

2015 No. 262

INSOLVENCY

The Insolvency (Amendment) Rules (Northern Ireland) 2015

Made - - - - *28th May 2015*

Coming into operation - *3rd September 2015*

The Department of Justice makes the following Rules in exercise of the powers conferred by Article 359 of the Insolvency (Northern Ireland) Order 1989(a), with the concurrence of the Department of Enterprise, Trade and Investment(b) and in relation to those rules that affect court procedure, with the concurrence of the Lord Chief Justice of Northern Ireland under Article 359 (1A)(b) of that Order.

Before making these Rules, the Department of Justice consulted the Committee existing for the purposes of Article 360(c) of that Order.

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Insolvency (Amendment) Rules (Northern Ireland) 2015 and shall come into operation on 3rd September 2015.

(2) In these Rules—

“the principal Rules” means the Insolvency Rules (Northern Ireland) 1991(d) and any reference to a numbered Part, Rule, Schedule or form is a reference to the Part, Rule, Schedule or form so numbered in the principal Rules unless the context otherwise requires; and

“the Order” means the Insolvency (Northern Ireland) Order 1989 and any reference to a numbered Article is a reference to an Article of that Order unless the context otherwise requires.

Transitional provisions

2.—(1) Where an insolvency event to which this Rule applies occurs before 3rd September 2015, the principal Rules shall continue to apply until 3rd September 2016 as if, the amendment made by Rule 29 of these Rules had not been made.

(2) An insolvency event to which this Rule applies occurs where—

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- (a) S.I. 1989/2405 (N.I. 19). Article 359 was amended by the Insolvency (Northern Ireland) Order 1989 (Amendment) Regulations (Northern Ireland) 2002 (S.R. 2002 No. 223), section 15 of and paragraph 81 of Schedule 5 to the Constitutional Reform Act 2005 (c.4), and by Article 15(1) and (5) of and paragraph 142 of Schedule 18 to the (Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976).
- (b) Article 359(1A) was inserted by paragraph 81 of Schedule 5 to the Constitutional Reform Act 2005 (c.4).
- (c) Article 360 was amended by Article 15(1) of and paragraph 143 of Schedule 18 to the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976),.
- (d) The Insolvency Rules (Northern Ireland) 1991 (S.R. 1991 No. 364), as amended by S.R. 1994 No. 26, S.R. 1995 No. 291, S.R. 2000 No. 247, S.R. 2002 No. 261, S.R. 2003 No. 549, S.R. 2006 No. 47, S.R. 2008 No. 118, S.R. 2009 No. 404, S.R. 2011 No. 151, S.R. 2013 No. 278 and S.I. 2004/355.

- (a) in relation to a company—
 - (i) a moratorium under a company voluntary arrangement comes into force;
 - (ii) the company enters administration;
 - (iii) a receiver or manager is appointed;
 - (iv) a resolution for a voluntary winding up is passed; or
 - (v) a winding up petition is presented to the court; and
- (b) in relation to an individual a bankruptcy petition is presented to the court.

3.—(1) Where an insolvency event to which this Rule applies occurs, the principal Rules shall continue to apply as if the amendments made by Rules 5 to 10, 12 to 19, 21, 22, 24, 25, and 28 of these Rules had not been made.

