
STATUTORY INSTRUMENTS

1989 No. 2405

The Insolvency (Northern Ireland) Order 1989

PART VII

MISCELLANEOUS PROVISIONS APPLYING TO COMPANIES WHICH ARE INSOLVENT OR IN LIQUIDATION

Management by administrators, liquidators, etc.

Supplies of water, electricity, etc.

197^{F1}.—(1) This Article applies in the case of a company where—

- [^{F2}(a) the company enters administration, or]
- (b) an administrative receiver is appointed, or
- [^{F3}(ba) a moratorium under Article 14A is in force, or]
- (c) a voluntary arrangement[^{F4} approved under Part II], has taken effect, or
- (d) the company goes into liquidation, or
- (e) a provisional liquidator is appointed;

and “the office#holder” means the administrator, the administrative receiver[^{F3} the nominee,], the supervisor of the voluntary arrangement, the liquidator or the provisional liquidator, as the case may be.

(2) If a request is made by or with the concurrence of the office#holder for the giving, after the effective date, of any of the supplies mentioned in paragraph (3), the supplier—

- (a) may make it a condition of the giving of the supply that the office#holder personally guarantees the payment of any charges in respect of the supply, but
- (b) shall not make it a condition of the giving of the supply, or do anything which has the effect of making it a condition of the giving of the supply, that any outstanding charges in respect of a supply given to the company before the effective date are paid.

(3) The supplies referred to in paragraph (2) are—

- (a) a supply of electricity by[^{F5} a public electricity supplier within the meaning of Part II of the Electricity (Northern Ireland) Order 1992],
- [^{F6}(aa) a supply of gas by the holder of a licence under Article 8 of the Gas (Northern Ireland) Order 1996;]
- [^{F7}(b) a supply of water or sewerage services by a water or sewerage undertaker;]
- [^{F8}(c) a supply of communications services by a provider of a public electronic communications service,]

Status: Point in time view as at 01/04/2007. This version of this provision has been superseded.

Changes to legislation: The Insolvency (Northern Ireland) Order 1989, Section 197 is up to date with all changes known to be in force on or before 23 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)

[^{F8}and in this paragraph “communications services” do not include electronic communications services to the extent that they are used to broadcast or transmit programme services (within the meaning of the Communications Act 2003).]

(4) “The effective date” for the purposes of this Article is whichever is applicable of the following dates—

- [^{F9}(a) the date on which the company entered administration]
- (b) the date on which the administrative receiver was appointed (or, if he was appointed in succession to another administrative receiver, the date on which the first of his predecessors was appointed),
- [^{F3}(ba) the date on which the moratorium came into force]
- (c) the date on which the voluntary arrangement[^{F4} took effect],
- (d) the date on which the company went into liquidation,
- (e) the date on which the provisional liquidator was appointed.

F1 mod.by SR 1990/177; SR 1991/411

F2 Art. 197(1)(a) substituted (27.3.2006) by [Insolvency \(Northern Ireland\) Order 2005 \(S.I. 2005/1455 \(N.I. 10\)\)](#), arts. 1(3), 3(3), Sch. 2 para. 33(a) (with art. 4); S.R. 2006/21, **art. 2** (with S.R. 2006/22, **arts. 2-7**)

F3 2002 NI 6

F4 2002 NI 6

F5 1992 NI 1

F6 1996 NI 2

F7 Art. 197(3)(b) substituted (1.4.2007) by [Water and Sewerage Services \(Northern Ireland\) Order 2006 \(S.I. 2006/3336 \(N.I. 21\)\)](#), arts. 1(2), 308(1), **Sch. 12 para. 27(1)** (with arts. 8(8), 121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (subject to art. 3, Sch. 2)

F8 2003 c. 21

F9 Art. 197(4)(a) substituted (27.3.2006) by [Insolvency \(Northern Ireland\) Order 2005 \(S.I. 2005/1455 \(N.I. 10\)\)](#), arts. 1(3), 3(3), Sch. 2 para. 33(b) (with art. 4); S.R. 2006/21, **art. 2** (with S.R. 2006/22, **arts. 2-7**)

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