

---

STATUTORY INSTRUMENTS

---

**1989 No. 2405**

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

PARTS VIII TO XINSOLVENCY OF INDIVIDUALS; BANKRUPTCY

PART IX

BANKRUPTCY

CHAPTER III

TRUSTEES IN BANKRUPTCY

*Tenure of office as trustee*

**Vacancy in office of trustee**

**273.**—(1) This Article applies where the appointment of any person as trustee of a bankrupt's estate fails to take effect or, such an appointment having taken effect, there is otherwise a vacancy in the office of trustee.

(2) The official receiver shall be trustee until the vacancy is filled.

(3) The official receiver may summon a general meeting of the bankrupt's creditors for the purpose of filling the vacancy and shall summon such a meeting if required to do so in pursuance of Article 287(9) (creditors' requisition).

(4) If at the expiration of 28 days from the day on which the vacancy first came to the official receiver's attention he has not summoned, and is not proposing to summon, a general meeting of creditors for the purpose of filling the vacancy, he shall refer the need for an appointment to the Department.

(5) Where a certificate for the summary administration of the estate is for the time being in force—

(a) the official receiver may refer the need to fill any vacancy to the High Court or, if the vacancy arises because a person appointed by the Department has ceased to hold office, to the High Court or the Department, and

(b) paragraphs (3) and (4) do not apply.

(6) On a reference to the Department under paragraph (4) or (5) the Department shall either make an appointment or decline to make one.

(7) If on a reference under paragraph (4) or (5) no appointment is made, the official receiver shall continue to be trustee of the bankrupt's estate, but without prejudice to his power to make a further reference.

(8) References in this Article to a vacancy include a case where it is necessary, in relation to any property which is or may be comprised in a bankrupt's estate, to revive the trusteeship of that estate after the holding of a final meeting summoned under Article 304 or the giving by the official receiver of notice under Article 272(2).