



# Insolvency Act 1986

## 1986 CHAPTER 45

### PART IX

#### BANKRUPTCY

#### CHAPTER IV

##### ADMINISTRATION BY TRUSTEE

##### *Acquisition, control and realisation of bankrupt's estate*

#### **[<sup>F1</sup>313A Low value home: application for sale, possession or charge**

- (1) This section applies where—
  - (a) property comprised in the bankrupt's estate consists of an interest in a dwelling-house which at the date of the bankruptcy was the sole or principal residence of—
    - (i) the bankrupt,
    - (ii) the bankrupt's spouse [<sup>F2</sup>or civil partner], or
    - (iii) a former spouse [<sup>F3</sup>or former civil partner] of the bankrupt, and
  - (b) the trustee applies for an order for the sale of the property, for an order for possession of the property or for an order under section 313 in respect of the property.
- (2) The court shall dismiss the application if the value of the interest is below the amount prescribed for the purposes of this subsection.
- (3) In determining the value of an interest for the purposes of this section the court shall disregard any matter which it is required to disregard by the order which prescribes the amount for the purposes of subsection (2).]

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**Status:** Point in time view as at 01/01/2015.

**Changes to legislation:** Insolvency Act 1986, Section 313A is up to date with all changes known to be in force on or before 06 August 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)

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#### Textual Amendments

- F1** S. 313A inserted (1.4.2004) by 2002 c. 40, ss. 261(3), 279 (with s. 249(6)); S.I. 2003/2093, **art. 2(2)**, **Sch. 2** (subject to **arts. 3-8** (as amended by S.I. 2003/2332, **art. 2**))
- F2** Words in s. 313A(1)(a)(ii) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 261(1), 263, **Sch. 27 para. 115(a)**; S.I. 2005/3175, **art. 2(2)** (subject to **art. 2(3)-(5)**)
- F3** Words in s. 313A(1)(a)(iii) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 261(1), 263, **Sch. 27 para. 115(b)**; S.I. 2005/3175, **art. 2(2)** (subject to **art. 2(3)-(5)**)
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#### Modifications etc. (not altering text)

- C1** S. 313A modified (1.7.2005) by S.I. 1994/2421, Sch. 4 Pt. II para. 29A (as inserted (1.7.2005) by S.I. 2005/1516, **art. 9(5)**)
- S. 313A modified (1.7.2005) by S.I. 1994/2421, Sch. 7 para. 20A (as inserted (1.7.2005) by S.I. 2005/1516, **art. 10(5)**)

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