(2) An insolvency event to which this Rule applies occurs where—

- (a) a person agrees to act as nominee in respect of a proposal for a company voluntary arrangement before 3rd September 2015;
- (b) a company enters administration
 - (i) by virtue of an administration order under paragraph 11 of Schedule B1 to the Order on an application made before 3rd September 2015, or
 - (ii) which is immediately preceded by a voluntary liquidation in respect of which the resolution to wind up was passed before 3rd September 2015, or
 - (iii) which is immediately preceded by a liquidation on the making of a winding-up order on a petition which was presented before 3rd September 2015;
- (c) in a receivership, a receiver or manager is appointed in respect of a company before 3rd September 2015;
- (d) a company goes into liquidation upon the passing before 3rd September 2015 of a resolution to wind up;
- (e) a company goes into voluntary liquidation under paragraph 84 of Schedule B1 to the Order where the preceding administration—
 - (i) commenced before 3rd September 2015, or
 - (ii) is an administration which commenced by virtue of an administration order under paragraph 11 of Schedule B1 to the Order on an application which was made before 3rd September 2015;
- (f) a company goes into liquidation on the making of a winding-up order on a petition presented on or after 3rd September 2015 where the liquidation is immediately preceded by—
 - (i) an administration under paragraph 11 of Schedule B1 to the Order where the administration order was made on an application made before 3rd September 2015,
 - (ii) an administration in respect of which the appointment of an administrator under paragraph 15 or 23 of Schedule B1 to the Order took effect before 3rd September 2015, or
 - (iii) a voluntary liquidation in respect of which the resolution to wind up was passed before 3rd September 2015;
- (g) a person agrees to act as nominee in respect of a proposal for an individual voluntary arrangement before 3rd September 2015; and
- (h) a bankruptcy order is made on a petition presented to the court before 3rd September 2015.

Amendment of the principal Rules

4. The principal Rules shall be amended as provided by Rules 5 to 30 of these Rules.

Administrator's proposals

5. In Rule 2.034—

(1) in paragraph (2)—

(a) after sub-paragraph (k) insert—

“(ka) a statement complying with paragraph (2B) of this Rule of any pre-administration costs charged or incurred by the administrator or, to the administrator’s knowledge, by any other person qualified to act as an insolvency practitioner;”;

(b) in sub-paragraph (m)—

(i) at the beginning insert, “a statement (which shall comply with paragraph (2C) of this Rule where that paragraph applies) of”;

(ii) omit the second sentence;

(c) in sub-paragraph (p)(ii), after “main proceedings” insert “, secondary proceedings”.

(2) after paragraph (2) insert—

“(2A) In this Part—

(a) “pre-administration costs” are—

(i) fees charged, and

(ii) expenses incurred,

by the administrator, or another person qualified to act as an insolvency practitioner, before the company entered administration but with a view to its doing so; and

(b) “unpaid pre-administration costs” are pre-administration costs which had not been paid when the company entered administration.

(2B) A statement of pre-administration costs complies with this paragraph if it includes—

(a) details of any agreement under which the fees were charged and expenses incurred, including the parties to the agreement and the date on which the agreement was made,

(b) details of the work done for which the fees were charged and expenses incurred,

(c) an explanation of why the work was done before the company entered administration and how it would further the achievement of an objective in sub-paragraph (1) of paragraph 4 in accordance with sub-paragraphs (2) to (4) of that paragraph,

(d) a statement of the amount of the pre-administration costs, setting out separately—

(i) the fees charged by the administrator;

(ii) the expenses incurred by the administrator;

(iii) the fees charged (to the administrator’s knowledge) by any other person qualified to act as an insolvency practitioner (and, if more than one, by each separately); and

(iv) the expenses incurred (to the administrator’s knowledge) by any other person qualified to act as an insolvency practitioner (and, if more than one, by each separately),

(e) a statement of the amounts of pre-administration costs which have already been paid (set out separately as under sub-paragraph (d)),

(f) the identity of the person who made the payment or, if more than one person made the payment, the identity of each such person and of the amounts paid by each such person set out separately as under sub-paragraph (d),

(g) a statement of the amounts of unpaid pre-administration costs (set out separately as under sub-paragraph (d)), and

- (h) a statement that the payment of unpaid pre-administration costs as an expense of the administration is—
 - (i) subject to approval under Rule 2.068A, and
 - (ii) not part of the proposals subject to approval under paragraph 54.

(2C) This paragraph applies where it is proposed that the administration will end by the company moving to a creditors' voluntary liquidation; and in that case, the statement required by paragraph (2)(m) shall include—

- (a) details of the proposed liquidator;
- (b) where applicable, the declaration required by Article 195; and
- (c) a statement that the creditors may, before the proposals are approved, nominate a different person as liquidator in accordance with paragraph 84(6)(a) and Rule 2.118(3)."

