
STATUTORY INSTRUMENTS

1989 No. 2405

The Insolvency (Northern Ireland) Order 1989

^{F1F1}PART III

ADMINISTRATION ORDERS

Making, etc., of administration order

Effect of application

23.—(1) During the period beginning with the presentation of a petition for an administration order and ending with the making of such an order or the dismissal of the petition—

- (a) ^{F1} no resolution may be passed or order made for the winding up of the company;
- [^{F2}(aa) no landlord or other person to whom rent is payable may exercise any right of forfeiture by peaceable re-entry in relation to premises let to the company in respect of a failure by the company to comply with any term or condition of its tenancy of such premises, except with the leave of the High Court and subject to such terms as the Court may impose]
- (b) no steps may be taken to enforce any security over the company's property, or to repossess goods in the company's possession under any hire#purchase agreement, except with the leave of the High Court and subject to such terms as the Court may impose;
- (c) no other proceedings and no legal process may be commenced or continued, and no distress may be levied, against the company or its property except with the leave of the Court and subject to such terms as aforesaid.

(2) Nothing in paragraph (1) requires the leave of the High Court—

- (a) for the presentation of a petition for the winding up of the company,
- (b) ^{F3} for the appointment of an administrative receiver of the company, or
- (c) ^{F3} for the carrying out by such a receiver (whenever appointed) of any of his functions.

(3) ^{F4} Where—

- (a) a petition for an administration order is presented at a time when there is an administrative receiver of the company, and
- (b) the person by or on whose behalf the receiver was appointed has not consented to the making of the order,

the period mentioned in paragraph (1) is deemed not to begin unless and until that person so consents.

(4) References in this Article and Article 24 to hire#purchase agreements include conditional sale agreements, chattel leasing agreements and retention of title agreements.

F1 mod. by SR 2004/307

F2 [2002 NI 6](#)

F3 mod.by [1997 c. 32](#)

Status: Point in time view as at 01/01/2006. This version of this provision has been superseded.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 23 is up to date with all changes known to be in force on or before 28 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)

F4 mod.by [1997 c. 32](#)

Status:

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