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STATUTORY INSTRUMENTS

1989 No. 2405 (N.I. 19)

The Insolvency (Northern Ireland) Order 1989

- - - - 19th December 1989

THE INSOLVENCY (NORTHERN IRELAND) ORDER 1989

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- 356. Functions and status of official receivers
- 357. Deputy official receivers

Insolvency Account

- 358. Insolvency Account
- 358A Adjustment of balances

Insolvency rules

- [[[359 Insolvency rules
- 360. Committee to review rules under Article 359

Fees

- [[[361 Fees orders
- 361A Fees orders (supplementary)

Specification, increase and reduction of money sums relevant in the operation of this Order

- 362. Monetary limits

Insolvency practice

- 363. Regulations for purposes of Part XII

Other order#making powers

- 364. Insolvent partnerships
- 365. Insolvent estates of deceased persons
- 365A Insolvent estates: joint tenancies
- 366. Formerly authorised banks

PART XIV

MISCELLANEOUS

Provisions against debt avoidance

- 367. Transactions defrauding creditors
- 368. Those who may apply for an order under Article 367
- 369. Provision which may be made by order under Article 367

Disqualifications, reviews and reports

- 370. Assembly disqualification
- 370A Irrelevance of privilege
- 371. Review, etc., by High Court of its orders
- 372. Annual report

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Legal proceedings

- 373. Prosecution and punishment of offences
- 374. Summary proceedings
- [[375. Admissibility in evidence of statements of affairs, etc.

Supplemental

- 376. Judicial notice of court documents
- 377. Exemption from stamp duty
- 378. Crown application
- 379. Transitional provisions and savings
 - Art.380 rep. by 1996 NI 16
 - Art.381—Amendments
 - Art.382—Repeals

PART 15

SUPPLEMENTARY PROVISIONS

- 383. Introductory
- 384. Representation of corporations at meetings
- 385. Legal professional privilege
- 386. Enforcement of company's filing obligations
- 387. Application of filing obligations to overseas companies

SCHEDULES

SCHEDULE A1 — MORATORIUM WHERE DIRECTORS PROPOSE VOLUNTARY ARRANGEMENT

PART I — INTRODUCTORY

Interpretation

- 1. In this Schedule—

Eligible companies

- 2. A company is eligible for a moratorium if it meets the requirements of paragraph 3,
- 3. A company meets the requirements of this paragraph if the qualifying conditions are met—
- 4. A company is excluded from being eligible for a moratorium if, on the date of

Capital market arrangement

- 5. A company is also excluded from being eligible for a moratorium if, on the date

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Public private partnership

6. A company is also excluded from being eligible for a moratorium if, on the date

Liability under an arrangement

7. A company is also excluded from being eligible for a moratorium if, on the date

Interpretation of capital market arrangement

8. For the purposes of paragraph 5 an arrangement is a capital market arrangement if—

Capital market investment

9. For the purposes of paragraphs 5 and 8, an investment is a capital market investment
10. For the purposes of paragraphs 5 and 8 an investment is also a capital market

Debt

11. The debt of at least £10 million referred to in paragraph 5—

Interpretation of project company

12. For the purposes of paragraph 6 a company is a project company of a project

Public-private partnership project

13. In paragraph 6 public-private partnership project means a project—

Step-in rights

14. For the purposes of paragraph 6 a project has step-in rights if a person who

“Person”

15. For the purposes of paragraphs 5 to 14, a reference to a person includes a
16. The Department may by regulations modify the qualifications for eligibility of a company for a

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Nominee's statement

17. Where the directors of a company wish to obtain a moratorium, they shall submit to

Documents to be submitted to High Court

18. To obtain a moratorium the directors of a company must file with the High Court—

Duration of moratorium

19. A moratorium comes into force when the documents for the time being referred to in

Notification of beginning of moratorium

20. When a moratorium comes into force, the directors shall notify the nominee of that fact
21. When a moratorium comes into force, the nominee shall, in accordance with the rules—

Notification of end of moratorium

22. When a moratorium comes to an end, the nominee shall, in accordance with the rules—

PART III — EFFECTS OF MORATORIUM

Effect on creditors, etc.

23. During the period for which a moratorium is in force for a company—
24. This paragraph applies where there is an uncrystallised floating charge on the property of a
25. Security granted by a company at a time when a moratorium is in force in

Effect on company

26. Paragraphs 27 to 33 apply in relation to a company for which a moratorium is

Company invoices, etc.

