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STATUTORY INSTRUMENTS

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**1989 No. 2405**

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

**<sup>F1</sup>PART I**

**INTRODUCTORY**

*[<sup>F1</sup>Parts 7A to 10]*

**Interpretation**

**9** <sup>F1</sup>—(1) In [<sup>F2</sup>Parts 7A to 10]—

“bankrupt” means an individual who has been adjudged bankrupt and, in relation to a bankruptcy order, it means the individual adjudged bankrupt by that order;

“bankruptcy debt”, in relation to a bankrupt, means (subject to Article 2(3)) any of the following—

- (a) any debt or liability to which he is subject at the commencement of the bankruptcy,
- (b) any debt or liability to which he may become subject after the commencement of the bankruptcy (including after his discharge from bankruptcy) by reason of any obligation incurred before the commencement of the bankruptcy, and
- (c) any interest provable as mentioned in Article 295(2);

and “debt” shall be construed accordingly;

“bankruptcy order” means an order adjudging an individual bankrupt;

“bankruptcy petition” means a petition to the High Court for a bankruptcy order;

“creditor”

- (a) in relation to a bankrupt, means a person to whom any of the bankruptcy debts is owed, and
- (b) in relation to an individual to whom a bankruptcy petition relates, means a person who would be a creditor in the bankruptcy if a bankruptcy order were made on that petition;

“creditors generally” includes all creditors who may assent to, or take the benefit of, a deed of arrangement;

“creditor's petition” means a bankruptcy petition under Article 238(1)(a);

“the debtor”

- (za) [<sup>F3</sup>in relation to a debt relief order or an application for such an order, has the same meaning as in Part 7A,]

- (a) in relation to a proposal for the purposes of Part VIII, means the individual making or intending to make that proposal, and
- (b) in relation to a bankruptcy petition, means the individual to whom the petition relates;

*Status: Point in time view as at 17/02/2016. This version of this provision has been superseded.*

*Changes to legislation: The Insolvency (Northern Ireland) Order 1989, Section 9 is up to date with all changes known to be in force on or before 29 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)*

“debtor's petition” means a bankruptcy petition presented by the debtor himself under Article 238(1)(b);

[<sup>F4</sup>“debt relief order” means an order made by the official receiver under Part 7A;]

“deed of arrangement”, except in Article 343(1)(c), means a deed of arrangement as defined in Article 209;

“dwelling house” includes any building or part of a building which is occupied as a dwelling and any yard, garden, garage or outhouse belonging to the dwelling house and occupied with it;

“family” in relation to a bankrupt, means the persons (if any) who are living with him and are dependent on him;

[<sup>F5</sup>“insolvency administration” means the administration in bankruptcy of the insolvent estate of a deceased person;

“insolvency administration order” means an order for the administration in bankruptcy of the insolvent estate of a deceased debtor (being an individual at the date of his death);

“insolvency administration petition” means a petition for an insolvency administration order;]

“interim order” means an order under Article 226;

[<sup>F5</sup>“the Judgments Enforcement Order” means the Judgments Enforcement (Northern Ireland) Order 1981;

“the Land Registration Act” means the Land Registration Act (Northern Ireland) 1970;]

“nominee” means a person acting as defined in Article 227(2);

“the registrar” means the registrar appointed under Article 210(1);

[<sup>F5</sup>“the Registration of Deeds Act” means the Registration of Deeds Act (Northern Ireland) 1970; and

“the Rules” means the Insolvency Rules (Northern Ireland) 1999;]

“the trustee” in relation to a bankruptcy and the bankrupt, means the trustee of the bankrupt's estate;

“voluntary arrangement” means an arrangement as defined in Article 227(1).

(2) References in [<sup>F6</sup>Parts 7A to 10] to a person's affairs include his business, if any.

(3) In Chapter I of Part VIII references to the registrar include an officer of the Department appointed under Article 210(2) to act as his deputy.

[<sup>F7</sup>(5) Liability under the Child Support (Northern Ireland) Order 1991 to pay child support maintenance to any person is not a debt or liability for the purposes of Part 8.]

**F1** mod. by SR 2004/307

**F2** Words in art. 9(1) substituted (30.6.2011) by [Debt Relief Act \(Northern Ireland\) 2010 \(c. 16\)](#), ss. 6, 7(1), [Sch. para. 4\(4\)\(a\)\(i\)](#); S.R. 2011/13, [art. 2](#)

**F3** Art. 9(1): words in definition of "the debtor" inserted (30.6.2011) by [Debt Relief Act \(Northern Ireland\) 2010 \(c. 16\)](#), ss. 6, 7(1), [Sch. para. 4\(4\)\(a\)\(ii\)](#); S.R. 2011/13, [art. 2](#)

**F4** Art. 9(1): definition of "debt relief order" inserted (30.6.2011) by [Debt Relief Act \(Northern Ireland\) 2010 \(c. 16\)](#), ss. 6, 7(1), [Sch. para. 4\(4\)\(a\)\(iii\)](#); S.R. 2011/13, [art. 2](#)

**F5** SR 1991/365

**F6** Words in art. 9(2) substituted (30.6.2011) by [Debt Relief Act \(Northern Ireland\) 2010 \(c. 16\)](#), ss. 6, 7(1), [Sch. para. 4\(4\)\(b\)](#); S.R. 2011/13, [art. 2](#)

**F7** Art. 9(5) inserted (17.2.2016) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), arts. 2(2), [131](#); S.R. 2016/46, art. 3(5)(b)

**Status:**

Point in time view as at 17/02/2016. This version of this provision has been superseded.

**Changes to legislation:**

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