
STATUTORY INSTRUMENTS

1989 No. 2405

The Insolvency (Northern Ireland) Order 1989

[^{F1}PART 1A

Moratorium

CHAPTER 3

Length of moratorium

Extension of moratorium

[^{F1}Extension by High Court on application of directors

13CD.—(1) At any time after the first 15 business days of the initial period, the directors may apply to the High Court for an order that the moratorium be extended.

(2) The application must be accompanied by—

- (a) a statement from the directors that all of the following that have fallen due have been paid or otherwise discharged—
 - (i) moratorium debts, and
 - (ii) pre-moratorium debts for which the company does not have a payment holiday during the moratorium (see Article 13D),
- (b) a statement from the directors that, in their view, the company is, or is likely to become, unable to pay its pre-moratorium debts,
- (c) a statement from the directors as to whether pre-moratorium creditors (as defined by Article 13CC(5) and (6)) have been consulted about the application and if not why not, and
- (d) a statement from the monitor that, in the monitor's view, it is likely that the moratorium will result in the rescue of the company as a going concern.

(3) The rules may make provision about the date on which a statement mentioned in paragraph (2) must be made.

(4) On hearing the application the Court may—

- (a) make an order that the moratorium be extended to such date as is specified in the order, or
- (b) make any other order which the Court thinks appropriate.

(5) In deciding whether to make an order under paragraph (4)(a) the Court must, in particular, consider the following—

- (a) the interests of pre-moratorium creditors, as defined by Article 13CC(5) and (6), and
- (b) the likelihood that the extension of the moratorium will result in the rescue of the company as a going concern.

(6) Paragraph (7) applies where—

Changes to legislation: *The Insolvency (Northern Ireland) Order 1989, Section 13CD is up to date with all changes known to be in force on or before 24 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) View outstanding changes*

- (a) an application under this Article is made, and
 - (b) apart from that paragraph, the moratorium would end at a time before the application has been disposed of.
- (7) The moratorium—
- (a) does not end at the time mentioned in paragraph (6)(b), and
 - (b) instead, ends—
 - (i) in a case in which the Court makes an order under paragraph (4)(a), in accordance with the order;
 - (ii) otherwise, when the application is withdrawn or disposed of.
- (8) A moratorium may be extended under this Article more than once.]

F1 Pt. 1A inserted (26.6.2020) by [Corporate Insolvency and Governance Act 2020 \(c. 12\)](#), **ss. 4(1)**, 49(1) (with **ss. 2(2)**, 5(2))

Modifications etc. (not altering text)

C1 Art. 13CD(2)(d) modified (temp.) (26.6.2020) by [Corporate Insolvency and Governance Act 2020 \(c. 12\)](#), s. 49(1), **Sch. 8 para. 8(3)** (with **ss. 2(2)**, 5(2), **Sch. 8 para. 1**)

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Changes and effects yet to be applied to :

- Instrument amended by [1998 c. 11 s. 23 Sch. 5 Pt.1 Ch. 3 para. 40](#)
- Instrument amended (prosp) by [S.I. 1994/279 \(N.I.\) art. 26\(1\)Sch. 2 para. 15](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch. 9 Pt. 2 para. 66 revoked by [1996 c. 23 s. 107\(2\)Sch. 4](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov.uk](#))
- art. 2B inserted by [2016 c. 2 \(N.I.\) s. 2\(1\)](#)
- art. 208ZA applied (with modifications) by S.I. 2021/716, reg. 37A (as inserted) by [S.I. 2023/1399 reg. 12](#) (This amendment not applied to [Legislation.gov.uk](#). S. 208ZA is inserted by the Insolvency (Amendment) Act (Northern Ireland) 2016 (c. 2), s. 1(1) which is currently prospective.)
- art. 208ZA-208ZB inserted by [2016 c. 2 \(N.I.\) s. 1\(1\)](#)
- art. 208ZB applied (with modifications) by S.I. 2021/716, reg. 37A (as inserted) by [S.I. 2023/1399 reg. 12](#) (This amendment not applied to [Legislation.gov.uk](#). S. 208ZB is inserted by the Insolvency (Amendment) Act (Northern Ireland) 2016 (c. 2), s. 1(1) which is currently prospective.)
- art. 345A-345B inserted by [2016 c. 2 \(N.I.\) s. 1\(2\)](#)