



Insolvency Act 1986

1986 CHAPTER 45

PART XI

INTERPRETATION FOR SECOND GROUP OF PARTS

382 “Bankruptcy debt^[F1], “liability”]”

- (1) “Bankruptcy debt”, in relation to a bankrupt, means (subject to the next subsection) any of the following—
 - (a) any debt or liability to which he is subject at the commencement of the bankruptcy,
 - (b) any debt or liability to which he may become subject after the commencement of the bankruptcy (including after his discharge from bankruptcy) by reason of any obligation incurred before the commencement of the bankruptcy,
 - ^[F2](c) any amount specified in pursuance of section 39(3)(c) of the ^{M1}Powers of Criminal Courts Act 1973 in any criminal bankruptcy order made against him before the commencement of the bankruptcy, and]
 - (d) any interest provable as mentioned in section 322(2) in Chapter IV of Part IX.
- (2) In determining for the purposes of any provision in this Group of Parts whether any liability in tort is a bankruptcy debt, the bankrupt is deemed to become subject to that liability by reason of an obligation incurred at the time when the cause of action accrued.
- (3) For the purposes of references in this Group of Parts to a debt or liability, it is immaterial whether the debt or liability is present or future, whether it is certain or contingent or whether its amount is fixed or liquidated, or is capable of being ascertained by fixed rules or as a matter of opinion; and references in this Group of Parts to owing a debt are to be read accordingly.
- (4) In this Group of Parts, except in so far as the context otherwise requires, “liability” means (subject to subsection (3) above) a liability to pay money or money’s worth, including any liability under an enactment, any liability for breach of trust, any liability

Changes to legislation: *Insolvency Act 1986, Section 382 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*

in contract, tort or bailment and any liability arising out of an obligation to make restitution.

[^{F3}(5) Liability under the Child Support Act 1991 to pay child support maintenance to any person is not a debt or liability for the purposes of Part 8.]

Textual Amendments

- F1** Words in s. 382 heading substituted (8.5.2012) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 142(2)**, 150(2)(i)
- F2** S. 382(1)(c) repealed (*prosp.*) by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), ss. 123, 170, 171, Sch. 8 para. 16, **Sch. 16**
- F3** S. 382(5) inserted (8.5.2012) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 142(1)**, 150(2)(i)
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Modifications etc. (not altering text)

- C1** S. 382 applied with modifications by [S.I. 1986/1999](#), art. 3, **Sch. 1 Pt. II**
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Marginal Citations

- M1** 1973 c. 62.

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