



Insolvency Act 1986

1986 CHAPTER 45

PART IX

BANKRUPTCY

CHAPTER I

[^{F1}THE COURT: BANKRUPTCY PETITIONS AND BANKRUPTCY ORDERS]

Other cases for special consideration

276 Default in connection with voluntary arrangement.

- (1) The court shall not make a bankruptcy order on a petition under section 264(1)(c) (supervisor of, or person bound by, voluntary arrangement proposed and approved) unless it is satisfied—
 - (a) that the debtor has failed to comply with his obligations under the voluntary arrangement, or
 - (b) that information which was false or misleading in any material particular or which contained material omissions—
 - (i) was contained in any statement of affairs or other document supplied by the debtor under Part VIII to any person, or
 - (ii) was otherwise made available by the debtor to his creditors [^{F1}in connection with a creditors' decision procedure instigated] under that Part, or
 - (c) that the debtor has failed to do all such things as may for the purposes of the voluntary arrangement have been reasonably required of him by the supervisor of the arrangement.
- (2) Where a bankruptcy order is made on a petition under section 264(1)(c), any expenses properly incurred as expenses of the administration of the voluntary arrangement in question shall be a first charge on the bankrupt's estate.

Status: Point in time view as at 06/04/2017.

Changes to legislation: Insolvency Act 1986, Cross Heading: Other cases for special consideration is up to date with all changes known to be in force on or before 26 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)

Textual Amendments

F1 Words in s. 276(1)(b)(ii) 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. 73](#); [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](#))

Modifications etc. (not altering text)

C1 S.276(2) applied with modifications by [S.I. 1986/1999, art. 3, Sch. 1 Pt. II](#)

[^{F2}277] **Petition based on criminal bankruptcy order.**

(1) Subject to section 266(3), the court shall make a bankruptcy order on a petition under section 264(1)(d) on production of a copy of the criminal bankruptcy order on which the petition is based.

This does not apply if it appears to the court that the criminal bankruptcy order has been rescinded on appeal.

(2) Subject to the provisions of this Part, the fact that an appeal is pending against any conviction by virtue of which a criminal bankruptcy order was made does not affect any proceedings on a petition under section 264(1)(d) based on that order.

(3) For the purposes of this section, an appeal against a conviction is pending—

- (a) in any case, until the expiration of the period of 28 days beginning with the date of conviction;
- (b) if notice of appeal to the Court of Appeal is given during that period and during that period the appellant notifies the official receiver of it, until the determination of the appeal and thereafter for so long as an appeal to the [^{F3}Supreme Court] is pending within the meaning of [^{F4}subsection (4)].

(4) For the purposes of subsection (3)(b) an appeal to the Supreme Court shall be treated as pending until any application for leave to appeal is disposed of and, if leave to appeal is granted, until the appeal is disposed of; and for the purposes of this subsection an application for leave to appeal shall be treated as disposed of at the expiration of the time within which it may be made, if it is not made within that time.]]

Textual Amendments

F2 S. 277 repealed (*prosp.*) by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\), ss. 123, 170, 171, Sch. 8 para. 16, Sch. 16](#)

F3 Words in s. 277(3)(b) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40\(4\), 148, Sch. 9 para. 44\(a\)](#); [S.I. 2009/1604, art. 2\(d\)](#)

F4 S. 277(4) and words substituted (1.10.2009) for words in s. 277(3)(b) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40\(4\), 148, Sch. 9 para. 44\(b\)](#); [S.I. 2009/1604, art. 2\(d\)](#)

Modifications etc. (not altering text)

C2 S. 277 applied (with modifications) by [S.I. 1986/1999, art. 3, Sch. 1 Pt. II](#)

Status:

Point in time view as at 06/04/2017.

Changes to legislation:

Insolvency Act 1986, Cross Heading: Other cases for special consideration is up to date with all changes known to be in force on or before 26 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.