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STATUTORY INSTRUMENTS

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**1989 No. 2405**

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

**PART I**

**INTRODUCTORY**

**“Act as insolvency practitioner”**

3.—(1) A person acts as an insolvency practitioner in relation to a company by acting—  
(a) as its liquidator, provisional liquidator, administrator [<sup>F1</sup>, administrative receiver or monitor], or

[<sup>F2</sup>(b) where a voluntary arrangement in relation to the company is proposed or approved under Part II, as nominee or supervisor.]

(2) <sup>F3</sup> A person acts as an insolvency practitioner in relation to an individual by acting—

(a) as his trustee in bankruptcy or interim receiver of his property; or

<sup>F4</sup>(b) .....

[<sup>F2</sup>(c) where a voluntary arrangement in relation to the individual is proposed or approved under Part VIII, as nominee or supervisor;]

(d) in the case of a deceased individual to the administration of whose estate this Article applies by virtue of an order under Article 365 (application of provisions of this Order to insolvent estates of deceased persons), as administrator of that estate.

[<sup>F5</sup>(3) <sup>F3</sup> A person acts as an insolvency practitioner in relation to an insolvent partnership by acting—

(a) as its liquidator, provisional liquidator or administrator, or

(b) as trustee of the partnership under Article 11 of the Insolvent Partnerships Order (Northern Ireland) 1995, or

[ where a voluntary arrangement in relation to the insolvent partnership is proposed or <sup>F6</sup>(c) approved under Part II, as nominee or supervisor.]]

[<sup>F2</sup>(3A) In relation to a voluntary arrangement proposed under Part II or VIII, a person acts as nominee if he performs any of the functions conferred on nominees under the Part in question.]

(4) <sup>F3</sup> In this Article—

“administrative receiver” has the meaning given by Article 5(1);

[<sup>F7</sup>“company” means—

(a) a company registered under the Companies Act 2006 in Northern Ireland, or

(b) a company that may be wound up under Part 6 of this Order (unregistered companies).]

[<sup>F8</sup>“monitor” has the same meaning as in Part 1A (moratorium).]

**Changes to legislation:** *The Insolvency (Northern Ireland) Order 1989, Section 3 is up to date with all changes known to be in force on or before 29 June 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) View outstanding changes*

(5) Nothing in this Article applies to anything done by the official receiver.

<sup>F9</sup>(6) .....

<b>F1</b>	Words in art. 3(1)(a) substituted (26.6.2020) by <a href="#">Corporate Insolvency and Governance Act 2020</a> (c. 12), s. 49(1), <b>Sch. 7 para. 4(2)</b> (with ss. 2(2), 5(2))
<b>F2</b>	<a href="#">2002 NI 6</a>
<b>F3</b>	mod. by <a href="#">SR 2004/307</a>
<b>F4</b>	Art. 3(2)(b) repealed (1.4.2016) by <a href="#">Insolvency (Amendment) Act (Northern Ireland) 2016</a> (c. 2), s. 28(2), <b>Sch. 4</b> ; <a href="#">S.R. 2016/203</a> , art. 2
<b>F5</b>	<a href="#">SR 1995/225</a>
<b>F6</b>	<a href="#">SR 2003/550</a>
<b>F7</b>	Art. 3(4): definition of "company" substituted (1.10.2009) by <a href="#">Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009</a> (S.I. 2009/1941), arts. 2(1), 8, <b>Sch. 1 para. 106(4)</b> (with art. 10)
<b>F8</b>	Words in art. 3(4) inserted (26.6.2020) by <a href="#">Corporate Insolvency and Governance Act 2020</a> (c. 12), s. 49(1), <b>Sch. 7 para. 4(3)</b> (with ss. 2(2), 5(2))
<b>F9</b>	Art. 3(6) omitted (31.12.2020) by virtue of <a href="#">The Insolvency (Amendment) (EU Exit) Regulations 2019</a> (S.I. 2019/146), reg. 1(3), <b>Sch. para. 165</b> (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)
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<b>Modifications etc. (not altering text)</b>	
<b>C1</b>	Art. 3 excluded (12.4.2007) by <a href="#">Cross-Border Insolvency Regulations (Northern Ireland) 2007</a> (S.R. 2007/115), <b>reg. 7</b>

**Changes to legislation:**

The Insolvency (Northern Ireland) Order 1989, Section 3 is up to date with all changes known to be in force on or before 29 June 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.

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**Changes and effects yet to be applied to :**

- Instrument amended by [1998 c. 11 s. 23 Sch. 5 Pt.1 Ch. 3 para. 40](#)
- Instrument amended (prosp) by [S.I. 1994/279 \(N.I.\) art. 26\(1\)Sch. 2 para. 15](#)

**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch. 9 Pt. 2 para. 66 revoked by [1996 c. 23 s. 107\(2\)Sch. 4](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov.uk](#))
- art. 2B inserted by [2016 c. 2 \(N.I.\) s. 2\(1\)](#)
- art. 208ZA applied (with modifications) by S.I. 2021/716, reg. 37A (as inserted) by [S.I. 2023/1399 reg. 12](#) (This amendment not applied to [Legislation.gov.uk](#). S. 208ZA is inserted by the Insolvency (Amendment) Act (Northern Ireland) 2016 (c. 2), s. 1(1) which is currently prospective.)
- art. 208ZA-208ZB inserted by [2016 c. 2 \(N.I.\) s. 1\(1\)](#)
- art. 208ZB applied (with modifications) by S.I. 2021/716, reg. 37A (as inserted) by [S.I. 2023/1399 reg. 12](#) (This amendment not applied to [Legislation.gov.uk](#). S. 208ZB is inserted by the Insolvency (Amendment) Act (Northern Ireland) 2016 (c. 2), s. 1(1) which is currently prospective.)
- art. 345A-345B inserted by [2016 c. 2 \(N.I.\) s. 1\(2\)](#)