(3) after paragraph (5) insert—

“(5A) Where proposals are deemed under paragraph (5) of this Rule to have been approved, the administrator shall, forthwith after expiry of the period set out in Rule 2.038(1), give notice of the date on which they were deemed to have been approved to the registrar (on Form 2.18BA), the court and the creditors; and a copy of the proposals shall be attached to the notice given to the court and to creditors who have not previously received them”.

(4) in paragraph (6), for “10 ” insert “7 business”.

Meetings to consider administrator’s proposals

6. In Rule 2.035—

(1) in paragraph (4) omit “and may only adjourn once”.

(2) after paragraph (4) insert—

“(5) If there are subsequently further adjournments, the final adjournment shall not be to a day later than 14 days after the date on which the meeting was originally held, subject to any direction of the court.

(6) Where a meeting is adjourned under this Rule, proofs and proxies may be used if lodged at any time up to 12.00 hours on the business day immediately before the adjourned meeting.”.

Creditors’ meeting generally

7. In Rule 2.036, for paragraph (7) substitute—

“(7) (a) If within 30 minutes from the time fixed for commencement of the meeting those persons attending the meeting do not constitute a quorum, the chairman may adjourn the meeting to such time and place as the chairman may appoint;

- (b) once only in the course of the meeting the chairman may, without an adjournment, declare the meeting suspended for any period up to one hour;
- (c) the chairman may, and shall if the meeting so resolves, adjourn the meeting to such time and place as seems to the chairman to be appropriate in the circumstances;
- (d) an adjournment under this paragraph shall not be for a period of more than 14 days, subject to the direction of the court;
- (e) if there are subsequently further adjournments, the final adjournment shall not be to a day later than 14 days after the date on which the meeting was originally held;
- (f) where a meeting is adjourned under this Rule, proofs and proxies may be used if lodged at any time up to 12.00 hours on the business day immediately before the adjourned meeting;

- (g) paragraph (3) of this Rule applies with regard to the venue fixed for a meeting adjourned under this Rule”.

Chairman at meetings

8. In Rule 2.037, after paragraph (2), insert—

“(3) Where the chairman holds a proxy which includes a requirement to vote for a particular resolution and no other person proposes that resolution—

- (a) the chairman shall propose it unless the chairman considers that there is good reason for not doing so, and
- (b) if the chairman does not propose it, the chairman shall forthwith after the meeting notify the principal of the reason why not.”.

Meeting requisitioned by creditors

9. In Rule 2.038, in paragraph (1), for “12” substitute “8 business”.

Correspondence instead of creditors’ meetings

10. In Rule 2.049—

(1) at the end of paragraph (2), insert “unless it has already been given to the administrator under that Rule”.

- (2) omit paragraph (8).

Termination of membership

11. In Rule 2.058, in paragraph (1a), after “bankrupt”, insert “or has a debt relief order made in respect of him”.

Expenses of the administration

12. In Rule 2.068, in paragraph (1), for sub-paragraph (h) substitute—

“(h) the administrator’s remuneration the basis of which has been fixed under Chapter 11 of this Part and unpaid pre-administration costs approved under Rule 2.068A;”.

New Rule after Rule 2.068

13. After Rule 2.068 insert—

“Pre-administration costs

2.068A.—(1) Where the administrator has made a statement of pre-administration costs under Rule 2.034(2)(ka), the creditors’ committee may determine whether and to what extent the unpaid pre-administration costs set out in the statement are approved for payment.

(2) But if—

- (a) there is no creditors’ committee, or
- (b) there is but it does not make the necessary determination, or
- (c) it does do so but the administrator or other insolvency practitioner who has charged fees or incurred expenses as pre-administration costs considers the amount determined to be insufficient,

paragraph (3) of this Rule applies.

(3) When this paragraph applies, determination of whether and to what extent the unpaid pre-administration costs are approved for payment shall be—

- (a) by resolution of a meeting of creditors other than in a case falling in sub-paragraph (b), or
- (b) in a case where the administrator has made a statement under paragraph 53(1)(b)—
 - (i) by the approval of each secured creditor of the company, or
 - (ii) if the administrator has made, or intends to make, a distribution to preferential creditors, by the approval of—
 - (aa) each secured creditor of the company, and
 - (bb) preferential creditors whose debts amount to more than 50% of the preferential debts of the company, disregarding debts of any creditor who does not respond to an invitation to give or withhold approval.

