (26.6.2020) by [Corporate Insolvency and Governance Act 2020 \(c. 12\)](#), s. 49(1), [Sch. 3 para. 27](#) (with ss. 2(2), 5(2))
- F2** Words in s. 431(3) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), [Sch. 4 para. 61](#)

### Modifications etc. (not altering text)

- C1** S. 431 applied (with modifications) by S.I. 1986/1999, art. 3, [Sch. 1 Pt. II](#)  
S. 431 applied (E.W.) (7.10.2001) by S.I. 2001/3352, [rule 9.20](#) (with rule 1.2(3))
- C2** S. 431 extended by S.I. 1986/1915, [rule 7.29\(3\)](#)  
S. 431 extended (E.W.) (1.10.2005) by [The Energy Administration Rules 2005 \(S.I. 2005/2483\)](#), rules 3, [174\(5\)](#)  
S. 431 extended (S.) (6.4.2006) by [The Energy Administration \(Scotland\) Rules 2006 \(S.I. 2006/772\)](#), rules 3, [76](#)
- C3** S. 431 applied (30.11.2007) by [The PPP Administration Order Rules 2007 \(S.I. 2007/3141\)](#), rules 3, [114](#)
- C4** Ss. 430-432 applied (with modifications) (17.2.2009 for certain purposes, otherwise 21.2.2009) by [Banking Act 2009 \(c. 1\)](#), ss. [103](#), 263(1)(2) (with s. 247); S.I. 2009/296, [arts. 2, 3](#), [Sch. para. 2](#)
- C5** Ss. 430-432 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](#)
- C6** S. 431 applied (E.W.) (1.11.2009) by [The Water Industry \(Special Administration\) Rules 2009 \(S.I. 2009/2477\)](#), [rule 128](#) (with rules 3(2), 4)
- C7** S. 431 applied (E.W.) (30.6.2011) by [The Investment Bank Special Administration \(England and Wales\) Rules 2011 \(S.I. 2011/1301\)](#), [rule 286\(5\)](#) (with rule 5(2))
- C8** S. 431 applied (S.) (14.11.2011) by [The Investment Bank Special Administration \(Scotland\) Rules 2011 \(S.I. 2011/2262\)](#), [rule 163\(2\)](#)
- C9** S. 431 applied (with modifications) (6.6.2013) by [The Collective Investment in Transferable Securities \(Contractual Scheme\) Regulations 2013 \(S.I. 2013/1388\)](#), Pt. 3 reg. 1, [Sch. 2 paras. 3, 5 Table](#) (with reg. 24)
- C10** S. 431 applied (S.) (7.6.2013) by [The Energy Supply Company Administration \(Scotland\) Rules 2013 \(S.I. 2013/1047\)](#), rules 1 [93](#) (with rule 3)
- C11** S. 431 applied (E.W.) (7.6.2013) by [The Energy Supply Company Administration Rules 2013 \(S.I. 2013/1046\)](#), rules 1, [150\(5\)](#) (with rules 3, 208)
- C12** S. 431 applied (E.W.) (31.1.2014) by [The Postal Administration Rules 2013 \(S.I. 2013/3208\)](#), rules 1, [154\(5\)](#) (with rules 3, 210)
- C13** S. 431 applied (E.W.) (6.4.2016) by [The Insolvent Companies \(Reports on Conduct of Directors\) \(England and Wales\) Rules 2016 \(S.I. 2016/180\)](#), rules 1(2), [8\(2\)](#)
- C14** S. 431 applied (S.) (6.4.2016) by [The Insolvent Companies \(Reports on Conduct of Directors\) \(Scotland\) Rules 2016 \(S.I. 2016/185\)](#), rules 1(2), [8\(2\)](#)
- C15** S. 431 applied (1.10.2016) by [The Postal Administration \(Scotland\) Rules 2016 \(S.I. 2016/900\)](#), rules 1, [94](#) (with rule 3)
- C16** S. 431 modified (E.W.) (1.8.2020) by [The Smart Meter Communication Licensee Administration \(England and Wales\) Rules 2020 \(S.I. 2020/629\)](#), rules 1, [196\(5\)](#) (with rule 4(1))
- C17** S. 431 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](#))
- C18** S. 431 applied (E.W.) (18.7.2023) by [The Relevant Licensee Nuclear Company Administration \(England and Wales\) Rules 2023 \(S.I. 2023/712\)](#), rules 1(2)(a), [183\(5\)](#) (with rule 2)

### Marginal Citations

- M1** 1980 c. 43.

**Changes to legislation:**

Insolvency Act 1986, Section 431 is up to date with all changes known to be in force on or before 20 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.

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