

Status: Point in time view as at 27/03/2006.

Changes to legislation: The Insolvency (Northern Ireland) Order 1989, Cross Heading: Restrictions on power to appoint is up to date with all changes known to be in force on or before 11 July 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)

SCHEDULES

[^{F1}SCHEDULE B1

ADMINISTRATION

F1 Sch. B1 inserted (27.3.2006) by [Insolvency \(Northern Ireland\) Order 2005 \(S.I. 2005/1455 \(N.I. 10\)\)](#), arts. 1(3), 3(2), Sch. 1 (with art. 4); [S.R. 2006/21](#), **art. 2** (with [S.R. 2006/22](#), **arts. 2-7**)

Modifications etc. (not altering text)

C1 Sch. B1 applied (with modifications) (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), ss. 73, 87(1)(2), 93(3), **Sch. 10 Pt. 1**, **Sch. 10 Pt. 2**

APPOINTMENT OF ADMINISTRATOR BY HOLDER OF FLOATING CHARGE

Restrictions on power to appoint

- 16.**—(1) A person may not appoint an administrator under paragraph 15 unless—
- (a) he has given at least 2 business days' written notice to the holder of any prior floating charge which satisfies paragraph 15(2), or
 - (b) the holder of any prior floating charge which satisfies paragraph 15(2) has consented in writing to the making of the appointment.
- (2) One floating charge is prior to another for the purposes of this paragraph if—
- (a) it was created first, or
 - (b) it is to be treated as having priority in accordance with an agreement to which the holder of each floating charge was party.
- 17.** An administrator may not be appointed under paragraph 15 while a floating charge on which the appointment relies is not enforceable.
- 18.** An administrator of a company may not be appointed under paragraph 15 if—
- (a) a provisional liquidator of the company has been appointed under Article 115, or
 - (b) an administrative receiver of the company is in office.]

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