(4) The administrator shall call a meeting of the creditors' committee or of creditors if so requested for the purposes of paragraphs (1) to (3) of this Rule by another insolvency practitioner who has charged fees or incurred expenses as pre-administration costs, and the administrator shall give notice of the meeting within 28 days of receipt of the request.

(5) If—

- (a) there is no determination under paragraph (1) or (3), or
- (b) there is such a determination but the administrator or other insolvency practitioner who has charged fees or incurred expenses as pre-administration costs considers the amount determined to be insufficient,

the administrator (where the fees were charged or expenses incurred by the administrator) or other insolvency practitioner (where the fees were charged or expenses incurred by that practitioner) may apply to the court for a determination of whether and to what extent the unpaid pre-administration costs are approved for payment.

(6) Paragraphs (3) to (5) of Rule 2.109 apply to an application under paragraph (5) of this Rule as they do to an application under paragraph (1) of that Rule (references to the administrator being read as references to the insolvency practitioner who has charged fees or incurred expenses as pre-administration costs).

(7) Where the administrator fails to call a meeting of the creditors' committee or of creditors in accordance with paragraph (4) of this Rule, the other insolvency practitioner may apply to the court for an order requiring the administrator to do so.”.

Distribution to creditors

14. In Rule 2.069, in paragraph (1), at the end of the first sentence, insert “other than secured creditors”.

Fixing of remuneration

15. In Rule 2.107—

(1) in paragraph (2)—

- (a) for “The remuneration” substitute “The basis of remuneration”;
- (b) omit “either”; and
- (c) at the end of paragraph (2)(b) insert—
 - “; or
 - (c) as a set amount.”.

(2) for paragraph (3), substitute—

“(3) The basis of remuneration may be fixed as any one or more of the bases set out in paragraph (2) of this Rule, and different bases may be fixed in respect of different things done by the administrator.”.

(3) after paragraph (3), insert—

“(3A) Where the basis of remuneration is fixed as set out in paragraph (2)(a) of this Rule, different percentages may be fixed in respect of different things done by the administrator.

(3B) It is for the creditors’ committee (if there is one) to determine—

- (a) which of the bases set out in paragraph (2) are to be fixed and (where appropriate) in what combination under paragraph (3); and
- (b) the percentage or percentages (if any) to be fixed under paragraphs (2)(a) and (3A) and the amount (if any) to be set under paragraph (2)(c).”.

(4) in paragraph (5), after “determination,” insert “and the case does not fall within paragraph (6) of this Rule, the basis of”.

(5) in each of paragraphs (5) and (6), for “paragraph (2)”, substitute “paragraphs (2), (3) and (3A)”.

(6) in paragraph (6), after “determination,”, insert “the basis of”.

(7) in paragraph (7), after “of this Rule,”, insert “the basis of”.

(8) at the end of paragraph (7) insert—

“and the provisions of paragraphs (2) to (4) of this Rule apply as they do to the fixing of the basis of remuneration by the creditors’ committee; but no such application may be made by the administrator unless the administrator has first sought fixing of the basis in accordance with paragraph (3B), (5) or (6) of this Rule, and in any event may not be made more than 18 months after the date of the administrator’s appointment”.

Recourse to meeting of creditors

16. In Rule 2.108 in paragraphs (1) and (2)—

- (a) after “if”, insert “the basis of”;
- (b) for “he may request that it be increased”, substitute “or the basis to be inappropriate, the administrator may request that the rate or amount be increased or the basis changed”.

Recourse to the court

17. In Rule 2.109—

(1) in paragraphs (1) and (2),—

- (a) after “considers that the”, insert “basis of”;
- (b) after “insufficient”, insert “or inappropriate”;
- (c) after “order”, insert “changing it or”.

(2) after paragraph (2) insert—

“(2A) Where an application is made under paragraph (2) of this Rule, the administrator shall give notice to each of the creditors whose approval was sought under Rule 2.107(6).”.

