



Insolvency Act 1986

1986 CHAPTER 45

PART IX

BANKRUPTCY

CHAPTER II

PROTECTION OF BANKRUPT'S ESTATE AND INVESTIGATION OF HIS AFFAIRS

283 Definition of bankrupt's estate.

- (1) Subject as follows, a bankrupt's estate for the purposes of any of this Group of Parts comprises—
- (a) all property belonging to or vested in the bankrupt at the commencement of the bankruptcy, and
 - (b) any property which by virtue of any of the following provisions of this Part is comprised in that estate or is treated as falling with the preceding paragraph.
- (2) Subsection (1) does not apply to—
- (a) such tools, books, vehicles and other items of equipment as are necessary to the bankrupt for use personally by him in his employment, business or vocation;
 - (b) such clothing, bedding, furniture, household equipment and provisions as are necessary for satisfying the basic domestic needs of the bankrupt and his family.

This subsection is subject to section 308 in Chapter IV (certain excluded property reclaimable by trustee).

- (3) Subsection (1) does not apply to—
- (a) property held by the bankrupt on trust for any other person, or
 - (b) the right of nomination to a vacant ecclesiastical benefice.

Changes to legislation: *Insolvency Act 1986, Section 283 is up to date with all changes known to be in force on or before 11 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*

- [^{F1}(3A) Subject to section 308A in Chapter IV, subsection (1) does not apply to—
- (a) a tenancy which is an assured tenancy or an assured agricultural occupancy, within the meaning of Part I of the Housing Act 1988, and the terms of which inhibit an assignment as mentioned in section 127(5) of the ^{M1} Rent Act 1977, or
 - [^{F2}(aa) a standard contract within the meaning of section 8 of the Renting Homes (Wales) Act 2016 (anaw 1) and the terms of which inhibit an assignment as mentioned in section 127(5) of the Rent Act 1977 (c. 42), or]
 - (b) a protected tenancy, within the meaning of the Rent Act 1977, in respect of which, by virtue of any provision of Part IX of that Act, no premium can lawfully be required as a condition of assignment, or
 - (c) a tenancy of a dwelling-house by virtue of which the bankrupt is, within the meaning of the ^{M2} Rent (Agriculture) Act 1976, a protected occupier of the dwelling-house, and the terms of which inhibit an assignment as mentioned in section 127(5) of the Rent Act 1977, or
 - (d) a secure tenancy, within the meaning of Part IV of the ^{M3} Housing Act 1985, which is not capable of being assigned, except in the cases mentioned in section 91(3) of that Act [^{F3}, or]
 - [^{F4}(e) a secure contract within the meaning of section 8 of the Renting Homes (Wales) Act 2016 (anaw 1) which is not capable of being assigned, except—
 - (i) in the cases mentioned in section 251 (family property order) of that Act,
 - (ii) in accordance with section 92 (assignment by way of exchange) of the Housing Act 1985 (c. 68), or
 - (iii) to a person who would be qualified to succeed the contract-holder if the contract-holder died immediately before the assignment.]
- (4) References in any of this Group of Parts to property, in relation to a bankrupt, include references to any power exercisable by him over or in respect of property except in so far as the power is exercisable over or in respect of property not for the time being comprised in the bankrupt's estate and—
- (a) is so exercisable at a time after either the official receiver has had his release in respect of that estate under section 299(2) in chapter III or [^{F5}the trustee of that estate has vacated office under section 298(8)], or
 - (b) cannot be so exercised for the benefit of the bankrupt;
- and a power exercisable over or in respect of property is deemed for the purposes of any of this Group of Parts to vest in the person entitled to exercise it at the time of the transaction or event by virtue of which it is exercisable by that person (whether or not it becomes so exercisable at that time).
- (5) For the purposes of any such provision in this Group of Parts, property comprised in a bankrupt's estate is so comprised subject to the rights of any person other than the bankrupt (whether as a secured creditor of the bankrupt or otherwise) in relation thereto, but disregarding—
- (a) any rights in relation to which a statement such as is required by section 269(1) (a) was made in the petition on which the bankrupt was [^{F6}made] bankrupt, and
 - (b) any rights which have been otherwise given up in accordance with the rules.
- (6) This section has effect subject to the provisions of any enactment not contained in this Act under which any property is to be excluded from a bankrupt's estate.

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Textual Amendments

- F1** S. 283(3A) inserted (E.W.) by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), [s. 117\(1\)](#)
- F2** [S. 283\(3A\)\(aa\)](#) inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), [regs. 1\(1\)](#), [14\(2\)\(a\)](#) (with savings and transitional provisions in [S.I. 2022/1172](#), [regs. 15, 19](#))
- F3** Word in [s. 283\(3A\)\(d\)](#) substituted for full stop (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), [regs. 1\(1\)](#), [14\(2\)\(b\)](#) (with savings and transitional provisions in [S.I. 2022/1172](#), [regs. 15, 19](#))
- F4** [S. 283\(3A\)\(e\)](#) inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), [regs. 1\(1\)](#), [14\(2\)\(c\)](#) (with savings and transitional provisions in [S.I. 2022/1172](#), [regs. 15, 19](#))
- F5** Words in [s. 283\(4\)\(a\)](#) substituted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), [s. 164\(1\)](#), [Sch. 9 para. 74](#); [S.I. 2015/1329](#), [reg. 3\(d\)](#); [S.I. 2016/1020](#), [reg. 4\(e\)](#) (with [reg. 5](#)) (as amended by [S.I. 2017/363](#), [reg. 3](#))
- F6** Word in [s. 283\(5\)\(a\)](#) substituted (6.4.2016) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), [s. 103\(3\)](#), [Sch. 19 para. 14](#); [S.I. 2016/191](#), [art. 2](#) (with [art. 3](#))

Modifications etc. (not altering text)

- C1** S. 283 applied with modifications by [S.I. 1986/1999](#), [art. 3](#), [Sch. 1 Pt. II](#)
- C2** S. 283 applied (with modifications) (1.12.1994) by [S.I. 1994/2421](#), [arts. 8\(3\)\(9\)](#), [10\(6\)](#), [Sch. 4 Pt. II para. 28](#)
- C3** S. 283 modified (1.12.1994) by [S.I. 1994/2421](#), [art. 11\(2\)\(3\)](#), [Sch. 7 para. 7](#)

Marginal Citations

- M1** [1977 c.42\(75:3\)](#).
- M2** [1976 c.80\(75:3\)](#)
- M3** [1985 c.68\(61\)](#).

Changes to legislation:

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