27. Every invoice, order for goods or services, business letter or order form (whether in hard

Obtaining credit during moratorium

28. The company may not obtain credit to the extent of £250 or more from a

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Disposals and payments

29. Subject to sub-paragraph (2), the company may only dispose of any of its property if—
30. Subject to sub-paragraph (2), the company may only make any payment in respect of any

Disposal of charged property, etc.

31. This paragraph applies where—
32. If the company—

Market contracts, etc.

33. If the company enters into any transaction to which this paragraph applies—
PART IV — NOMINEES

Monitoring of company's activities

34. During a moratorium, the nominee shall monitor the company's affairs for the purpose of forming

Withdrawal of consent to act

35. The nominee may only withdraw his consent to act in the circumstances mentioned in this

Challenge of nominee's actions, etc.

36. If any creditor, director or member of the company, or any other person affected by
37. Where there are reasonable grounds for believing that—

Replacement of nominee by High Court

38. (1) The High Court may— (a) on an application made...
PART V — CONSIDERATION AND IMPLEMENTATION OF VOLUNTARY ARRANGEMENT

Summoning of meetings

39. Where a moratorium is in force, the nominee shall summon meetings of the company and

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Conduct of meetings

40. Subject to the provisions of paragraphs 41 to 45, the meetings summoned under paragraph 39

Approval of voluntary arrangement

41. (1) The meetings summoned under paragraph 39 shall decide whether...

Extension of moratorium

42. Subject to sub-paragraph (2), a meeting summoned under paragraph 39 which resolves that it be
43. (1) The conditions which may be imposed when a moratorium...
44. If a decision to extend, or further extend, the moratorium takes effect under paragraph 46,

Moratorium committee

45. A meeting summoned under paragraph 39 which resolves that the moratorium be extended (or further

Effectiveness of decisions

46. Sub-paragraph (2) applies to references to one of the following decisions having effect, that is,

Effect of approval of voluntary arrangement

47. This paragraph applies where a decision approving a voluntary arrangement has effect under paragraph 46.

Challenge of decisions

48. Subject to the following provisions of this paragraph, any of the persons mentioned in sub-paragraph

Implementation of voluntary arrangement

49. (1) This paragraph applies where a voluntary arrangement approved by...

PART VI — MISCELLANEOUS

Challenge of directors' actions

50. This paragraph applies in relation to acts or omissions of the directors of a company

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Offences

51. This paragraph applies where a moratorium has been obtained for a company.
52. If, for the purpose of obtaining a moratorium, or an extension of a moratorium, for

Void provisions in floating charge documents

53. A provision in an instrument creating a floating charge is void if it provides for—

Functions of the Financial Conduct Authority and the Prudential Regulation Authority

54. This Schedule has effect in relation to a moratorium for a regulated company with the

Subordinate legislation

55. Regulations made by the Department under this Schedule may make such consequential, incidental, supplemental and

SCHEDULE B1 — ADMINISTRATION ARRANGEMENT OF SCHEDULE — INTRODUCTORY

Interpretation

1. (1) In this Schedule— “ administrative receiver ” has the...

Non-UK companies

- 1A A company incorporated outside the United Kingdom that has a...
— NATURE OF ADMINISTRATION

Administration

2. (1) For the purposes of this Order “ administrator ”...
3. A person may be appointed as administrator of a company—...

Purpose of administration

4. (1) The administrator of a company must perform his functions...
5. The administrator of a company must perform his functions as...

Status of administrator

6. An administrator is an officer of the High Court (whether...

General restrictions

7. A person may be appointed as administrator of a company...
8. A person may not be appointed as administrator of a...

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9. (1) A person may not be appointed as administrator of...
10. (1) A person may not be appointed as administrator of...
— APPOINTMENT OF ADMINISTRATOR BY HIGH COURT

Administration order

11. An administration order is an order appointing a person as...

Conditions for making order

12. The High Court may make an administration order in relation...

Administration application

13. (1) An application to the High Court for an administration...

Powers of High Court

14. (1) On hearing an administration application the High Court may—...
— APPOINTMENT OF ADMINISTRATOR BY HOLDER OF
FLOATING CHARGE

Power to appoint

15. (1) The holder of a qualifying floating charge in respect...

Restrictions on power to appoint

16. (1) A person may not appoint an administrator under paragraph...
17. An administrator may not be appointed under paragraph 15 while...
18. An administrator of a company may not be appointed under...

Notice of appointment

19. (1) A person who appoints an administrator of a company...

