



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, Section 350 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))
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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](#)

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