



The Insolvency
Service

When will my bankruptcy end?

Information on discharge from bankruptcy

What is “discharge from bankruptcy”?

It is a process that takes away the restrictions of bankruptcy and releases you from most of the debts you owed at the date the bankruptcy order was made.

You will normally get your discharge automatically, even if

- no payments have been made to your creditors
- you are still making contributions under an income payments order or income payments agreement, or
- some of your assets have not yet been sold.

The official receiver can apply to court for a bankruptcy restrictions order, which will mean that you continue to be subject to restrictions after discharge for the period stated in that order. This will not affect the discharge of your debts. A separate publication called Bankruptcy Restrictions Orders is available from The Insolvency Service website:

www.gov.uk/government/collections/insolvency-service-guidance-publications

When will I be discharged?

You will be discharged usually after 12 months, on the first anniversary of the bankruptcy order, but there are different dates which might apply to you. If you were made bankrupt before 1 April 2003 for more information on the different dates which can apply see the paragraph on alternative dates below.

For bankruptcy orders made on or after 1 October 2013 early discharge no longer applies as a result of changes to the law. Orders made after that date are not considered for an early discharge.

If you do not co-operate with the official receiver (or the trustee, if an insolvency practitioner has been appointed as trustee in place of the official receiver), then the court may be asked to stop your automatic discharge from taking place. An example would be if you refused to provide information to the official receiver or the trustee.

If your discharge has been suspended (stopped) before 1 April 2004, you should contact the official receiver for information about how and when you may be discharged from bankruptcy.

How do I get my discharge?

If you are discharged automatically, you do not have to do anything to get your discharge. You will not be notified of an automatic discharge. If you wish, you can get a certificate of discharge. A certificate is not necessary in most cases, but if you need one you should write to the court that dealt with your bankruptcy. Do not write sooner than 2 weeks before your discharge date. Give your name, address and court number (to be taken from the latest correspondence about your bankruptcy). The court may check with the official receiver that you are entitled to an automatic discharge. You should receive a certificate confirming your discharge within about 4 weeks.

A fee of £70 is payable to the court for issuing a certificate of discharge. Further copies will cost £10 each.

The Insolvency Service will provide a letter, at no charge, confirming your date of discharge. To get a letter you can call the Insolvency Enquiry Line on 0300 678 0015 or email requesting a letter of discharge to discharge.queries@insolvency.gsi.gov.uk. You will need to give your full name; current address; address at the time of the bankruptcy order; date of birth and national insurance number.

You can also ask for the official receiver to advertise your discharge, in the same manner as the bankruptcy order was advertised, in The Gazette (see below). You can only make this request in writing and where a certificate of discharge has been issued by the court. You must make the request within 28 days of the certificate being issued. You will be responsible for the cost of obtaining the certificate.

The Gazette is an official publication that contains notices regarding personal bankruptcy, published in print and online at 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.

You will not get your discharge automatically if:

- **your discharge period has been suspended**, for example because you have failed to co-operate with the official receiver or trustee
- **you were subject to a criminal bankruptcy order**. Please see the section below, 'Alternative dates of discharge', if you think you were subject to a criminal bankruptcy order following a conviction.

What is the effect of the discharge?

Your debts - it is on discharge that you will be released (freed) from most debts that you incurred before the bankruptcy order. The debts you are not freed from include:

- any money owed under family court proceedings for example, for maintenance or CSA payments or arising from any personal injury claims against you, unless the court directs otherwise
- any court fines or debts arising from fraud or certain other crimes
- debts you incur after the bankruptcy order
- all outstanding student loans

You will still be responsible for payment of these debts after discharge unless the debts have been paid in full during the bankruptcy.

Your mortgage payments - please note that your mortgage is secured against your home and secured creditors (lenders who hold security) still have the right to take possession of and sell the property if payments are not met.

Your assets - any assets that the official receiver or the trustee held or claimed during your bankruptcy remain under the control of the official receiver or the trustee. They are not returned to you on discharge. It may be some time after your discharge before all your assets are dealt with.

If your home has not been dealt with in a certain period, usually 3 years from the date of the bankruptcy order, your interest in it may be returned to you. A separate publication called 'What will happen to my home?', which explains this more fully, is available from The Insolvency Service website: www.gov.uk/government/collections/insolvency-service-guidance-publications

If you are making payments under an income payments order or income payments agreement you must continue to make these payments even after the date of your discharge.

Please note that, when your trustee makes a payment to your creditors, they may place an advertisement about your bankruptcy in a newspaper asking creditors to submit their claims. If it takes your trustee a long time to deal with an asset, this advertisement may appear several years after the bankruptcy order.