Commencement of appointment

20. The appointment of an administrator under paragraph 15 takes effect...
21. A person who appoints an administrator under paragraph 15—

Invalid appointment: indemnity

22. (1) This paragraph applies where— (a) a person purports to...
— APPOINTMENT OF ADMINISTRATOR BY COMPANY OR
DIRECTORS

Power to appoint

23. (1) A company may appoint an administrator.

Restrictions on power to appoint

24. (1) This paragraph applies where an administrator of a company...
25. (1) If a moratorium for a company under Schedule A1...
26. An administrator of a company may not be appointed under...

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Notice of intention to appoint

- 27. (1) A person who proposes to make an appointment under...
- 28. (1) A person who gives notice of intention to appoint...
- 29. (1) An appointment may not be made under paragraph 23...

Notice of appointment

- 30. (1) A person who appoints an administrator of a company...
- 31. In a case in which no person is entitled to...

Commencement of appointment

- 32. The appointment of an administrator under paragraph 23 takes effect...
- 33. A person who appoints an administrator under paragraph 23—
- 34. If before the requirements of paragraph 30 are satisfied the...

Invalid appointment: indemnity

- 35. (1) This paragraph applies where— (a) a person purports to...
— ADMINISTRATION APPLICATION — SPECIAL CASES

Application by holder of floating charge

- 36. (1) This paragraph applies where an administration application in respect...

Intervention by holder of floating charge

- 37. (1) This paragraph applies where— (a) an administration application in...

Application where company in liquidation

- 38. (1) This paragraph applies where the holder of a qualifying...
- 39. (1) The liquidator of a company may make an administration...

Effect of administrative receivership

- 40. (1) Where there is an administrative receiver of a company...
— EFFECT OF ADMINISTRATION

Dismissal of pending winding-up petition

- 41. (1) A petition for the winding up of a company—...

Dismissal of administrative or other receiver

- 42. (1) When an administration order takes effect in respect of...

Moratorium on insolvency proceedings

- 43. (1) This paragraph applies to a company in administration.

Moratorium on other legal process

- 44. (1) This paragraph applies to a company in administration.

Interim moratorium

- 45. (1) This paragraph applies where an administration application in respect...

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Publicity

46. (1) While a company is in administration, every business document...
— PROCESS OF ADMINISTRATION

Announcement of administrator's appointment

47. (1) This paragraph applies where a person becomes the administrator...

Statement of company's affairs

48. (1) As soon as is reasonably practicable after appointment the...
49. (1) A person required to submit a statement of affairs...

Administrator's proposals

50. (1) The administrator of a company shall make a statement...

Creditors' meeting

51. (1) In this Schedule “creditors' meeting” means a...

Requirement for initial creditors' meeting

52. (1) Each copy of an administrator's statement of proposals sent...
53. (1) Paragraph 52(1) shall not apply where the statement of...

Business and result of initial creditors' meeting

54. (1) An initial creditors' meeting to which an administrator's proposals...

Revision of administrator's proposals

55. (1) This paragraph applies where— (a) an administrator's proposals have...

Failure to obtain approval of administrator's proposals

56. (1) This paragraph applies where an administrator reports to the...

Further creditors' meetings

57. (1) The administrator of a company shall summon a creditors'...

Creditors' committee

58. (1) A creditors' meeting may establish a creditors' committee.

Correspondence instead of creditors' meeting

59. (1) Anything which is required or permitted by or under...
— FUNCTIONS OF ADMINISTRATOR

General powers

60. (1) The administrator of a company may do anything necessary...
61. The administrator of a company has the powers specified in...
62. The administrator of a company— (a) may remove a director...
63. The administrator of a company may call a meeting of...
64. The administrator of a company may apply to the High...

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65. (1) A company in administration or an officer of a...

Distribution

66. (1) The administrator of a company may make a distribution...
67. The administrator of a company may make a payment otherwise...

General duties

68. The administrator of a company shall on his appointment take...
69. (1) Subject to sub-paragraph (2), the administrator of a company...

Administrator as agent of company

70. In exercising his functions under this Schedule the administrator of...

Charged property: floating charge

71. (1) The administrator of a company may dispose of or...

Charged property: non-floating charge

72. (1) The High Court may by order enable the administrator...

Hire-purchase property

73. (1) The High Court may by order enable the administrator...

Protection for priority creditor

74. (1) An administrator's statement of proposals under paragraph 50 may...

Challenge to administrator's conduct of company

75. (1) A creditor or member of a company in administration...

