



The Insolvency  
Service

# Can my bankruptcy be cancelled?

This leaflet covers the questions you are most likely to want answered on how the court may annul (cancel) your bankruptcy order:

**What is the annulment of a bankruptcy order?**

**How do I apply for an annulment?**

**If I apply for an annulment, do I have to keep my appointment to see the official receiver?**

**Can I stop the bankruptcy order being advertised?**

**What is the effect of the annulment of a bankruptcy order?**

**What is discharge from bankruptcy?**

**How do I get more information?**

## What is the annulment of a bankruptcy order?

It is a procedure that cancels your bankruptcy order. An order of annulment can only be made by the court.

You can apply for an annulment at any time if:

- the bankruptcy order **should not have been made**, for example because the proper steps were not taken when obtaining the order
- all your bankruptcy debts and the fees and expenses of the bankruptcy proceedings have been either **paid in full or secured (guaranteed)** to the satisfaction of the court, or
- you have reached an agreement called an **“individual voluntary arrangement”** with your creditors to repay all or part of your debts. There is more information about voluntary arrangements in our publications "Alternatives to Bankruptcy" and "In Debt - Dealing with your creditors", available from the Insolvency Service website:  
[www.gov.uk/government/collections/insolvency-service-guidance-publications](http://www.gov.uk/government/collections/insolvency-service-guidance-publications)

## How do I apply for an annulment?

**If the bankruptcy order should not have been made (application under section 282(1)(a) of the Insolvency Act 1986), these are the steps:**

- Get an application notice, which is Form 7.1A, either from The Insolvency Service website at [www.gov.uk/government/collections/insolvency-service-forms-england-and-wales](http://www.gov.uk/government/collections/insolvency-service-forms-england-and-wales) or you may be able to get one from the court dealing with your bankruptcy.
- Make a statement of truth saying you are applying on the grounds that the order ought not to have been made.
- Send or take to the court the completed form and a statement of truth. The court will then set a date to hear your application, and you should attend the hearing.
- **Before the hearing:** you must notify the official receiver, the person who petitioned for your bankruptcy and the trustee (if an insolvency practitioner has been appointed as trustee in place of the official receiver) of the date, time and place of the hearing. You should do this in enough time for them to attend the hearing. At the same time, you should send each of them copies of your application form and a statement of truth.
- **Soon after the hearing:** the fees and expenses of the bankruptcy will have to be paid. The court will decide who should pay them when it considers your application.

**If all the bankruptcy debts and fees and expenses have been paid, or security has been given (application under section 282(1)(b) of the Insolvency Act 1986), these are the steps:**

- Get an application notice, which is Form 7.1A, either from The Insolvency Service website at [www.gov.uk/government/collections/insolvency-service-forms-england-and-wales](http://www.gov.uk/government/collections/insolvency-service-forms-england-and-wales) or you may be able to get one from the court dealing with your bankruptcy.
- Make a statement of truth setting out details of your assets and debts at the date of the bankruptcy order and details of the payments made or how payment of the debts has been secured. You should note that you may not use your personal assets as they now belong to your bankruptcy estate, so third party funds must be used to pay all debts in full. If you have already been discharged from your bankruptcy you can use any money that is yours.

- Send or take the form and a statement of truth to the court. The court will then set a date to hear your application, which you should attend.
- You must notify the official receiver and the trustee of the date, time and place of the hearing. You should do this at least 28 days before the hearing. You should also send copies of your application form and statement of truth to the official receiver and the trustee.
- The official receiver or the trustee will send a report to the court and a copy to you or your solicitor/adviser to confirm whether your debts have been paid or secured. The report may also comment on your conduct in the bankruptcy.

**If your creditors have agreed to an individual voluntary arrangement (application under section 261 of the Insolvency Act 1986), these are the steps:**

- The insolvency practitioner nominated to deal with your case will call a meeting of your creditors.
- If your creditors agree to your offer to pay them, you can apply to the court for an annulment. This application can be made 28 days after the chairman of the meeting of creditors has reported the results of the meeting to the court.
- You should make your application using the same procedure as applications where the bankruptcy order should not have been made. The only difference is that your statement of truth should state that you are applying on the grounds that your creditors have approved a voluntary arrangement.

**If I apply for an annulment, do I have to keep my appointment to see the official receiver?**

**Yes.** You should go to the official receiver's office and provide any information you are asked for. The court might not annul the bankruptcy order until the official receiver confirms that you have done so.

**Can I stop the bankruptcy order being advertised?**

**Yes, but you must act immediately.** If you have applied, or you think you will be able to apply, for an annulment, you may be able to apply to the court for a "stay of advertisement". But this should be done at once. You should telephone the court and state that you wish to apply for a stay of advertisement of the bankruptcy order. You should also inform the official receiver that you are making this application.

The official receiver must advertise the bankruptcy order in 'The Gazette' [www.thegazette.co.uk](http://www.thegazette.co.uk) (an official publication which contains legal notices). In addition, the official receiver has discretion to advertise the order in any other way, if they think it is appropriate to do so.

These actions can only be stopped by a court order. Please see the information below about public records and notifications of your bankruptcy.

**What is the effect of the annulment of a bankruptcy order?**

An annulment has the effect in law that the bankruptcy order was never made. You will revert to your pre-bankruptcy status. Disposals of your property by the official receiver and the trustee will remain valid and will not be reversed. Any other assets will be returned. You will be liable for any of your debts that have not been paid in the bankruptcy.

