



Enterprise Act 2002

2002 CHAPTER 40

PART 10

INSOLVENCY

Individuals

256 Duration of bankruptcy

- (1) The following shall be substituted for section 279 of the Insolvency Act 1986 (c. 45) (duration of bankruptcy)—

“279 Duration

- (1) A bankrupt is discharged from bankruptcy at the end of the period of one year beginning with the date on which the bankruptcy commences.
- (2) If before the end of that period the official receiver files with the court a notice stating that investigation of the conduct and affairs of the bankrupt under section 289 is unnecessary or concluded, the bankrupt is discharged when the notice is filed.
- (3) On the application of the official receiver or the trustee of a bankrupt's estate, the court may order that the period specified in subsection (1) shall cease to run until—
 - (a) the end of a specified period, or
 - (b) the fulfilment of a specified condition.
- (4) The court may make an order under subsection (3) only if satisfied that the bankrupt has failed or is failing to comply with an obligation under this Part.
- (5) In subsection (3)(b) “condition” includes a condition requiring that the court be satisfied of something.

Status: This is the original version (as it was originally enacted).

- (6) In the case of an individual who is adjudged bankrupt on a petition under section 264(1)(d)—
 - (a) subsections (1) to (5) shall not apply, and
 - (b) the bankrupt is discharged from bankruptcy by an order of the court under section 280.
- (7) This section is without prejudice to any power of the court to annul a bankruptcy order.”
- (2) Schedule 19 (which makes transitional provision in relation to this section)—
 - (a) shall have effect, and
 - (b) is without prejudice to the generality of section 276.