



Insolvency Act 1986

1986 CHAPTER 45

PART XI

INTERPRETATION FOR SECOND GROUP OF PARTS

385 Miscellaneous definitions.

(1) The following definitions have effect—

[^{F1}“ adjudicator ” means a person appointed by the Secretary of State under section 398A;]

“the court”, in relation to any matter, means the court to which, in accordance with section 373 in Part X and the rules, proceedings with respect to that matter are allocated or transferred;

[^{F2}“ creditors' decision procedure ” has the meaning given by section 379ZA(11);]

“creditor’s petition” means a bankruptcy petition under section 264(1)(a);

[^{F3}“criminal bankruptcy order” means an order under section 39(1) of the ^{M1}Powers of Criminal Courts Act 1973;]

“debt” is to be construed in accordance with section 382(3);

“the debtor”—

(za) [^{F4}in relation to a debt relief order or an application for such an order, has the same meaning as in Part 7A,]

(a) in relation to a proposal for the purposes of Part VIII, means the individual making or intending to make that proposal, and

(b) in relation to a [^{F5}bankruptcy application or a] bankruptcy petition, means the individual to whom the [^{F6}application or] petition relates;

^{F7}

[^{F8}“debt relief order” means an order made by the official receiver under Part 7A;]

[^{F9}“deemed consent procedure” means the deemed consent procedure provided for by section 379ZB;]

[^{F10}“determination period” has the meaning given in section 263K(4);]

Changes to legislation: Insolvency Act 1986, Section 385 is up to date with all changes known to be in force on or before 26 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

“dwelling house” includes any building or part of a building which is occupied as a dwelling and any yard, garden, garage or outhouse belonging to the dwelling house and occupied with it;

“estate”, in relation to a bankrupt is to be construed in accordance with section 283 in Chapter II of Part IX;

“family”, in relation to a bankrupt, means the persons (if any) who are living with him and are dependent on him;

[^{F11}“insolvency administration order” means an order for the administration in bankruptcy of the insolvent estate of a deceased debtor (being an individual at the date of his death);

“insolvency administration petition” means a petition for an insolvency administration order;]

“secured” and related expressions are to be construed in accordance with section 383;

[^{F11}“the Rules” means the [^{F12}Insolvency (England and Wales) Rules 2016]] and

“the trustee”, in relation to a bankruptcy and the bankrupt, means the trustee of the bankrupt’s estate.

(2) References in this Group of Parts to a person’s affairs include his business, if any.

Textual Amendments

- F1** Words in s. 385(1) inserted (6.4.2016) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), **Sch. 19 para. 55(a)**; S.I. 2016/191, art. 2 (with art. 3)
- F2** Words in s. 385(1) inserted (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 \(c. 26\)](#), **ss. 123(4)(a), 164(1)**; S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(b) (with reg. 5) (as amended by S.I. 2017/363, reg. 3)
- F3** Definition repealed (omitted 1.10.2008 repealed prosp.) by [Criminal Justice Act 1988 \(c. 33\)](#), SIF 39:1), **ss. 123, 170, 171, Sch. 8 para. 16, Sch. 16**; S.I. 1988/1408, art. 2, **Sch.**
- F4** S. 385(1): para. (za) in definition of "the debtor" inserted (24.2.2009 for certain purposes otherwise 6.4.2009) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), **ss. 108(3), 148(5), Sch. 20 para. 5(2)**; S.I. 2009/382, {art, 2}
- F5** Words in s. 385(1) inserted (6.4.2016) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), **Sch. 19 para. 55(b)(i)**; S.I. 2016/191, art. 2 (with art. 3)
- F6** Words in s. 385(1) inserted (6.4.2016) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), **Sch. 19 para. 55(b)(ii)**; S.I. 2016/191, art. 2 (with art. 3)
- F7** Words in s. 385(1) omitted (6.4.2016) by virtue of [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), **Sch. 19 para. 55(c)**; S.I. 2016/191, art. 2 (with art. 3)
- F8** S. 385(1): definition of "debt relief order" inserted (24.2.2009 for certain purposes otherwise 6.4.2009) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), **ss. 108(3), 148(5), Sch. 20 para. 5(3)**; S.I. 2009/382, **art. 2**
- F9** Words in s. 385(1) inserted (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 \(c. 26\)](#), **ss. 123(4)(b), 164(1)**; S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(b) (with reg. 5) (as amended by S.I. 2017/363, reg. 3)
- F10** Words in s. 385(1) inserted (6.4.2016) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), **Sch. 19 para. 55(d)**; S.I. 2016/191, art. 2 (with art. 3)
- F11** Definitions added by S.I. 1986/1999, **arts. 2, 6**
- F12** Words in s. 385(1) substituted (6.4.2017) by [The Insolvency \(England and Wales\) Rules 2016 \(Consequential Amendments and Savings\) Rules 2017 \(S.I. 2017/369\)](#), rule 1, **Sch. 1 para. 3**

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Modifications etc. (not altering text)

C1 S. 385 applied with modifications by [S.I. 1986/1999, art. 3, Sch. 1 Pt. II](#)

Marginal Citations

M1 [1973 c. 62.](#)

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