



## 2016 CHAPTER 2

PROSPECTIVE

### *Provisions relating to communication*

#### **Attendance at meetings and use of websites** **N.I.**

**1.—**(1) In Part 7 of the Insolvency Order, after Article 208 (unenforceability of liens on books, etc.) insert—

#### *“Remote attendance at meetings*

#### **Remote attendance at meetings: company insolvency**

**208ZA.—**(1) This Article applies to—

- (a) any meeting of the creditors of a company summoned under this Order or the rules; or
- (b) any meeting of the members or contributories of a company summoned by the office-holder under this Order or the rules, other than a meeting of the members of a company in a members' voluntary winding up.

(2) Where the person summoning a meeting (“the convener”) considers it appropriate, the meeting may be conducted and held in such a way that persons who are not present together at the same place may attend it.

(3) Where a meeting is conducted and held in the manner referred to in paragraph (2), a person attends the meeting if that person is able to exercise any rights which that person may have to speak and vote at the meeting.

(4) For the purposes of this Article—

*Status: This version of this cross heading contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Insolvency (Amendment) Act (Northern Ireland) 2016, Cross Heading: Provisions relating to communication. (See end of Document for details)*

- (a) a person is able to exercise the right to speak at a meeting when that person is in a position to communicate to all those attending the meeting, during the meeting, any information or opinions which that person has on the business of the meeting; and
  - (b) a person is able to exercise the right to vote at a meeting when—
    - (i) that person is able to vote, during the meeting, on resolutions put to the vote at the meeting; and
    - (ii) that person's vote can be taken into account in determining whether or not such resolutions are passed at the same time as the votes of all the other persons attending the meeting.
- (5) The convener of a meeting which is to be conducted and held in the manner referred to in paragraph (2) shall make whatever arrangements the convener considers appropriate to—
- (a) enable those attending the meeting to exercise their rights to speak or vote; and
  - (b) ensure the identification of those attending the meeting and the security of any electronic means used to enable attendance.
- (6) Where in the reasonable opinion of the convener—
- (a) a meeting will be attended by persons who will not be present together at the same place, and
  - (b) it is unnecessary or inexpedient to specify a place for the meeting,
- any requirement under this Order or the rules to specify a place for the meeting may be satisfied by specifying the arrangements the convener proposes to enable persons to exercise their rights to speak or vote.
- (7) In making the arrangements referred to in paragraph (5) and in forming the opinion referred to in paragraph (6)(b), the convener must have regard to the legitimate interests of the creditors, members or contributories and others attending the meeting in the efficient despatch of the business of the meeting.
- (8) If—
- (a) the notice of a meeting does not specify a place for the meeting,
  - (b) the convener is requested in accordance with the rules to specify a place for the meeting, and
  - (c) that request is made—
    - (i) in the case of a meeting of creditors or contributories, by not less than 10 per cent. in value of the creditors or contributories, or
    - (ii) in the case of a meeting of members, by members representing not less than 10 per cent. of the total voting rights of all the

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members having at the date of the request a right to vote at the meeting,

it shall be the duty of the convener to specify a place for the meeting.

- (9) In this Article, “the office-holder”, in relation to a company, means—
- (a) its liquidator, provisional liquidator, administrator, or administrative receiver; or
  - (b) where a voluntary arrangement in relation to the company is proposed or has taken effect under Part 2, the nominee or the supervisor of the voluntary arrangement.

#### *Use of websites*

##### **Use of websites: company insolvency**

**208ZB.**—(1) Where any provision of this Order or the rules requires the office-holder to give, deliver, furnish or send a notice or other document or information to any person, that requirement is satisfied by making the notice, document or information available on a website—

- (a) in accordance with the rules; and
- (b) in such circumstances as may be prescribed.

(2) In this Article, “the office-holder” means—

- (a) the liquidator, provisional liquidator, administrator, or administrative receiver of a company; or
- (b) where a voluntary arrangement in relation to a company is proposed or has taken effect under Part 2, the nominee or the supervisor of the voluntary arrangement.”.

