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STATUTORY INSTRUMENTS

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**1989 No. 2405**

**The Insolvency (Northern Ireland) Order 1989**

**<sup>F1</sup>PART V**

**WINDING UP OF COMPANIES REGISTERED  
UNDER [<sup>F1</sup>the Companies Act 2006]**

**CHAPTER VI**

**WINDING UP BY THE HIGH COURT**

*Grounds and effect of winding#up petition*

**Power to stay or restrain proceedings against company**

**106.**—(1) At any time after the presentation of a winding#up petition, and before a winding#up order has been made, the company, or any creditor or contributory, may—

- (a) where any action or proceeding against the company is pending in the High Court or Court of Appeal, apply to the Court in which the action or proceeding is pending for a stay of proceedings therein, and
- (b) where any other action or proceeding is pending against the company, apply to the High Court to restrain further proceedings in the action or proceeding;

and the Court to which application is so made may (as the case may be) stay or restrain the proceedings accordingly on such terms as it thinks fit.

(2 <sup>F1</sup> In the case of [<sup>F2</sup> a company registered but not formed under the Companies Act 2006], where the application to stay or restrain is by a creditor, this Article extends to actions and proceedings against any contributory of the company.

**F1** mod. by SR 2004/307

**F2** Words in art. 106(2) substituted (1.10.2009) by [Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), arts. 2(1), 8, [Sch. 1 para. 111\(16\)](#) (with art. 10)

**Status:**

Point in time view as at 01/10/2009. This version of this provision has been superseded.

**Changes to legislation:**

The Insolvency (Northern Ireland) Order 1989, Section 106 is up to date with all changes known to be in force on or before 27 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.