Misfeasance

76. (1) The High Court may examine the conduct of a...
— ENDING ADMINISTRATION

Automatic end of administration

77. (1) The appointment of an administrator shall cease to have...
78. (1) An order of the High Court under paragraph 77—...
79. (1) In paragraph 77(2)(b) “ consent ” means consent of—...

Court ending administration on application of administrator

80. (1) On the application of the administrator of a company...

Termination of administration where objective achieved

81. (1) This paragraph applies where an administrator of a company...

Court ending administration on application of creditor

82. (1) On the application of a creditor of a company...

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Public interest winding-up

83. (1) This paragraph applies where a winding-up order is made...

Moving from administration to creditors' voluntary liquidation

84. (1) This paragraph applies where the administrator of a company...

Moving from administration to dissolution

85. (1) If the administrator of a company thinks that the...

Discharge of administration order where administration ends

86. (1) This paragraph applies where— (a) the High Court makes...

Notice to registrar where administration ends

87. (1) This paragraph applies where the High Court makes an...
— REPLACING ADMINISTRATOR

Resignation of administrator

88. (1) An administrator may resign only in prescribed circumstances.

Removal of administrator from office

89. The High Court may by order remove an administrator from...

Administrator ceasing to be qualified

90. (1) The administrator of a company shall vacate office if...

Supplying vacancy in office of administrator

91. Paragraphs 92 to 96 apply where an administrator—
92. (1) Where the administrator was appointed by administration order, the...
93. Where the administrator was appointed under paragraph 15 the holder...
94. (1) Where the administrator was appointed under paragraph 23(1) by...
95. (1) Where the administrator was appointed under paragraph 23(2) the...
96. The High Court may replace an administrator on the application...

Substitution of administrator: competing floating charge-holder

97. (1) This paragraph applies where an administrator of a company...

Substitution of administrator appointed by company or directors: creditors' meeting

98. (1) This paragraph applies where— (a) an administrator of a...

Vacation of office: discharge from liability

99. (1) Where a person ceases to be the administrator of...

Vacation of office: charges and liabilities

100. (1) This paragraph applies where a person ceases to be...
— GENERAL

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Joint and concurrent administrators

- 101. (1) In this Schedule— (a) a reference to the appointment...
- 102. (1) This paragraph applies where two or more persons are...
- 103. (1) This paragraph applies where two or more persons are...
- 104. (1) Where a company is in administration, a person may...

Presumption of validity

- 105. An act of the administrator of a company is valid...

Majority decision of directors

- 106. A reference in this Schedule to something done by the...

Penalties

- 107. (1) A person who is guilty of an offence under...

Extension of time limit

- 108. (1) Where a provision of this Schedule provides that a...
- 109. (1) A period specified in paragraph 50(5), 51(1)(b) or 52(2)...
- 110. Where a period is extended under paragraph 108 or 109,...

Amendment of provision about time

- 111. (1) The Department may by order amend a provision of...

SCHEDULE 1 — POWERS OF ADMINISTRATOR OR ADMINISTRATIVE RECEIVER

- 1. Power to take possession of, collect and get in the property of the company and,...
- 2. Power to sell or otherwise dispose of the company's property, including the goodwill and book...
- 3. Without prejudice to Article 28 or 30 of the Property...
- 4. Power to raise or borrow money and grant security therefor over the property of the...
- 5. Power to appoint a solicitor or accountant or other professionally qualified person to assist him...
- 6. Power to bring or defend any action or other legal proceedings in the name and...
- 7. Power to refer to arbitration any question affecting the company.
- 8. Power to effect and maintain insurances in respect of the business and property of the...
- 9. Power to use the company's seal.
- 10. Power to do all acts and to execute in the name and on behalf of...
- 11. Power to draw, accept, make and endorse any bill of exchange or promissory note in...
- 12. Power to appoint any agent to do any business which he is unable to do...
- 13. Power to do all such things (including the carrying out of works) as may be...
- 14. Power to make any payment which is necessary or incidental to the performance of his...
- 15. Power to carry on the business of the company.
- 16. Power to establish subsidiaries of the company.

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17. Power to transfer to subsidiaries of the company the whole or any part of the...
18. Power to grant or accept a surrender of a lease or tenancy of any of...
19. Power to make any arrangement or compromise on behalf of the company.
20. Power to call up any uncalled capital of the company.
21. Power to rank and claim in the bankruptcy, insolvency or liquidation of any person indebted...
22. Power to present or defend a petition for the winding up of the company.
23. Power to change the situation of the company's registered office.
24. Power to do all other things incidental to the exercise of the foregoing powers.

