



# Insolvency Act 1986

## 1986 CHAPTER 45

### PART IX

#### BANKRUPTCY

#### [<sup>F1</sup>CHAPTER IA

#### COMMENCEMENT AND DURATION OF BANKRUPTCY]

#### **282 Court's power to annul bankruptcy order.**

- (1) The court may annul a bankruptcy order if it at any time appears to the court—
  - (a) that, on any grounds existing at the time the order was made, the order ought not to have been made, or
  - (b) that, to the extent required by the rules, the bankruptcy debts and the expenses of the bankruptcy have all, since the making of the order, been either paid or secured for to the satisfaction of the court.
- (2) The court may annul a bankruptcy order made against an individual on a petition under paragraph (a)<sup>F1</sup> ... or (c) of section 264(1) [<sup>F2</sup>or on a bankruptcy application] if it at any time appears to the court, on an application by the Official Petitioner—
  - (a) that the petition was pending [<sup>F3</sup>or the application was ongoing] at a time when a criminal bankruptcy order was made against the individual or was presented after such an order was so made, and
  - (b) no appeal is pending (within the meaning of section 277) against the individual's conviction of any offence by virtue of which the criminal bankruptcy order was made;and the court shall annul a bankruptcy order made on a petition under section 264(1) (d) if it at any time appears to the court that the criminal bankruptcy order on which the petition was based has been rescinded in consequence of an appeal.
- (3) The court may annul a bankruptcy order whether or not the bankrupt has been discharged from the bankruptcy.

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**Changes to legislation:** *Insolvency Act 1986, Section 282 is up to date with all changes known to be in force on or before 10 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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(4) Where the court annuls a bankruptcy order (whether under this section or under section 261 <sup>F4</sup>... in Part VIII)—

- (a) any sale or other disposition of property, payment made or other thing duly done, under any provision in this Group of Parts, by or under the authority of the official receiver or a trustee of the bankrupt's estate or by the court is valid, but
- (b) if any of the bankrupt's estate is then vested, under any such provision, in such a trustee, it shall vest in such person as the court may appoint or, in default of any such appointment, revert to the bankrupt on such terms (if any) as the court may direct;

and the court may include in its order such supplemental provisions as may be authorised by the rules.

(5) <sup>F5</sup> .....

#### Textual Amendments

- F1** Word in s. 282(2) omitted (6.4.2016) by virtue of Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 19 para. 13(a)**; S.I. 2016/191, art. 2 (with art. 3)
- F2** Words in s. 282(2) inserted (6.4.2016) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 19 para. 13(b)**; S.I. 2016/191, art. 2 (with art. 3)
- F3** Words in s. 282(2)(a) inserted (6.4.2016) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 19 para. 13(c)**; S.I. 2016/191, art. 2 (with art. 3)
- F4** Words in s. 282(4) omitted (26.5.2015) by virtue of Small Business, Enterprise and Employment Act 2015 (c. 26), **ss. 135(2)(a), 164(3)(i)(iv)** (with s. 135(4))
- F5** S. 282(5) repealed (1.4.2004) by 2002 c. 40, ss. 269, 278, 279, Sch. 23 para. 4(b), Sch. 26 (with s. 249(6)); S.I. 2003/2093, **art. 2(2)**, Sch. 2 (with arts. 3-8 (as amended by S.I. 2003/2332, art. 2))

#### Modifications etc. (not altering text)

- C1** S. 282(1) applied with modifications by S.I. 1986/1999, art. 3, **Sch. 1 Pt. II**
- C2** S. 282(4) applied with modifications by S.I. 1986/1999, art. 3, **Sch. 1 Pt. II**

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 282 repealed by [1988 c. 33 Sch. 16](#)

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