New Rules after Rule 2.110

18. After Rule 2.110 insert—

“Review of remuneration

2.110A.—(1) Where, after the basis of the administrator’s remuneration has been fixed, there is a material and substantial change in the circumstances which were taken into account in fixing it, the administrator may request that it be changed.

- (2) The request shall be made—
- (a) where the creditors' committee fixed the basis, to the committee;
 - (b) where the creditors fixed the basis, to the creditors;
 - (c) where the court fixed the basis, by application to the court; and Rules 2.107 to 2.110 apply as appropriate.

(3) Any change in the basis for remuneration applies from the date of the request under paragraph (2) of this Rule and not for any earlier period.

Remuneration of new administrator

2.110B. If a new administrator is appointed in place of another, any determination, resolution or court order in effect under the preceding provisions of this Chapter immediately before the former administrator ceased to hold office continues to apply in respect of the remuneration of the new administrator until a further determination, resolution or court order is made in accordance with those provisions.

Apportionment of set fee remuneration

2.110C.—(1) In a case in which the basis of the administrator's remuneration is a set amount under Rule 2.107(2)(c) and the administrator ("the former administrator") ceases (for whatever reason) to hold office before the time has elapsed or the work has been completed in respect of which the amount was set, application may be made for determination of what portion of the amount should be paid to the former administrator or the former administrator's personal representative in respect of the time which has actually elapsed or the work which has actually been done.

- (2) Application may be made—
- (a) by the former administrator or the former administrator's personal representative within the period of 28 days beginning with the date upon which the former administrator ceased to hold office, or
 - (b) by the administrator for the time being in office if the former administrator or the former administrator's personal representative has not applied by the end of that period.

- (3) Application shall be made—
- (a) where the creditors' committee fixed the basis, to the committee;
 - (b) where the creditors fixed the basis, to the creditors for a resolution determining the portion;
 - (c) where the court fixed the basis, to the court for an order determining the portion.

(4) The applicant shall give a copy of the application to the administrator for the time being in office or to the former administrator or the former administrator's personal representative, as the case may be ("the recipient").

(5) The recipient may within 21 days of receipt of the copy of the application give notice of intent to make representations to the creditors' committee or the creditors or to appear or be represented before the court, as the case may be.

(6) No determination may be made upon the application until expiry of the 21 days referred to in paragraph (5) of this Rule or, if the recipient does give notice of intent in accordance with that paragraph, until the recipient has been afforded the opportunity to make representations or to appear or be represented, as the case may be.

(7) If the former administrator or the former administrator's personal representative (whether or not the original applicant) considers that the portion determined upon application to the creditors' committee or the creditors is insufficient, that person may apply—

- (a) in the case of a determination by the creditors' committee, to the creditors for a resolution increasing the portion;
- (b) in the case of a resolution of the creditors (whether under paragraph (3)(b) of this Rule or under sub-paragraph (a)), to the court for an order increasing the portion; and paragraphs (4) to (6) of this Rule apply as appropriate.”.

Applications for extension of administration

19. In Rule 2.113, after paragraph (3), insert—

“(4) Where the court makes an order extending the administration, the administrator shall forthwith give notice of the order to the creditors, together with a copy of the progress report which accompanied the application to the court.

(5) Where the period of the administration has been extended by consent of creditors, the administrator shall forthwith give notice to the creditors.”.

Termination of membership

20. In Rule 3.23, in paragraph (1a), after “bankrupt”, insert “or has a debt relief order made in respect of him”.

Certificate of compliance

21. In Rule 4.014, in paragraph (1), before “days”, insert “business”.

General power to call meetings

22. In Rule 4.061—

(1) in paragraph (3), for “21” substitute “14”.

(2) for paragraph (4) substitute—

“(4) The notice shall state that proofs and (if applicable) proxies shall be lodged at a specified place not later than 12.00 hours on the business day before the date fixed for the meeting in order for creditors to be entitled to vote at the meeting; and the same applies in respect of contributories and their proxies. (NO CVL APPLICATION)”.

