

Draft Order laid before the Assembly under Article 362(1)(b) of the Insolvency (Northern Ireland) Order 1989, for approval by resolution of the Assembly

DRAFT STATUTORY RULES OF NORTHERN IRELAND

2011 No. 000

INSOLVENCY

**The Insolvency (Monetary Limits)
(Amendment) Order (Northern Ireland) 2011**

Laid before the Assembly in draft

Made - - - - 2011

Coming into operation 30th June 2011

The Department of Enterprise, Trade and Investment⁽¹⁾, makes the following Order in exercise of the power conferred by Article 362(1)(b) of the Insolvency (Northern Ireland) Order 1989⁽²⁾.

Citation and commencement

1. This Order may be cited as the Insolvency (Monetary Limits) (Amendment) Order (Northern Ireland) 2011 and shall come into operation on 30th June 2011.

Interpretation

2. In this Order—

“the principal Order” means the Insolvency (Monetary Limits) Order (Northern Ireland) 1991⁽³⁾.

Amendments to the principal Order

3. After Article 2 insert—

“Monetary limits relating to debt relief orders

2A. The amounts specified for the purposes of the provisions in Part VIIA of the Order (debt relief orders) set out in column 1 of Part 1 of the Schedule (shortly described in column 2) are the amounts specified in column 3 in relation to those provisions.”.

(1) Formerly the Department of Economic Development; see Article 3(5) of the Departments (Northern Ireland) Order 1999 S.I. 1999/283 (N.I. 1)
(2) S.I. 1989/2405 (N.I. 19); Article 362(1)(b) has been modified in a manner which is not relevant for the purposes of this Order
(3) S.R. 1991 No.386, amended by S.R. 2006 No. 26

4. In Article 3 for “set out in column 1 of the Schedule” substitute “set out in column 1 of Part 2 of the Schedule”.

5. For the Schedule substitute—

“SCHEDULE

Article 2A

PART 1

**Monetary Limits for Purposes of Part VIIA of
the Insolvency (Northern Ireland) Order 1989**

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Article of Order</i>	<i>Short Description</i>	<i>Monetary Amount</i>
208S(4)	Maximum amount of credit which a person in respect of whom a debt relief order is made may obtain without disclosure of his status.	£500
Schedule 2ZA	Monetary conditions which must be satisfied for a debt relief order to be made—	
(a) paragraph 6(1)	(a) maximum amount of a person’s debts:	£15,000
(b) paragraph 7(1)	(b) maximum amount of monthly surplus income:	£50
(c) paragraph 8(1)	(c) maximum total value of property:	£300

Article 3

PART 2

Monetary Limits for Purposes of Part IX of the Insolvency (Northern Ireland) Order 1989

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Article of Order</i>	<i>Short Description</i>	<i>Monetary</i>
247(1)(a)	Maximum level of unsecured bankruptcy debts on debtor’s petition for case to be referred to insolvency practitioner to assess possibility of voluntary arrangement with creditors.	£40,000

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Article of Order</i>	<i>Short Description</i>	<i>Monetary</i>
247(1)(b)	Minimum potential value of bankrupt's estate for case to be referred as described above.	£4,000
286A(2)	Minimum value of interests in a dwelling-house for application by trustee for order for sale, possession or an order under Article 286.	£1,000
325(1) and (3)	Minimum amount of concealed debt, or value of property concealed or removed, determining criminal liability under the Article.	£1,000
329(1)	Minimum value of property taken by a bankrupt out of Northern Ireland, determining his criminal liability.	£1,000
331(1)	Maximum amount of credit which bankrupt may obtain without disclosure of his status.	£500
335(2)(d)	Minimum value of goods removed by the bankrupt, determining his liability to arrest.	£1,000"

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on [date] 2011.



Michael J Bohill
A senior officer of the
Department of Enterprise, Trade and Investment

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Insolvency (Monetary Limits) Order (Northern Ireland) 1991 ([S.R. 1991 No. 386](#)). It introduces new provisions to follow on from the introduction of debt relief orders into the Insolvency (Northern Ireland) Order 1989 (“the 1989 Order”) by the Debt Relief Act (Northern Ireland) 2010.

This Order specifies monetary limits for the purposes of Article 208S(4) of the 1989 Order and paragraphs 6(1), 7(1) and 8(1) of Schedule 2ZA to that Order.

Article 208S provides for the maximum amount of credit which a debtor subject to a debt relief order may obtain without disclosure of his status. Paragraphs 6(1), 7(1) and 8(1) of Schedule 2ZA limit, respectively, provide for the maximum amount of debt, the maximum amount of monthly surplus income and the maximum total value of property which a person may have in order to be eligible for a debt relief order.

As this Order will not impose any significant costs on business, there is no requirement to prepare a Regulatory Impact Assessment. The setting of the monetary limit for Article 208S(4) and paragraphs 6(1), 7(1) and 8(1) of Schedule 2ZA are derived from the Debt Relief Act (Northern Ireland) 2010. Copies of the Regulatory Impact Assessment for that Act are available from the Legislation Unit, Insolvency Service, Fermanagh House, Ormeau Avenue, Belfast, BT2 8NJ.