Your business - after discharge you can carry on a business without the restrictions that applied during your bankruptcy. You can act as a director of a limited company or be involved in its management (unless you are subject to a separate disqualification order or bankruptcy restrictions order or undertaking).

You will be able to obtain credit without having to mention your bankruptcy (unless you are specifically asked to do so or you are subject to a bankruptcy restrictions order) but you will want to ensure that you can repay any money you borrow.

Your obligation to co-operate with the official receiver and trustee - you must continue to assist the official receiver and the trustee, for example by providing any information requested, even after your discharge. If you do not, you could be liable to contempt of court.

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, debt relief orders and individual voluntary arrangements in England and Wales. The record of your bankruptcy will remain on the register for 3 months after the date of your discharge. The Individual Insolvency Register can be searched online at www.gov.uk/insolvency-service. For further information, a publication called 'The Individual Insolvency Register' is available from The Insolvency Service website.

HM Land Registry - bankruptcy petitions and orders are registered at the Land Charges Department of HM Land Registry. These entries remain on the register for 5 years from the date of registration. Discharge has no effect on this but you can apply to court to have the entries removed. The official receiver or trustee can apply for entries to be renewed beyond the 5 years, for example if your discharge has been suspended.

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.

If your interest in your home is returned to you, the trustee will notify the Chief Land Registrar that the property is no longer part of your bankruptcy estate. Discharge has no effect on this.

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. You may have to provide separate information to credit reference agencies to amend their records. For further information, a publication 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 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. The record of your bankruptcy will remain on the official public record. For further information visit: www.thegazette.co.uk/privacy.

Alternative dates of discharge

You may not be discharged on the first anniversary of the bankruptcy order if:

You were made bankrupt on a petition presented before 29 December 1986. References to your bankruptcy will refer to a “receiving order” instead of a “bankruptcy order”. The latest date of your discharge will be 29 December 1989.

You were made bankrupt on a petition presented between 30 December 1986 and 31 March 2003.

You will usually have been discharged after **3 years**, on the on the third anniversary of the bankruptcy order. If you asked the court to make you bankrupt and your debts were less than £20,000 you **may** have been discharged after 2 years. The bankruptcy order would say the court had issued a “certificate of summary administration”.

You will **not** have been automatically discharged:

- **if your discharge period has been suspended**, for example because you have failed to co-operate with the official receiver or trustee.
- **if you were subject to a criminal bankruptcy order.** No criminal bankruptcy orders were made after 1 January 2000. If you believe you were subject to a criminal bankruptcy order between 29 December 1986 and 1 January 2000 please contact the official receiver for more information.
- **if the bankruptcy order was your second, or more, bankruptcy within 15 years.** You will either have had to apply to the court for your discharge and should already hold a certificate of discharge or you will have been given an automatic discharge on 1 April 2009.

You were made bankrupt on a petition presented between 1 April 2003 and 1 October 2013.

The standard period before discharge was 12 months. If the official receiver concluded their enquiries into your affairs they may have filed a notice of early discharge in court. If this happened, you would have been sent a copy of the notice stamped by the court showing your date of discharge

If you are uncertain about your date of discharge you can email requesting a letter of discharge to discharge.queries@insolvency.gsi.gov.uk or contact the Insolvency Enquiry Line on 0300 678 0015. You will need to give your full name; current address; address at the time of the bankruptcy order; date of birth and national insurance number.

What is "annulment of bankruptcy"?

This is a procedure by which a court cancels the bankruptcy order it has made. This can happen if:

- your bankruptcy order should not have been made
- all the debts, fees and expenses of your bankruptcy have been paid in full, or
- your creditors accept proposals for settlement under a voluntary arrangement.

A separate publication called ‘Can my bankruptcy be cancelled?’, which explains this more fully, is available from The Insolvency Service website:

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 how to obtain your discharge, you should ask a professional adviser or the official receiver or trustee handling your bankruptcy. If you are not sure who is acting as trustee, contact your local official receiver's office. To help in tracing your case, please try to give the name and reference number of the court that dealt with your bankruptcy. These details will be on the latest correspondence about your bankruptcy.

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

Further information about bankruptcy is available in the following Insolvency Service publications:

Guide to Bankruptcy

Can my bankruptcy be cancelled? Information on annulment of a bankruptcy order

What will happen to my home? Information on your home when bankruptcy occurs

Bankruptcy Restrictions Orders

You can obtain further copies of this booklet from The Insolvency Service website:

www.gov.uk/government/collections/insolvency-service-guidance-publications

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