SCHEDULE 1A — EXCEPTIONS TO PROHIBITION ON APPOINTMENT OF ADMINISTRATIVE RECEIVER: SUPPLEMENTARY PROVISIONS

— Capital market arrangement

1. For the purposes of Article 59B an arrangement is a capital market arrangement if—
 - Capital market investment
2. For the purposes of Article 59B an investment is a capital market investment if it—
3. An investment is also a capital market investment for the purposes of Article 59B if
 - “Agreement”
4. or the purposes of Articles 59B and 59F and this Schedule “
 - Debt
5. he debt of at least £50 million referred to in Article 59B(1)(a) or 59F(2)(a)
 -
 - Step-in rights
6. For the purposes of Articles 59C to 59F a project has “
 - Project company
7. For the purposes of Articles 59C to 59F a company is a “
 - “Resources”
8. In Article 59C “
 - “Public body”
9. In Article 59C “
 - Regulated business
10. For the purposes of Article 59D a business is regulated if it is carried on—
 - “Person”
11. A reference to a person in this Schedule includes a reference to a partnership or

SCHEDULE 2 — POWERS OF LIQUIDATOR IN A WINDING UP

PART I — POWERS EXERCISABLE WITH SANCTION

1. Power to pay any class of creditors in full.
2. Power to make any compromise or arrangement with creditors or persons claiming to be creditors,...
3. Power to compromise, on such terms as may be agreed—...
- 3A Power to bring legal proceedings under Article 177, 178, 202, 203 or 367.

PART II — POWERS EXERCISABLE WITHOUT SANCTION IN VOLUNTARY WINDING UP, WITH SANCTION IN WINDING UP BY THE HIGH COURT

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4. Power to bring or defend any action or other legal proceeding in the name and...
5. Power to carry on the business of the company so far as may be necessary...
PART III — POWERS EXERCISABLE WITHOUT SANCTION IN ANY WINDING UP
6. Power to sell any part of the company's property, including...
7. Without prejudice to Article 28 or 30 of the Property...
- 7A Power to compromise, on such terms as may be agreed—...
8. Power to do all acts and execute, in the name...
- 8A Power to use the company's seal.
9. Power to prove, rank and claim in the bankruptcy or...
10. Power to draw, accept, make and endorse any bill of...
11. Power to raise on the security of the assets of...
12. (1) Power to take out in his official name letters...
13. Power to appoint an agent to do any business which...
14. Power to do all such other things as may be...

SCHEDULE 2ZA — CONDITIONS FOR MAKING A DEBT RELIEF ORDER
PART 1 — CONDITIONS WHICH MUST BE MET

Connection with Northern Ireland

1. (1) The debtor— (a) is domiciled in Northern Ireland on the application date; or (b)...

Debtor's previous insolvency history

2. The debtor is not, on the determination date— (a) an undischarged bankrupt; (b) subject to...
3. A debtor's petition for the debtor's bankruptcy under Part 9— (a) has not been presented...
4. A creditor's petition for the debtor's bankruptcy under Part 9— (a) has not been presented...
5. A debt relief order has not been made in relation to the debtor in the...

Limit on debtor's overall indebtedness

6. (1) The total amount of the debtor's debts on the determination date, other than unliquidated...

Limit on debtor's monthly surplus income

7. (1) The debtor's monthly surplus income (if any) on the determination date does not exceed...

Limit on value of debtor's property

8. (1) The total value of the debtor's property on the determination date does not exceed...

PART 2 — OTHER CONDITIONS

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9. (1) The debtor has not entered into a transaction with any person at an undervalue...
10. (1) The debtor has not given a preference to any person during the period between—...

SCHEDULE 2ZB — DEBT RELIEF RESTRICTIONS ORDERS AND UNDERTAKINGS

Debt relief restrictions order

1. (1) A debt relief restrictions order may be made by the High Court in relation...

Grounds for making order

2. (1) The High Court shall grant an application for a debt relief restrictions order if...

Timing of application for order

3. An application for a debt relief restrictions order in respect of a debtor may be...

Duration of order

4. (1) A debt relief restrictions order— (a) comes into force when it is made, and...

Interim debt relief restrictions order

5. (1) This paragraph applies at any time between— (a) the institution of an application for...
6. (1) This paragraph applies to a case in which both an interim debt relief restrictions...

Debt relief restrictions undertaking

7. (1) A debtor may offer a debt relief restrictions undertaking to the Department. (2) In...
8. A reference in a statutory provision to a person in respect of whom a debt...
9. (1) A debt relief restrictions undertaking— (a) comes into force on being accepted by the...