For further information about annulment and Bankruptcy Restrictions Orders, a publication called, "Bankruptcy Restrictions Orders" is available from The Insolvency Service website: [www.gov.uk/government/collections/insolvency-service-guidance-publications](http://www.gov.uk/government/collections/insolvency-service-guidance-publications)

**The following paragraphs explain what will happen to public records of your bankruptcy:**

- **The Insolvency Service's Individual Insolvency Register** - The Individual Insolvency Register contains records of bankruptcy orders, individual voluntary arrangements and debt relief orders in England and Wales. The register can be searched on-line at [www.gov.uk/insolvency-service](http://www.gov.uk/insolvency-service). If a bankruptcy order is annulled the record of the order will be removed from the register 5 days after the order is cancelled. If a bankruptcy order is annulled on the grounds that your creditors have approved an individual voluntary arrangement, details of the arrangement will be put on the register.

For further information, a publication called "The Individual Insolvency Register" is available from The Insolvency Service website at [www.gov.uk/insolvency-service](http://www.gov.uk/insolvency-service).

- **HM Land Registry** - bankruptcy petitions and orders are registered at the Land Charges Department of HM Land Registry. The order of annulment can say that any registration of the petition or order at the Land Charges Department should be cancelled - you should ask the court to include this in the order. The order will also say who should contact the Land Charges Department to ask for cancellation - this will usually be for you to do.

The contact point is:  
The Superintendent  
Land Charges Department  
Plumer House, Tallyour Road  
Crownhill, Plymouth PL6 5HY  
DX No: 8249 Plymouth (3)  
Tel: 01752 636666

If you own property that is registered in your sole name, a bankruptcy notice (to protect the rights of creditors) and a bankruptcy restriction notice (to prevent dealings with the property) may also have been registered against the title to the property. If the property is registered in joint names, a Form J restriction (to prevent dealings with the property) may have been registered against the title.

You can apply in writing to the Land Registry office that serves your area to have these entries removed - in the case of a Form J restriction, the Land Registry will have to serve notice on the official receiver or the trustee. Please enclose a copy of the order of annulment and, if possible, give the registered title number of the property.

If you do not know the address of the Land Registry serving your area, try your local phone book or visit their website: [www.gov.uk/land-registry](http://www.gov.uk/land-registry)

- **Credit reference agencies** - the official receiver does not send any form of notice to credit reference agencies. The agencies pick up information from other sources such as the Individual Insolvency Register, advertisements of bankruptcies in newspapers, 'The Gazette' and the Register of County Court Judgments.

It is your responsibility to have details of the bankruptcy order removed from your credit file if your file is not updated. If your bankruptcy order was annulled because your creditors have approved an individual voluntary arrangement, details of the arrangement will go on your credit file when the credit reference agencies become aware of it.

For further information, a leaflet called 'Credit Explained' is produced by the Information Commissioner's Office. It is available from the Information Commissioner's Office website at [www.ico.org.uk](http://www.ico.org.uk) or you can call their helpline on 0303 123 1113.

- **The Gazette** – is an official publication that contains notices regarding personal bankruptcy, published in print and online at [www.thegazette.co.uk](http://www.thegazette.co.uk). The record of your bankruptcy will remain on the official public record. For further information visit [www.thegazette.co.uk/privacy](http://www.thegazette.co.uk/privacy).

You can ask the official receiver to advertise the annulment of your bankruptcy. You must do this within 28 days of the date of the annulment order. The official receiver will arrange for a notice of annulment to be advertised in The Gazette in the same manner as the bankruptcy order was advertised.

- **Notifications** - even if you have obtained a stay of advertisement, the official receiver may have needed to notify some of your creditors about the bankruptcy order. If the official receiver has informed anyone about the order they will also notify them of the annulment.

## What is discharge from bankruptcy?

It is a process that frees you from the restrictions of bankruptcy and releases you from most of the debts you owed at the date the bankruptcy order was made against you. There is a publication "When will my bankruptcy end?" about discharge from bankruptcy available from The Insolvency Service website: [www.gov.uk/government/collections/insolvency-service-guidance-publications](http://www.gov.uk/government/collections/insolvency-service-guidance-publications)

## How do I get more information?

This publication is for general guidance only. If you have further questions about the procedures involved in obtaining an annulment, you should ask a reputable professional adviser or the trustee handling your bankruptcy.

Please note that The Insolvency Service and official receivers cannot provide legal or financial advice. You should seek this from a citizens' advice bureau, a solicitor, a qualified accountant, an authorised insolvency practitioner or a reputable financial adviser or advice centre.

You can get more information about bankruptcy in the following publications from the Insolvency Service website: [www.gov.uk/government/collections/insolvency-service-guidance-publications](http://www.gov.uk/government/collections/insolvency-service-guidance-publications)

- Guide To Bankruptcy
- When will my bankruptcy end?

This publication provides general information only. Every effort has been made to ensure that the information is accurate, but it is not a full and authoritative statement of the law and you should not rely on it as such. The Insolvency Service cannot accept any responsibility for any errors or omissions as a result of negligence or otherwise.

**© Crown copyright 2015**

*You may re-use this information (excluding logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit <http://www.nationalarchives.gov.uk/doc/open-government-licence/> or e-mail: [psi@nationalarchives.gsi.gov.uk](mailto:psi@nationalarchives.gsi.gov.uk).*

May 2015