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*Changes to legislation:* Constitutional Reform Act 2005, Cross Heading: Insolvency Act 1986 (c. 45) is up to date with all changes known to be in force on or before 23 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

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## SCHEDULES

### SCHEDULE 4

#### OTHER FUNCTIONS OF THE LORD CHANCELLOR AND ORGANISATION OF THE COURTS

##### PART 1

##### AMENDMENTS

###### *Insolvency Act 1986 (c. 45)*

- 185 The Insolvency Act 1986 is amended as follows.
- 186 (1) Section 117 (High Court and county court jurisdiction) is amended as follows.
- (2) In subsection (4) for “may by order” substitute “ may, with the concurrence of the Lord Chief Justice, by order ”.
- (3) After subsection (7) insert—
- “(8) 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.”
- 187 (1) Section 374 (insolvency districts) is amended as follows.
- (2) In subsection (1) after “Lord Chancellor may” insert “ , with the concurrence of the Lord Chief Justice, ”.
- (3) In subsection (2) after “Lord Chancellor” insert “ and the Lord Chief Justice ”.
- (4) After subsection (4) insert—
- “(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.”
- 188 (1) Section 411 (company insolvency rules) is amended as follows.
- (2) In subsection (1)(a) after “Secretary of State” insert “ and, in the case of rules that affect court procedure, with the concurrence of the Lord Chief Justice ”.
- (3) After subsection (6) insert—
- “(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.”
- 189 (1) Section 412 (individual insolvency rules (England and Wales)) is amended as follows.

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- (2) In subsection after “Secretary of State” insert “ and, in the case of rules that affect court procedure, with the concurrence of the Lord Chief Justice ”.
- (3) After subsection (5) insert—
- “(6) 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.”
- 190 (1) Section 413 (Insolvency Rules committee) is amended as follows.
- (2) In subsection (3) for “by the Lord Chancellor” substitute “ in accordance with subsection (3A) or (3B) ”.
- (3) After subsection (3) insert—
- “(3A) The Lord Chief Justice must appoint the persons referred to in paragraphs (a) to (d) of subsection (3), after consulting the Lord Chancellor.
- (3B) The Lord Chancellor must appoint the persons referred to in paragraphs (e) to (g) of subsection (3), after consulting the Lord Chief Justice.”
- (4) After subsection (4) insert—
- “(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.”
- 191 (1) Section 420 (insolvent partnerships) is amended as follows.
- (2) In subsection (1) after “Secretary of State” insert “ and the Lord Chief Justice ”.
- (3) In subsection (2) after “Lord Chancellor” insert “ and the Lord Chief Justice ”.
- (4) After subsection (3) insert—
- “(4) 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.”
- 192 (1) Section 421 (insolvent estates of deceased persons) is amended as follows.
- (2) In subsection (1) after “Secretary of State” insert “ and the Lord Chief Justice ”.
- (3) In subsection (2) after “Lord Chancellor” insert “ and the Lord Chief Justice ”.
- (4) After subsection (4) insert—
- “(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:**

Constitutional Reform Act 2005, Cross Heading: Insolvency Act 1986 (c. 45) is up to date with all changes known to be in force on or before 23 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:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 132(4A) words substituted by [2015 c. 2 s. 83\(1\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(2\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(3\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(4\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(6\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(8\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(9\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(10\)\(a\)](#)
- Sch. 7 para. 4Pt. A words substituted by [2007 c. 15 s. 144\(10\)\(b\)](#)