



# Insolvency Act 1986

## 1986 CHAPTER 45

### PART IX

#### BANKRUPTCY

#### CHAPTER II

##### PROTECTION OF BANKRUPT'S ESTATE AND INVESTIGATION OF HIS AFFAIRS

#### **285 Restriction on proceedings and remedies.**

- (1) At any time when [<sup>F1</sup>proceedings on a bankruptcy application are ongoing or] proceedings on a bankruptcy petition are pending or an individual has been [<sup>F2</sup>made] bankrupt the court may stay any action, execution or other legal process against the property or person of the debtor or, as the case may be, of the bankrupt.
- (2) Any court in which proceedings are pending against any individual may, on proof that [<sup>F3</sup>a bankruptcy application has been made or] a bankruptcy petition has been presented in respect of that individual or that he is an undischarged bankrupt, either stay the proceedings or allow them to continue on such terms as it thinks fit.
- (3) After the making of a bankruptcy order no person who is a creditor of the bankrupt in respect of a debt provable in the bankruptcy shall—
  - (a) have any remedy against the property or person of the bankrupt in respect of that debt, or
  - (b) before the discharge of the bankrupt, commence any action or other legal proceedings against the bankrupt except with the leave of the court and on such terms as the court may impose.

This is subject to sections 346 (enforcement procedures) and 347 (limited right to distress).

- (4) Subject as follows, subsection (3) does not affect the right of a secured creditor of the bankrupt to enforce his security.

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**Changes to legislation:** *Insolvency Act 1986, Section 285 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*

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- (5) Where any goods of an undischarged bankrupt are held by any person by way of pledge, pawn or other security, the official receiver may, after giving notice in writing of his intention to do so, inspect the goods.

Where such a notice has been given to any person, that person is not entitled, without leave of the court, to realise his security unless he has given the trustee of the bankrupt's estate a reasonable opportunity of inspecting the goods and of exercising the bankrupt's right of redemption.

- (6) References in this section to the property or goods of the bankrupt are to any of his property or goods, whether or not comprised in his estate.

#### Textual Amendments

- F1** Words in s. 285(1) inserted (6.4.2016) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 19 para. 16\(2\)\(a\)](#); S.I. 2016/191, art. 2 (with art. 3)
- F2** Word in s. 285(1) substituted (6.4.2016) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 19 para. 16\(2\)\(b\)](#); S.I. 2016/191, art. 2 (with art. 3)
- F3** Words in s. 285(2) inserted (6.4.2016) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 19 para. 16\(3\)](#); S.I. 2016/191, art. 2 (with art. 3)

#### Modifications etc. (not altering text)

- C1** S. 285 applied with modifications by S.I. 1986/1999, art. 3, [Sch. 1 Pt. II](#)
- C2** S. 285 excluded (25.4.1991) by [Companies Act 1989 \(c. 40\)](#), ss. 154, 155, 161(4), 182(4), [Sch. 22 para. 5\(2\)](#); S.I. 1991/878, art. 2, [Sch. .](#)
- C3** S. 285(3) modified (25.4.1991) by [Companies Act 1989 \(c. 40\)](#), s. 182(4), [Sch. 22 para. 12\(4\)](#); S.I. 1991/878, art. 2, [Sch. .](#)

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