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STATUTORY INSTRUMENTS

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**1989 No. 2405**

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

PARTS II TO VI COMPANY INSOLVENCY; COMPANIES WINDING UP

**PART VII**

**MISCELLANEOUS PROVISIONS APPLYING TO  
COMPANIES WHICH ARE INSOLVENT OR IN LIQUIDATION**

*Management by administrators, liquidators, etc.*

**Supplies of water, electricity, etc.**

**197.**—(1) This Article applies in the case of a company where—

- (a) an administration order is made in relation to the company, or
- (b) an administrative receiver is appointed, or
- (c) a voluntary arrangement under Part II, approved by meetings summoned under Article 16, 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, 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 Northern Ireland Electricity,
- (b) a supply of water by the Department of the Environment,
- (c) a supply of telecommunication services by a public telecommunications operator,

and in this paragraph “telecommunication services” and “public telecommunications operator” mean the same as in the Telecommunications Act 1984(1), except that the former does not include services consisting in the conveyance of programmes included in cable programme services (within the meaning of the Cable and Broadcasting Act 1984(2)).

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(1) 1984 c. 12

(2) 1984 c. 46

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

- (a) the date on which the administration order was made,
- (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),
- (c) the date on which the voluntary arrangement was approved by the meetings summoned under Article 16,
- (d) the date on which the company went into liquidation,
- (e) the date on which the provisional liquidator was appointed.