



Insolvency Act 1986

1986 CHAPTER 45

PART IX

BANKRUPTCY

CHAPTER V

EFFECT OF BANKRUPTCY ON CERTAIN RIGHTS TRANSACTIONS, ETC.

[^{F1} Rights under trusts of land

Textual Amendments

- F1** S. 335A and preceding cross-heading inserted (1.1.1997) by 1996 c. 47, s. 25(1), **Sch. 3 para. 23** (with ss. 24(2), 25(4)); S.I. 1996/2974, **art. 2**

^{F2}**335A Rights under trusts of land.**

- (1) Any application by a trustee of a bankrupt's estate under section 14 of the Trusts of Land and Appointment of Trustees Act 1996 (powers of court in relation to trusts of land) for an order under that section for the sale of land shall be made to the court having jurisdiction in relation to the bankruptcy.
- (2) On such an application the court shall make such order as it thinks just and reasonable having regard to—
 - (a) the interests of the bankrupt's creditors;
 - (b) where the application is made in respect of land which includes a dwelling house which is or has been the home of the bankrupt or the [^{F3}bankrupt's spouse or civil partner or former spouse or former civil partner]—
 - (i) the conduct of the [^{F4}spouse, civil partner, former spouse or former civil partner], so far as contributing to the bankruptcy,

Changes to legislation: *Insolvency Act 1986, Cross Heading: Rights under trusts of land is up to date with all changes known to be in force on or before 28 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*

- (ii) the needs and financial resources of the [^{F4}spouse, civil partner, former spouse or former civil partner], and
 - (iii) the needs of any children; and
 - (c) all the circumstances of the case other than the needs of the bankrupt.
- (3) Where such an application is made after the end of the period of one year beginning with the first vesting under Chapter IV of this Part of the bankrupt’s estate in a trustee, the court shall assume, unless the circumstances of the case are exceptional, that the interests of the bankrupt’s creditors outweigh all other considerations.
- (4) The powers conferred on the court by this section are exercisable on an application whether it is made before or after the commencement of this section.]

Textual Amendments

- F2** S. 335A and preceding cross-heading inserted (1.1.1997) by 1996 c. 47, s. 25(1), **Sch. 3 para. 23** (with ss. 24(2), 25(4)); S.I. 1996/2974, **art. 2**
- F3** Words in s. 335A(2)(b) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 261(1), 263, **Sch. 27 para. 118(a)**; S.I. 2005/3175, **art. 2(2)** (subject to art. 2(3)-(5))
- F4** Words in s. 335A(2)(b)(i)(ii) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 261(1), 263, **Sch. 27 para. 118(b)**; S.I. 2005/3175, **art. 2(2)** (subject to art. 2(3)-(5))

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