(3) for paragraph (5) substitute—

“(5–CVL) The notice shall state that proofs and (if applicable) proxies shall be lodged at a specified place not later than 12.00 hours on the business day before the date fixed for the meeting in order for creditors to be entitled to vote at the meeting.”.

Termination of membership

23. In Rule 4.169, in paragraph (1a), after “bankrupt”, insert “or has a debt relief order made in respect of him”.

Report of creditors' meeting

24. In Rule 5.26, in paragraph (3), before “days” insert “business”.

General power to call meetings

25. In Rule 6.079—

(1) in paragraph (4), for “21”, substitute “14”.

(2) for paragraph (5), substitute—

“(5) The notice shall specify the purpose for which the meeting is summoned and state that proofs and (if applicable) proxies must be lodged at a specified place not later than

12.00 hours on the business day before the date fixed for the meeting in order for creditors to be entitled to vote at the meeting.”.

Termination of membership

26. In Rule 6.155, in paragraph (1a), after “bankrupt”, insert “or has a debt relief order made in respect of him”.

Vesting of bankrupt’s interest (unregistered land)

27. In Rule 6.229B, omit paragraph (3).

New Chapter in Part 7

28. After Rule 7.13 insert—

“CHAPTER 2A

BLOCK TRANSFER OF CASES WHERE INSOLVENCY PRACTITIONER HAS DIED ETC.

Preliminary and interpretation

7.13A.—(1) The Rules in this Chapter relate to applications for a block transfer order.

(2) In this Chapter—

“outgoing office-holder” has the meaning in Rule 7.13B(1),

“replacement office-holder” has the meaning in Rule 7.13B(1),

“block transfer order” has the meaning in Rule 7.13B(2),

“substantive application” is that part of the application in Rule 7.13C(1)(a) and (b).

Power to make a block transfer order

7.13B.—(1) This Rule applies where an individual who is acting as an office-holder (“the outgoing office-holder”)—

(a) dies,

(b) retires from practice, or

(c) is otherwise unable or unwilling to continue in office,

and the court finds that it is expedient to make an order to transfer by way of a single transaction some or all of the cases in which the outgoing office-holder holds office (“a block transfer order”) to one or more office-holders (“the replacement office-holder”).

(2) In a case to which this Rule applies the court has the power to make an order, appointing a replacement office-holder in the place of the outgoing office-holder to be—

(a) liquidator in any winding up (including a case where the official receiver is the liquidator by virtue of Article 116 of the Order),

(b) administrator in any administration,

(c) trustee in a bankruptcy (including a case where the official receiver is the trustee by virtue of Article 273 of the Order), or

(d) supervisor of a voluntary arrangement under Part II or VIII of the Order.

(3) The replacement office-holder shall be—

(a) qualified to act as an insolvency practitioner, or

(b) where the replacement office-holder is to be appointed supervisor of a voluntary arrangement under Part II or VIII of the Order—

- (i) qualified to act as an insolvency practitioner, or
- (ii) a person authorised so to act.