Effect of revocation of debt relief order

10. Unless the High Court directs otherwise, the revocation at any time of a debt relief...

SCHEDULE 2A — BANKRUPTCY RESTRICTIONS ORDER AND UNDERTAKING

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- Bankruptcy restrictions order
- 1. (1) A bankruptcy restrictions order may be made by the High Court. (2) An order...
- Grounds for making order
- 2. (1) The High Court shall grant an application for a bankruptcy restrictions order if it...
- Timing of application for order
- 3. (1) An application for a bankruptcy restrictions order in respect of a bankrupt must be...
- Duration of order
- 4. (1) A bankruptcy restrictions order— (a) shall come into force when it is made, and...
- Interim bankruptcy restrictions order
- 5. (1) This paragraph applies at any time between— (a) the institution of an application for...
- 6. (1) This paragraph applies to a case in which both an interim bankruptcy restrictions order...
- Bankruptcy restrictions undertaking
- 7. (1) A bankrupt may offer a bankruptcy restrictions undertaking to the Department. (2) In determining...
- 8. A reference in a statutory provision to a person in respect of whom a bankruptcy...
- 9. (1) A bankruptcy restrictions undertaking— (a) shall come into force on being accepted by the...
- Effect of annulment of bankruptcy order
- 10. Where a bankruptcy order is annulled under Article 256(1)(a)— (a) any bankruptcy restrictions order, interim...
- 11. Where a bankruptcy order is annulled under Article 235, 237D or 256(1)(b)— (a) the annulment...
- Registration
- 12. The Department shall maintain a register of— (a) bankruptcy restrictions orders, (b) interim bankruptcy restrictions...

SCHEDULE 3 — POWERS OF TRUSTEE IN BANKRUPTCY

PART I — POWERS EXERCISABLE WITH SANCTION

- 1. Power to carry on any business of the bankrupt so far as may be necessary...
- 2. Power to bring, institute or defend any action or legal proceedings relating to the property...
- 2A. Power to bring legal proceedings under Article 312, 313 or 367.
- 3. Power to accept as the consideration for the sale of any property comprised in the...
- 4. Power to mortgage or pledge any part of the property comprised in the bankrupt's estate...
- 5. Power, where any right, option or other power forms part of the bankrupt's estate, to...
- 6. Power to refer to arbitration, or compromise on such terms...
- 7. Power to make such compromise or other arrangement as may be thought expedient with creditors,...
- 8. Power to make such compromise or other arrangement as may...

PART II — POWERS EXERCISABLE WITHOUT SANCTION

- 9. Power to sell any part of the property for the...
- 10. Without prejudice to Article 28 or 30 of the Property...
- 10A. Power to refer to arbitration, or compromise on such terms...

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- 10B Power to make such compromise or other arrangement as may...
 - 11. Power to give receipts for any money received by him,...
 - 12. Power to prove, rank, claim and draw a dividend in...
 - 13. Power to exercise in relation to any property comprised in...
 - 14. Power to deal with any property comprised in the estate...
 - PART III — ANCILLARY POWERS
 - 15. For the purposes of, or in connection with, the exercise of any of his powers...

SCHEDULE 4 — THE CATEGORIES OF PREFERENTIAL DEBTS

— Category 1: Debts due to Inland Revenue

- 1.
- 2.
 - Category 2: Debts due to Customs and Excise
- 3.
- 3A
- 3B
- 3C
- 4.
- 5.
- 5A
- 5B
- 5C
 - Category 3: Social security contributions
- 6.
- 7.
 - Category 4: Contributions to occupational pension schemes, etc.
- 8. Any sum which is owed by the debtor and is...
 - Category 5: Remuneration, etc., of employees
- 9. So much of any amount which— (a) is owed by...
- 10. An amount owed by way of accrued holiday remuneration, in...
- 11. So much of any sum owed in respect of money...
- 12. So much of any amount which— (a) is ordered (whether...
 - Interpretation for Category 5
- 13. (1) For the purposes of paragraphs 9 to 12, a...
- 14. (1) This paragraph relates to a case in which a...
- 15. Without prejudice to paragraphs 13 and 14—
 - Orders under Category 5
- 16. An order under paragraph 9 or 12—
 - Category 6: Levies on coal and steel production
- 17. Any sums due at the relevant date from the debtor...
 - Category 6A: Debts owed to the Financial Services Compensation Scheme
- 17A Any debt owed by the debtor to the scheme manager...
 - Category 7: Deposits covered by Financial Services Compensation Scheme
- 18. So much of any amount owed at the relevant date...
 - Category 8: Other deposits
- 19. So much of any amount owed at the relevant date...
- 20. An amount owed at the relevant date by the debtor...
 - Interpretation for Categories 6A, 7 and 8
- 21. (A1) In paragraph 17A “ the scheme manager ” has...

