
STATUTORY INSTRUMENTS

1989 No. 2405

The Insolvency (Northern Ireland) Order 1989

^{F1}PART I

INTRODUCTORY

General interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954^{F1} shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2 ^{F2} In this Order—

[^{F3}“the Bankruptcy Acts” means the Bankruptcy Acts (Northern Ireland) 1857 to 1980;]

“business” includes a trade or profession;

“the Companies Order” means the Companies (Northern Ireland) Order 1986;

^{F4}“conditional sale agreement” and “hire#purchase agreement” have the same meanings as in the Consumer Credit Act 1974^{F5};

[^{F3}“corporate member” means an insolvent member which is a company;]

“the Department” means the Department of Economic Development;

[^{F6}“the EC Regulation” means Council Regulation (EC) No. 1346/2000;]

[^{F3}“individual member” means an insolvent member who is an individual;

“insolvent member” means a member of an insolvent partnership, against whom an insolvency petition is being or has been presented;

“insolvency order” means—

(a) in the case of an insolvent partnership or a corporate member, a winding-up order; and

(b) in the case of an individual member, a bankruptcy order;

“insolvency petition” means—

(a) in the case of a petition presented against a corporate member, a petition for its winding up by the High Court; and

(b) in the case of a petition presented against an individual member, a petition to the Court for a bankruptcy order to be made against the individual,

where the petition is presented in conjunction with a petition for the winding up of the partnership by the Court as an unregistered company under the Order;]

“liability” means (subject to paragraph (4)) a liability to pay money or money's worth, including any liability under a statutory provision, any liability for breach of trust, any liability in contract, tort or bailment and any liability arising out of an obligation to make restitution;

Status: Point in time view as at 01/01/2006. This version of this provision has been superseded.

Changes to legislation: The Insolvency (Northern Ireland) Order 1989, Section 2 is up to date with all changes known to be in force on or before 25 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)

“modifications” includes additions, alterations and omissions;

“office copy”, in relation to a document of the High Court, means a copy purporting to be sealed with the seal of the Court;

“the official receiver” means, in relation to any bankruptcy^{F7} or winding up, any officer of the Department who by virtue of Article 355 or 357 is authorised to act as the official receiver in relation to that bankruptcy^{F7} or winding up;

“prescribed”

(a) in Articles 48(3), 95(1), 212(h) and 222 and in Part XII, means prescribed by regulations; and

(b) except as provided in sub#paragraph (a)^{F8} and in paragraph 3 of Schedule 4, means prescribed by rules;

“property” includes money, goods, things in action, land and every description of property wherever situated and also obligations and every description of interest, whether present or future or vested or contingent, arising out of, or incidental to, property;

“records” includes computer records and other non#documentary records;

“regulations” means regulations made by the Department subject (except in^{F9} Article 359(5) [^{F10} and paragraph 16 of Schedule A1]) to negative resolution;

[^{F3}“responsible insolvency practitioner” means—

(a) in winding up, the liquidator; and

(b) in bankruptcy, the trustee,

and in either case includes the official receiver when so acting.]

“rules”, except in Article 350, means rules made under Article 359;

“statutory provision” has the meaning assigned to it by section 1(f) of the Interpretation Act (Northern Ireland) 1954^{F11};

“transaction” includes a gift, agreement or arrangement, and references to entering into a transaction shall be construed accordingly.

(3) In determining for the purposes of any provision in this Order whether any liability in tort is a debt provable in the winding up of a company or a bankruptcy debt, the company or, as the case may be, the bankrupt is deemed to become subject to that liability by reason of an obligation incurred at the time when the cause of action accrued.

(4) For the purposes of references in any provision of this Order to a debt or liability, it is immaterial whether the debt or liability is present or future, whether it is certain or contingent or whether its amount is fixed or liquidated, or is capable of being ascertained by fixed criteria or as a matter of opinion; and references in any such provision to owing a debt are to be read accordingly.

(5) In this Order (except Article 355(1)) references to the official receiver include an officer of the Department appointed under Article 357(1) as deputy official receiver.

(6) For the purposes of any provision in this Order whereby an officer of a company who is in default shall be guilty of an offence, “officer who is in default” means an officer of the company who knowingly and wilfully authorises or permits the default, refusal or contravention mentioned in the provision.

F1 1954 c. 33 (NI)

F2 mod. by SR 2004/307

F3 SR 1991/366

F4 1986 NI 6

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- F5** 1974 c. 39
- F6** SR 2002/223
- F7** prosp. subst. by 2005 NI 10
- F8** prosp. insertion by 2005 NI 10
- F9** prosp. subst. by 1999 c. 23 never in force now repealed
- F10** 2002 NI 6
- F11** 1954 c. 33 (NI)

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