Application for a block transfer order

- 7.13C.**—(1) An application for a block transfer order may be made to the court for—
- (a) the removal of the outgoing office-holder for the cases specified in the schedule under paragraph (8) by the exercise of any of the powers in paragraph (2);
 - (b) the appointment of a replacement office-holder by the exercise of any of the powers in paragraph (3); and
 - (c) such other order or direction as may be necessary or expedient in connection with the application.
- (2) The powers referred to in paragraph (1)(a) are—
- (a) Article 146(2) and Rule 7.13B(2) (winding up by the court);
 - (b) Article 94 (voluntary liquidation);
 - (c) Article 31, paragraph 89 of Schedule B1 to the Order and Rule 7.13B(2) (administration);
 - (d) Article 271 and Rule 7.13B(2) (bankruptcy);
 - (e) Article 20(5) and paragraph 49(6) of Schedule A1 to the Order (voluntary arrangement under Part II of the Order); and
 - (f) Article 237(5) (voluntary arrangement under Part VIII of the Order).
- (3) The powers referred to in paragraph (1)(b) are—
- (a) Article 143(3) and (5) and Rule 7.13B(2) (winding up by the court);
 - (b) Article 94 (voluntary liquidation);
 - (c) Article 26, paragraphs 64, 92 and 96 of Schedule B1 to the Order and Rule 7.13B(2) (administration);
 - (d) Articles 271 and 276(2) and Rule 7.13B(2) (bankruptcy);
 - (e) Article 20(5) and paragraph 49(6) of Schedule A1 to the Order (voluntary arrangement under Part II of the Order); and
 - (f) Article 237(5) (voluntary arrangement under Part VIII of the Order).
- (4) Subject to paragraph (5), the application may be made by any of the following—
- (a) the outgoing office-holder (if able and willing to do so);
 - (b) any person who holds office jointly with the outgoing office-holder;
 - (c) any person who is proposed to be appointed as the replacement office-holder;
 - (d) any creditor in a case subject to the application;
 - (e) the recognised professional body or recognised body by which the outgoing office-holder is or was authorised; or
 - (f) the Department.
- (5) Where any outgoing office-holder in the schedule under paragraph (8) is an administrator, an application may not be made unless a person permitted to apply to replace that office-holder under Article 26, paragraph 64, 92 or 96 of Schedule B1 to the Order is the applicant or is joined as applicant in respect of the replacement of that office-holder.
- (6) An applicant (other than the Department) shall give notice of the application to the Department at least 5 business days before the hearing of the application.
- (7) The following shall be made a respondent to the application and served with it—
- (a) the outgoing office-holder (if not the applicant or deceased);
 - (b) every person who holds office jointly with the outgoing office-holder; and

- (c) such person as the court directs.
- (8) The application shall contain a schedule setting out—
 - (a) the name of each case;
 - (b) the case number (if any); and
 - (c) the capacity in which the outgoing office-holder was appointed.
- (9) The application shall be supported by evidence—
 - (a) setting out the circumstances which gave rise to it being expedient to appoint a replacement office-holder; and
 - (b) exhibiting the written consent to act of each person who is proposed to be appointed as replacement office-holder.

Action following application for a block transfer order

7.13D.—(1) The court may in the first instance consider the application without a hearing and make such order as the court thinks fit.

- (2) In the first instance, the court may do any of the following—
 - (a) if the documents are considered to be in order and that the matter is straightforward, make an order on the substantive application;
 - (b) give any directions which are considered to be necessary including (if appropriate) directions for the joinder of any additional respondents or requiring the service of the application on any person or requiring additional evidence to be provided; or
 - (c) if an order is not made on the substantive application, adjourn the matter for the further consideration of the substantive application by the court.

(3) In any case other than an application relating to the appointment of an administrator, in deciding to what extent (if any) the costs of making an application under this Rule should be paid as an expense of the insolvency proceedings to which the application relates, the factors to which the court shall have regard include—

- (a) the reasons for the making of the application;
- (b) the number of cases to which the application relates;
- (c) the value of assets comprised in those cases; and
- (d) the nature and extent of the costs involved.

(4) Where an application relates to the appointment of an administrator and is made by a person under Article 26, paragraph 64, 92 or 96 of Schedule B1 to the Order, the costs of making that application are to be paid as an expense of the administration to which the application relates unless the court directs otherwise.

(5) Any appointment made under this Rule shall be notified—

- (a) forthwith to the Department; and
- (b) to—
 - (i) the creditors, and
 - (ii) such other persons as the court may direct,

in such manner as the court may direct.”.

Revocation of Rule 7.28 (Filing of Gazette notices and advertisements)

29. Rule 7.28 shall cease to have effect.

Schedules

30.—(1) Schedule 1 amends the index and content of forms in Schedule 2 to the principal Rules.

(2) Where a form prescribed in Schedule 2 to the principal Rules refers to a Rule which is substituted by a new Rule set out in these Rules that reference shall be taken to be a reference to that new Rule.

(3) Schedule 2 inserts a new Form 2.18BA in Schedule 2 to the principal Rules.

