
STATUTORY INSTRUMENTS

1989 No. 2405

The Insolvency (Northern Ireland) Order 1989

PARTS XI TO XIV MISCELLANEOUS MATTERS BEARING ON BOTH COMPANY AND INDIVIDUAL INSOLVENCY

PART XI

PREFERENTIAL DEBTS IN COMPANY AND INDIVIDUAL INSOLVENCY

Categories of preferential debts

346.—(1) A reference in this Order to the preferential debts of a company or an individual is to the debts listed in Schedule 4 (money owed to the Inland Revenue for income tax deducted at source; VAT, car tax, betting and gaming duties; social security and pensions scheme contributions; remuneration, etc., of employees; levies on coal and steel production); and references to preferential creditors are to be read accordingly.

(2) In Schedule 4 “the debtor” means the company or the individual concerned.

(3) Schedule 4 is to be read with Schedule 4 to the Social Security Pensions (Northern Ireland) Order 1975 (occupational pension scheme contributions).

“The relevant date”

347.—(1) This Article explains references in Schedule 4 to the relevant date (being the date which determines the existence and amount of a preferential debt).

(2) For the purposes of Article 17 (meetings to consider company voluntary arrangement), the relevant date in relation to a company which is not being wound up is—

- (a) where an administration order is in force in relation to the company, the date of the making of that order, and
- (b) where no such order has been made, the date of the approval of the voluntary arrangement.

(3) In relation to a company which is being wound up, the following applies—

- (a) if the winding up is by the High Court, and the winding-up order was made immediately upon the discharge of an administration order, the relevant date is the date of the making of the administration order;
- (b) if the case does not fall within sub-paragraph (a) and the company—
 - (i) is being wound up by the Court, and
 - (ii) had not commenced to be wound up voluntarily before the date of the making of the winding-up order,

the relevant date is the date of the appointment (or first appointment) of a provisional liquidator or, if no such appointment has been made, the date of the winding-up order;

- (c) if the case does not fall within either sub-paragraph (a) or (b), the relevant date is the date of the passing of the resolution for the winding up of the company.

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(4) In relation to a company in receivership (where Article 50 applies), the relevant date is the date of the appointment of the receiver by debenture-holders.

(5) For the purposes of Article 232 (meeting to consider individual voluntary arrangements), the relevant date is, in relation to a debtor who is not an undischarged bankrupt, the date of the interim order made under Article 226 with respect to his proposal.

(6) In relation to a bankrupt, the following applies—

- (a) where at the time the bankruptcy order was made there was an interim receiver appointed under Article 259, the relevant date is the date on which the interim receiver was first appointed after the presentation of the bankruptcy petition;
- (b) otherwise, the relevant date is the date of the making of the bankruptcy order.