(2) In Part 10 of the Insolvency Order, after Article 345 (formal defects) insert—

#### *“Remote attendance at meetings*

##### **Remote attendance at meetings: individual insolvency**

**345A.**—(1) Where—

- (a) a bankruptcy order is made against an individual or an interim receiver of an individual's property is appointed, or
- (b) a voluntary arrangement in relation to an individual is proposed or is approved under Chapter 2 of Part 8,

this Article applies to any meeting of the individual's creditors summoned under this Order or the rules.

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(2) Where the person summoning a meeting (“the convener”) considers it appropriate, the meeting may be conducted and held in such a way that persons who are not present together at the same place may attend it.

(3) Where a meeting is conducted and held in the manner referred to in paragraph (2), a person attends the meeting if that person is able to exercise any rights which that person may have to speak and vote at the meeting.

(4) For the purposes of this Article—

(a) a person exercises the right to speak at a meeting when that person is in a position to communicate to all those attending the meeting, during the meeting, any information or opinions which that person has on the business of the meeting; and

(b) a person exercises the right to vote at a meeting when—

(i) that person is able to vote, during the meeting, on resolutions put to the vote at the meeting; and

(ii) that person's vote can be taken into account in determining whether or not such resolutions are passed at the same time as the votes of all the other persons attending the meeting.

(5) The convener of a meeting which is to be conducted and held in the manner referred to in paragraph (2) shall make whatever arrangements the convener considers appropriate to—

(a) enable those attending the meeting to exercise their rights to speak or vote; and

(b) ensure the identification of those attending the meeting and the security of any electronic means used to enable attendance.

(6) Where in the reasonable opinion of the convener—

(a) a meeting will be attended by persons who will not be present together at the same place, and

(b) it is unnecessary or inexpedient to specify a place for the meeting, any requirement under this Order or the rules to specify a place for the meeting may be satisfied by specifying the arrangements the convener proposes to enable persons to exercise their rights to speak or vote.

(7) In making the arrangements referred to in paragraph (5) and in forming the opinion referred to in paragraph (6)(b), the convener must have regard to the legitimate interests of the creditors and others attending the meeting in the efficient despatch of the business of the meeting.

(8) If—

(a) the notice of a meeting does not specify a place for the meeting,

(b) the convener is requested in accordance with the rules to specify a place for the meeting, and

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(c) that request is made by not less than 10 per cent. in value of the creditors,  
it shall be the duty of the convener to specify a place for the meeting.

### *Use of websites*

#### **Use of websites: individual insolvency**

**345B.**—(1) This Article applies where—

- (a) a bankruptcy order is made against an individual or an interim receiver of an individual's property is appointed, or
- (b) a voluntary arrangement in relation to an individual is proposed or is approved under Chapter 2 of Part 8,

and “the office-holder” means the official receiver, the trustee in bankruptcy, the interim receiver, the nominee or the supervisor of the voluntary arrangement, as the case may be.

(2) Where any provision of this Order or the rules requires the office-holder to give, deliver, furnish or send a notice or other document or information to any person, that requirement is satisfied by making the notice, document or information available on a website—

- (a) in accordance with the rules; and
- (b) in such circumstances as may be prescribed.”.

#### **References to things in writing** **N.I.**

**2.**—(1) After Article 2A of the Insolvency Order (proceedings under EC Regulation: modified definition of property) insert—

##### **“References to things in writing**

**2B.**—(1) A reference in this Order to a thing in writing includes that thing in electronic form.

(2) Paragraph (1) does not apply to the following provisions—

- (a) Article 97(2) (dissent from arrangement under Article 96);
- (b) Article 103(1) (definition of inability to pay debts; the statutory demand);
- (c) Article 186(1) (inability to pay debts: unpaid creditor for £750 or more);
- (d) Article 187 (inability to pay debts: debt remaining unsatisfied after action brought); and

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(e) Article 242(1) and (2) (definition of “inability to pay”, etc.; the statutory demand).”.

(2) Paragraph 1(2) of Schedule B1 to the Insolvency Order (interpretation) is repealed.

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