Sealed with the Official Seal of the Department of Justice on 28th May 2015



David Ford
Minister of Justice

I concur

Declan Morgan
The Lord Chief Justice of Northern Ireland

The Department of Enterprise, Trade and Investment concurs with the foregoing Rules

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 28th May 2015



Eugene Rooney
A senior officer of the
Department of Enterprise, Trade and Investment

SCHEDULE 1

Rule 30(1)

**AMENDMENTS TO INDEX, TITLE AND CONTENT OF FORMS IN
SCHEDULE 2 TO THE INSOLVENCY RULES (NORTHERN
IRELAND) 1991**

31. In the Index, after the entry for Form 2.18B, insert “Form 2.18BA Notice of deemed approval of proposals”;

32.—(1) In the forms listed below, the contents are amended as follows—

(2) in Form 6.31—

(a) in paragraph 3.1 of Section 3, in the table, after item 5, insert—

“

5A Do you require these tools in connection with your work?	Yes		No		

”

(b) after paragraph 3.4, insert—

“

3.4A. During the last two years, have you made any additional or lump sum contributions to your pension policy over and above your normal monthly contribution?

Yes	No

If yes, please state the amount of the additional contribution?

£

”

(c) for paragraph 3.7 of Section 3, substitute—

“

3.7. Do you own a motor vehicle? (If you own a motor vehicle, this should also be listed in Q3.1.)

Yes	No

If yes, please provide the following details

Year of manufacture

Make/model

Registration number

Estimated value £

Finance outstanding

Name of finance company

Reference number of agreement

Does the vehicle have a MOT?
If yes provide expiry date of MOT

Insurance/Expiry date

Give your general view on the condition of the vehicle

Location of vehicle

Name of any joint owner

”

(d) after paragraph 3.7, insert—

“

3.7A. Do you require a motor vehicle in connection with your work?

Yes	No

If yes, please provide details:

”

(e) for paragraph 3.8 substitute—

“

3.8. Have you disposed of any motor vehicle in the last 12 months?

Yes *No*

If yes , please provide the following details:

Year of manufacture	
Make and model	
Registration number	
Amount received for vehicle	
Name and address of person to whom vehicle was sold	

”

(f) in Section 4, in the headings to the tables, after “Address”, wherever it appears, insert “(Please include e-mail address.)”; and

(3) In Form 6.83 for “the Postal Services Act 2000” substitute “Part 3 of the Postal Services Act 2011”.

SCHEDULE 2

Rule 30(3)

INSERTION OF NEW FORM 2.18BA

Form 2.18BA

The Insolvency (Northern Ireland) Order 1989
Notice of deemed approval of proposals

Name of Company	Company No
In the High Court	Court case number

(a) Insert name(s) and address(es) of administrator(s) I/We (a) _____
 having been appointed administrator(s) of (b) _____

(b) Insert name and address of Registered office of company _____

(c) Insert date of Appointment on (c) _____
 by (d) _____

(d) Insert name of applicant/ appointer hereby give notice that
 having made a statement under paragraph 53(1) of Schedule B1 and no meeting having been requisitioned under paragraph 50 of that Schedule.

(e) Insert date The proposals sent by me on (e) _____
 were deemed to have been approved on (e) _____

Signed _____
 Joint/ administrator(s)
 Date _____

Presenter's details: You do not have to give any contact information in the box opposite but if you do, it will help Companies House to contact you if there is a query on the form.. The contact information that you give will be visible to searchers of the public record.	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="height: 20px;"> </td></tr> <tr><td style="height: 20px;">Tel</td></tr> <tr><td style="height: 20px;">DX</td></tr> <tr><td style="height: 20px;"> </td></tr> </table>		Tel	DX	
Tel					
DX					

Companies House Barcode When completed and signed please send to the Registrar of Companies

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Insolvency Rules (Northern Ireland) 1991 (S.R. 1991 No.364) (“the principal Rules”).

They make provision for—

- an administrator to be able to recover expenses incurred before the formal start of the administration;
- the option for an administrator to be paid a set amount; and
- block transfer of cases in cases where an insolvency practitioner has died, retired or cannot continue in office.

Rule 30 makes amendments by way of the Schedules to these Rules updating the content of Forms in Schedule 2 to the principal Rules.

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2015 No. 262

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