



Insolvency Act 1986

1986 CHAPTER 45

PART IX

BANKRUPTCY

CHAPTER VI

BANKRUPTCY OFFENCES

Preliminary

350 Scheme of this Chapter.

- (1) Subject to section 360(3) below, this Chapter applies [^{F1}—
 - (a) where an adjudicator has made a bankruptcy order as a result of a bankruptcy application, or
 - (b)] where the court has made a bankruptcy order on a bankruptcy petition.
 - (2) This Chapter applies whether or not the bankruptcy order is annulled, but proceedings for an offence under this Chapter shall not be instituted after the annulment.
 - (3) Without prejudice to his liability in respect of a subsequent bankruptcy, the bankrupt is not guilty of an offence under this Chapter in respect of anything done after his discharge; but nothing in this Group of Parts prevents the institution of proceedings against a discharged bankrupt for an offence committed before his discharge.
- [^{F2}(3A) Subsection (3) is without prejudice to any provision of this Chapter which applies to a person in respect of whom a bankruptcy restrictions order is in force.]
- (4) It is not a defence in proceedings for an offence under this Chapter that anything relied on, in whole or in part, as constituting that offence was done outside England and Wales.

Changes to legislation: Insolvency Act 1986, Cross Heading: Preliminary is up to date with all changes known to be in force on or before 19 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

- (5) Proceedings for an offence under this Chapter or under the rules shall not be instituted except by the Secretary of State or by or with the consent of the Director of Public Prosecutions.
- (6) A person guilty of any offence under this Chapter is liable to imprisonment or a fine, or both.

Textual Amendments

- F1** Words in s. 350(1) inserted (6.4.2016) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 19 para. 42**; S.I. 2016/191, art. 2 (with art. 3)
- F2** S. 350(3A) inserted (1.4.2004) by 2002 c. 40, ss. 257(3), 279, Sch. 21 para. 2 (with s. 249(6)); S.I. 2003/2093, **art. 2(2)**, Sch. 2 (subject to arts. 3-8 (as amended by S.I. 2003/2332, art. 2))

Modifications etc. (not altering text)

- C1** Ss. 349, 350(1)(2)(4)-(6) applied (with modifications) by S.I. 1986/1999, art. 3, **Sch. 1 Pt. II**

351 Definitions.

In the following provisions of this Chapter—

- (a) references to property comprised in the bankrupt’s estate or to property possession of which is required to be delivered up to the official receiver or the trustee of the bankrupt’s estate include any property which would be such property if a notice in respect of it were given under section 307 (after-acquired property) [^{F3}, section 308] (personal property and effects of bankrupt having more than replacement value) [^{F4} or section 308A (vesting in trustee of certain tenancies)];
- (b) “the initial period” means the period between the [^{F5}making of the bankruptcy application or (as the case may be) the] presentation of the bankruptcy petition and the commencement of the bankruptcy; ^{F6}...
- ^{F6}(c)

Textual Amendments

- F3** Words substituted by Housing Act 1988 (c. 50, SIF 61, 75:1), s. 140(1), **Sch. 17 Pt. I para. 75**
- F4** Words inserted by Housing Act 1988 (c. 50, SIF 61, 75:1), s. 140(1), **Sch. 17 Pt. I para. 75**
- F5** Words in s. 351(b) inserted (6.4.2016) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 19 para. 43(2)**; S.I. 2016/191, art. 2 (with art. 3)
- F6** S. 351(c) and word omitted (6.4.2016) by virtue of Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 19 para. 43(3)**; S.I. 2016/191, art. 2 (with art. 3)

Modifications etc. (not altering text)

- C2** S. 351 applied with modifications by S.I. 1986/1999, art. 3, **Sch. 1 Pt. II**

352 Defence of innocent intention.

Where in the case of an offence under any provision of this Chapter it is stated that this section applies, a person is not guilty of the offence if he proves that, at the time of the conduct constituting the offence, he had no intent to defraud or to conceal the state of his affairs.

Changes to legislation:

Insolvency Act 1986, Cross Heading: Preliminary is up to date with all changes known to be in force on or before 19 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.

[View outstanding changes](#)

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