



Insolvency Act 1986

1986 CHAPTER 45

PART X

INDIVIDUAL INSOLVENCY: GENERAL PROVISIONS

372 Supplies of gas, water, electricity, etc.

- (1) This section applies where on any day (“the relevant day”)—
- (a) a bankruptcy order is made against an individual or an interim receiver of an individual’s property is appointed, or
 - (b) a voluntary arrangement proposed by an individual is approved under Part VIII,^{F1} ...
 - ^{F1}(c)
- and in this section “the office-holder” means the official receiver, the trustee in bankruptcy, the interim receiver [^{F2}or the supervisor of the voluntary arrangement], as the case may be.
- (2) If a request falling within the next subsection is made for the giving after the relevant day of any of the supplies mentioned in subsection (4), the supplier—
- (a) may make it a condition of the giving of the supply that the office-holder personally guarantees the payment of any charges in respect of the supply, but
 - (b) shall not make it a condition of the giving of the supply, or do anything which has the effect of making it a condition of the giving of the supply, that any outstanding charges in respect of a supply given to the individual before the relevant day are paid.
- (3) A request falls within this subsection if it is made—
- (a) by or with the concurrence of the office-holder, and
 - (b) for the purposes of any business which is or has been carried on by the individual, by a firm or partnership of which the individual is or was a member, or by an agent or manager for the individual or for such a firm or partnership.
- (4) The supplies referred to in subsection (2) are—

Status: Point in time view as at 31/12/2020.

Changes to legislation: Insolvency Act 1986, Section 372 is up to date with all changes known to be in force on or before 18 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)

- [^{F3}(a) a supply of gas by a gas supplier within the meaning of Part I of the Gas Act 1986;]
 - [^{F4}(aa) a supply of gas by a person within paragraph 1 of Schedule 2A to the Gas Act 1986 (supply by landlords etc.);]
 - [^{F5}(b) a supply of electricity by an electricity supplier within the meaning of Part I of the Electricity Act 1989;]
 - [^{F6}(ba) a supply of electricity by a class of person within Class A (small suppliers) or Class B (resale) of Schedule 4 to the Electricity (Class Exemptions from the Requirement for a Licence) Order 2001 ([S.I. 2001/3270](#));]
 - (c) a supply of water by [^{F7}a water undertaker],
 - [^{F8}(ca) a supply of water by a water supply licensee within the meaning of the Water Industry Act 1991;
 - (cb) a supply of water by a person who has an interest in the premises to which the supply is given;]
 - [^{F9}(d) a supply of communications services by a provider of a public electronic communications service.]
 - [^{F10}(e) a supply of communications services by a person who carries on a business which includes giving such supplies;
 - (f) a supply of goods or services mentioned in subsection (4A) by a person who carries on a business which includes giving such supplies, where the supply is for the purpose of enabling or facilitating anything to be done by electronic means.]
- [^{F11}(4A) The goods and services referred to in subsection (4)(f) are—
- (a) point of sale terminals;
 - (b) computer hardware and software;
 - (c) information, advice and technical assistance in connection with the use of information technology;
 - (d) data storage and processing;
 - (e) website hosting.]
- (5) The following applies to expressions used in subsection (4)—
- [^{F12}(a)
 - [^{F13}(b)
 - [^{F14}(c) “communications services” do not include electronic communications services to the extent that they are used to broadcast or otherwise transmit programme services (within the meaning of the Communications Act 2003).]

Textual Amendments

- F1** S. 372(1)(c) and word omitted (1.10.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), **Sch. 6 para. 2(11)(d)(i)** (with [Sch. 6 para. 3](#)); [S.I. 2015/1732](#), art. 2(e)(i)
- F2** Words in s. 372(1) substituted (1.10.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), **Sch. 6 para. 2(11)(d)(ii)** (with [Sch. 6 para. 3](#)); [S.I. 2015/1732](#), art. 2(e)(i)
- F3** S. 372(4)(a) substituted (1.3.1996) by [1995 c. 45](#), s. 16(1), **Sch. 4 para. 14(3)**; [S.I. 1996/218](#), art. 2
- F4** S. 372(4)(aa) inserted (1.10.2015) by [The Insolvency \(Protection of Essential Supplies\) Order 2015 \(S.I. 2015/989\)](#), arts. 1(1), **3(2)(a)**
- F5** S. 372(4)(b) substituted (1.10.2001) by [2000 c. 27](#), s. 108, **Sch. 6 para. 47(3)(a)**; [S.I. 2001/3266](#), art. 2, **Sch.** (subject to transitional provisions in arts. 3-20)

Status: Point in time view as at 31/12/2020.

Changes to legislation: Insolvency Act 1986, Section 372 is up to date with all changes known to be in force on or before 18 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)

- F6** S. 372(4)(ba) inserted (1.10.2015) by The Insolvency (Protection of Essential Supplies) Order 2015 (S.I. 2015/989), arts. 1(1), **3(2)(b)**
- F7** Words substituted by Water Act 1989 (c. 15, SIF 130), s. 190, **Sch. 25 para. 78(1)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)
- F8** S. 372(4)(ca)(cb) inserted (1.10.2015) by The Insolvency (Protection of Essential Supplies) Order 2015 (S.I. 2015/989), arts. 1(1), **3(2)(c)** (with art. 3(4))
- F9** S. 372(4)(d) substituted (25.7.2003 for specified purposes, 29.12.2003 for specified purposes) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 17 para. 82(3)(a)** (with Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1) (with art. 3(2) (as amended (8.12.2003) by 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3(2)** (with art. 11)
- F10** S. 372(4)(e)(f) inserted (1.10.2015) by The Insolvency (Protection of Essential Supplies) Order 2015 (S.I. 2015/989), arts. 1(1), **3(2)(d)**
- F11** S. 372(4A) inserted (1.10.2015) by The Insolvency (Protection of Essential Supplies) Order 2015 (S.I. 2015/989), arts. 1(1), **3(3)**
- F12** S. 372(5)(a) repealed (1.3.1996) by 1995 c. 45, ss. 16(1), 17(5), Sch. 4 para. 14(4), **Sch. 6**; S.I. 1996/218, **art. 2**
- F13** S. 372(5)(b) repealed (1.10.2001) by 2000 c. 27, s. 108, Sch. 6 para. 47(3)(b), **Sch. 8**; S.I. 2001/3266, art. 2, **Sch.** (subject to transitional provisions in arts. 3 to 20)
- F14** S. 372(5)(c) substituted (25.7.2003 for specified purposes, 29.12.2003 for specified purposes) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 17 para. 82(3)(b)** (with Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1) (with art. 3(2) (as amended (8.12.2003) by 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3(2)** (with art. 11)

Modifications etc. (not altering text)

- C1** S. 372, applied with modifications by S.I. 1986/1999, art. 3, **Sch. 1 Pt. II**
- C2** S. 372: power to amend conferred (25.4.2013) by Enterprise and Regulatory Reform Act 2013 (c. 24), **ss. 92(2)**, 103(1)(g)

Status:

Point in time view as at 31/12/2020.

Changes to legislation:

Insolvency Act 1986, Section 372 is up to date with all changes known to be in force on or before 18 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.