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SCHEDULE 5 — PROVISIONS CAPABLE OF INCLUSION IN COMPANY INSOLVENCY RULES

— High Court

1. (1) Provision for regulating the practice and procedure of the High Court so far as...
2. Provision conferring rights of audience, in the High Court so far as relating to, and...
 - Notices, etc.
3. Provision requiring notice of any proceedings in connection with or arising out of the insolvency...
4. Provision with respect to the form, manner of serving, contents and proof of any petition,...
5. Provision specifying the persons to whom any notice is to be given.
 - Registration of voluntary arrangements
6. Provision for the registration of voluntary arrangements approved under Part II, including provision for the...
 - Provisional liquidator
7. Provision as to the manner in which a provisional liquidator appointed under Article 115 is...
 - Conduct of insolvency
8. Provision with respect to the certification of any person as, and as to the proof...
9. The following provision with respect to meetings of a company's creditors, contributories or members— (a)...
10. (1) Provision as to the functions, membership and proceedings of a committee established under Article...
11. Provision as to the manner in which any requirement that may be imposed on a...
12. Provision as to the debts that may be proved in a winding up, as to...
13. Provision with respect to the manner of the distribution of the property of a company...
14. Provision which, with or without modifications, applies in relation to the winding up of companies...
- 14A Provision about the application of Article 150A which may include, in particular— (a) provision enabling...
 - Administration
- 14B Provision which—
 - Financial provisions
15. Provision as to the amount, or manner of determining the amount, payable to the liquidator,...
16. Provision with respect to the manner in which money received by the liquidator of a...
- 16A Provision enabling the Department to set the rate of interest paid on sums which have...
17. Provision as to the costs that may be treated as the expenses of a winding...
18. Provision as to the costs that may be treated as properly incurred by the administrator...
19. Provision as to the costs that may be incurred for any of the purposes of...
 - Information and records
20. Provision requiring officers of the High Court— (a) to keep books and other records with...
21. Provision requiring a creditor, member or contributory, or such a committee as is mentioned in...

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22. Provision as to the manner in which public examinations under Articles 113 and 114 and...
23. Provision imposing requirements with respect to— (a) the preparation and keeping by the liquidator, administrator...
24. Provision requiring the person who is the supervisor of a voluntary arrangement approved under Part...
25. Provision as to the manner in which the liquidator of a company is to act...
26. Provision imposing requirements in connection with the carrying out of functions under Article 10(4) of...
 - General
27. Provision conferring power on the Department to make regulations with respect to so much of...
28. Provision conferring a discretion on the High Court.
29. Provision conferring power on the High Court to make orders for the purpose of securing...
30. Provision making non#compliance with any of the rules a criminal offence.

SCHEDULE 6 — PROVISIONS CAPABLE OF INCLUSION IN INDIVIDUAL INSOLVENCY RULES

— High Court

1. Provision for regulating the practice and procedure of the High Court for the purposes of
2. Provision conferring rights of audience, in the High Court for the purposes of
 - Notices, etc.
3. Provision requiring notice of any proceedings under
4. Provision with respect to the form, manner of serving, contents and proof of any petition,
5. Provision specifying the persons to whom any notice under

Debt relief orders

- 5A Provision as to the manner in which the official receiver is to carry out his...
- 5B Provision as to the manner in which any requirement that may be imposed by the...
- 5C Provision modifying the application of Part 7A in relation to an individual who has died...

Debt relief restrictions orders and undertakings

- 5D Provision about debt relief restrictions orders, interim orders and undertakings, including provision about evidence.

Register of debt relief orders and debt relief restrictions orders, etc.

