
STATUTORY INSTRUMENTS

1989 No. 2405

The Insolvency (Northern Ireland) Order 1989

^{F1}PART XIII

PUBLIC ADMINISTRATION

Other order#making powers

Insolvent estates of deceased persons

365 ^{F1}.—(1) The Lord Chancellor may, by order made with the concurrence of [^{F2} the Lord Chief Justice and] the Department, provide that such provisions of this Order, Part VI of the Judgments Enforcement (Northern Ireland) Order 1981, the Land Registration Act (Northern Ireland) 1970 or the Registration of Deeds Acts as may be specified in the order shall apply [^{F3} in relation] to the administration of the insolvent estates of deceased persons with such modifications as may be so specified.

[^{F4}(1ZA) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under paragraph (1)—

- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).]

[^{F5}(1A) An order under this Article may make provision in relation to the EC Regulation.

(1B) Provision made by virtue of this Article in relation to the EC Regulation may not create an offence of a kind referred to in paragraph 1(1)(d) of Schedule 2 to the European Communities Act 1972.]

(2) An order under this Article shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the Statutory Instruments Act shall apply accordingly.

(3) For the purposes of this Article the estate of a deceased person is insolvent if, when realised, it will be insufficient to meet in full all the debts and other liabilities to which it is subject.

F1 mod. by SR 2004/307

F2 Words in art. 365(1) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(2), 148(1), Sch. 5 para. 84(2); S.I. 2006/1014, art. 2(a), Sch. 1

F3 2002 NI 6

F4 Art. 365(1ZA) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(2), 148(1), Sch. 5 para. 84(3); S.I. 2006/1014, art. 2(a), Sch. 1

F5 SR 2002/223

Status:

Point in time view as at 03/04/2006. This version of this provision has been superseded.

Changes to legislation:

The Insolvency (Northern Ireland) Order 1989, Section 365 is up to date with all changes known to be in force on or before 17 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.