



# Insolvency Act 1986

## 1986 CHAPTER 45

### PART IX **E+W**

#### BANKRUPTCY

### CHAPTER IV **E+W**

#### ADMINISTRATION BY TRUSTEE

##### *Preliminary*

#### **305 General functions of trustee. **E+W****

- (1) This Chapter applies in relation to any bankruptcy where either—
  - (a) the appointment of a person as trustee of a bankrupt's estate takes effect, or
  - (b) the official receiver becomes trustee of a bankrupt's estate.
- (2) The function of the trustee is to get in, realise and distribute the bankrupt's estate in accordance with the following provisions of this Chapter; and in the carrying out of that function and in the management of the bankrupt's estate the trustee is entitled, subject to those provisions, to use his own discretion.
- (3) It is the duty of the trustee, if he is not the official receiver—
  - (a) to furnish the official receiver with such information,
  - (b) to produce to the official receiver, and permit inspection by the official receiver of, such books, papers and other records, and
  - (c) to give the official receiver such other assistance,

as the official receiver may reasonably require for the purpose of enabling him to carry out his functions in relation to the bankruptcy.

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**Changes to legislation:** *Insolvency Act 1986, Cross Heading: Preliminary is up to date with all changes known to be in force on or before 22 June 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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- (4) The official name of the trustee shall be “the trustee of the estate of ....., a bankrupt” (inserting the name of the bankrupt); but he may be referred to as “the trustee in bankruptcy” of the particular bankrupt.

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

- C1** S. 305 modified (29.9.2008 at 8.00 a.m.) by The Bradford & Bingley plc [Transfer of Securities and Property etc. Order 2008 \(S.I. 2008/2546\)](#), art. 13, **Sch. 1 para. 1(b)**
- C2** Ss. 298–307 applied with modifications by [S.I. 1986/1999](#), art. 3, **Sch. 1 Pt. II**
- C3** S. 305 applied (with modifications) (1.12.1994) by [S.I. 1994/2421](#), art. 8(3)(9), **Sch. 4 Pt. II para. 17**
- C4** S. 305 modified (1.12.1994) by [S.I. 1994/2421](#), art. 11(2)(3), **Sch. 7 para. 19**

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