- 5E Provision about the register required to be maintained by Article 208W and the information to...
 - ... Voluntary arrangements
6. Provision ... for the registration of ... voluntary arrangements approved...
 - Official receiver acting on voluntary arrangement

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- 6A Provision about the official receiver acting as nominee or supervisor in relation to a voluntary...
 - Interim receiver
- 7. Provision as to the manner in which an interim receiver appointed under Article 259 is...
 - Receiver or manager
- 8. Provision as to the manner in which the official receiver is to carry out his...
 - Administration of individual insolvency
- 9. Provision with respect to the certification of the appointment of any person as trustee of
- 10. The following provision with respect to meetings of creditors—
- 11. Provision as to the functions, membership and proceedings of a creditors' committee established under Article
- 12. Provision as to the manner in which any requirement that may be imposed on a
- 13. Provision as to the manner in which any requirement imposed by virtue of Article 283(3)
- 14. Provision as to the terms and conditions that may be included in a charge under
- 15. Provision as to the debts that may be proved in any bankruptcy, as to the
- 16. Provision with respect to the manner of the distribution of a bankrupt's estate, including provision
- 17. Provision modifying the application of Parts VIII to X in relation to a debtor or
 - Financial provisions
- 18. Provision as to the amount, or manner of determining the amount, payable to an interim...
- 19. Provision with respect to the manner in which money received by the trustee of a...
- 19A Provision enabling the Department to set the rate of interest paid on sums which have...
- 20. Provision as to the costs that may be treated as the expenses of a bankruptcy.
- 21. Provision as to the costs that may be incurred for any of the purposes of...
 - Information and records
- 22. Provision requiring officers of the High Court—
- 23. Provision requiring a creditor or a committee established under Article 274 to be supplied (on
- 24. Provision as to the manner in which public examinations under Article 263 and proceedings under
- 25. Provision imposing requirements with respect to— (a) the preparation and...
- 26. Provision requiring the person who is the supervisor of a voluntary arrangement approved under Part
- 27. Provision as to the manner in which the trustee of a bankrupt's estate is to
 - Bankruptcy restrictions orders and undertakings
- 27A Provision about bankruptcy restrictions orders, interim orders and undertakings, including—
 - General
- 28. Provision conferring power on the Department to make regulations with...
- 29. Provision conferring a discretion on the High Court.
- 30. Provision making non-compliance with any of the rules a criminal offence.

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SCHEDULE 7 — PUNISHMENT OF OFFENCES UNDER THIS ORDER

SCHEDULE 8 — TRANSITIONAL PROVISIONS AND SAVINGS PART I — COMPANY INSOLVENCY AND WINDING UP

Administration orders

1. (1) Where any right to appoint an administrative receiver of a company is conferred by...

Receivers and managers

2. (1) Parts IV and VII do not apply in relation to any receiver or manager...

Winding up already in progress

3. (1) Subject to the following provisions of this Part, Parts V to VII do not...

Statement of affairs

4. (1) Where a winding up by the High Court has commenced, or is treated as...

Provisions relating to liquidator

5. (1) This paragraph applies as regards the liquidator in the case of a winding up...

Saving for power to make rules

6. Paragraphs 3 to 5 are without prejudice to the power conferred by this Order under...

Setting aside of preferences and other transactions

7. (1) Where a provision in Part V of this Order applies in relation to a...

PART II — INDIVIDUAL INSOLVENCY

Bankruptcy general

8. (1) Subject to the following provisions of this Part, Parts VIII to X do not...
9. (1) In relation to any such case as is mentioned in paragraph 8(1) the references...
10. Transactions entered into before the commencement date have effect on and after that date as...

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Discharge from old bankruptcy

11. (1) Where a person— (a) was adjudged bankrupt before the commencement date or is adjudged...

Provisions relating to trustee

12. (1) This paragraph applies as regards the trustee in the case of a person adjudged...

Second bankruptcy

13. (1) Articles 307 and 308 of this Order apply with the following modifications where the...

Setting aside of preferences and other transactions

14. (1) A preference given, assignment made or other transaction entered into before the commencement date...

Bankruptcy offences

15. (1) Where a bankruptcy order is made under this Order on or after the commencement...

Power to make rules

16. (1) The preceding provisions of this Part of this Schedule are without prejudice to the...

PART III — OTHER TRANSITIONAL PROVISIONS AND SAVINGS

Deeds of arrangement

17. Chapter I of Part VIII does not apply in relation...

Insolvency practitioners

18. Where an individual began to act as an insolvency practitioner in relation to any person...

Official receiver

19. Any property vested in the Official Assignee for bankruptcy for Northern Ireland, either alone or...

Transitional effect of Articles 367 to 369

20. (1) A transaction entered into before the commencement date shall not be set aside under...

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Periods of time

21. Where any period of time specified in any provision repealed by Article 382 and Schedule...

Saving

22. The provisions of this Schedule shall have effect without prejudice to sections 28 and 29...

Interpretation

23. In this Schedule—“the Bankruptcy Acts” means the Bankruptcy Acts (Northern Ireland) 1857 to 1980...

— Schedule 9—Amendments

— Schedule 10—Repeals

Status:

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