
STATUTORY INSTRUMENTS

1989 No. 2405

The Insolvency (Northern Ireland) Order 1989

PART II

COMPANY VOLUNTARY ARRANGEMENTS

The proposal

Those who may propose an arrangement

14.—(1 ^{F1} The directors of a company [^{F2}(other than one which is in administration or being wound up)] may make a proposal under this Part to the company and to its creditors for a composition in satisfaction of its debts or a scheme of arrangement of its affairs (referred to, in either case, as a “voluntary arrangement”).

(2) A proposal under this Part is one which provides for some person (“the nominee”) to act in relation to the voluntary arrangement either as trustee or otherwise for the purpose of supervising its implementation; and the nominee must be a person who is qualified to act as an insolvency practitioner ^{F3} [^{F4}... in relation to the voluntary arrangement].

(3 ^{F1} Such a proposal may also be made—

[^{F5}(a) where the company is in administration, by the administrator,]

(b) where the company is being wound up, by the liquidator.

[^{F6}(4) In this Part “company” means—

[^{F7}(a) a company registered under the Companies Act 2006 in Northern Ireland;]

(b) a company incorporated in an EEA State other than the United Kingdom; or

(c) a company not incorporated in an EEA State but having its centre of main interests in a member State other than Denmark.

(5) In paragraph (4) in relation to a company, “centre of main interests” has the [^{F8}same meaning as in Article 3 of the EU Regulation.]

(6) If a company incorporated outside Northern Ireland has a principal place of business in England and Wales or Scotland (or both in England and Wales and in Scotland), no proposal under this Part shall be made in relation to it unless it also has a principal place of business in Northern Ireland.]

F1 mod. by SR 2004/307

F2 Words in art. 14(1) substituted (27.3.2006) by [Insolvency \(Northern Ireland\) Order 2005 \(S.I. 2005/1455 \(N.I. 10\)\)](#), arts. 1(3), 3(3), Sch. 2 para. 21(a) (with art. 4); S.R. 2006/21, [art. 2](#) (with S.R. 2006/22, [arts. 2-7](#))

F3 Words in art. 14(2) repealed (1.4.2016) by [Insolvency \(Amendment\) Act \(Northern Ireland\) 2016 \(c. 2\)](#), s. 28(2), Sch. 3 para. 4, [Sch. 4](#); S.R. 2016/203, art. 2

F4 2002 NI 6

Status: Point in time view as at 26/06/2020.

Changes to legislation: The Insolvency (Northern Ireland) Order 1989, Cross Heading: The proposal is up to date with all changes known to be in force on or before 20 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)

- F5** Art. 14(3)(a) substituted (27.3.2006) by [Insolvency \(Northern Ireland\) Order 2005 \(S.I. 2005/1455 \(N.I. 10\)\)](#), arts. 1(3), 3(3), Sch. 2 para. 21(b) (with art. 4); S.R. 2006/21, **art. 2** (with S.R. 2006/22, **arts. 2-7**)
- F6** Art. 14(4)-(6) substituted (18.10.2006) for art. 14(4) by [Insolvency \(Northern Ireland\) Order 1989 \(Amendment\) Regulations \(Northern Ireland\) 2006 \(S.R. 2006/370\)](#), **reg. 3(3)** (with reg. 4)
- F7** Art. 14(4)(a) substituted (1.10.2009) by [Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), arts. 2(1), 8, **Sch. 1 para. 107(2)** (with art. 10)
- F8** Words in art. 14(5) substituted (26.6.2017) by [The Insolvency Amendment \(EU 2015/848\) Regulations 2017 \(S.I. 2017/702\)](#), reg. 1, **Sch. para. 99** (with reg. 3)

Moratorium

F9 **14A.**

- F9** [Art. 14A](#) omitted (26.6.2020) by virtue of [Corporate Insolvency and Governance Act 2020 \(c. 12\)](#), s. 49(1), **Sch. 7 para. 6** (with ss. 2(2), 5(2))

Procedure where nominee is not the liquidator or administrator

15.—(1 ^{F10} This Article applies where the nominee under Article 14 is not the liquidator or administrator of the company ^{F11}

(2) The nominee shall, within 28 days (or such longer period as the High Court may allow) after he is given notice of the proposal for a voluntary arrangement, submit a report to the Court stating—

(a) [^{F12}whether, in his opinion, the proposed voluntary arrangement has a reasonable prospect of being approved and implemented,]

[^{F12}(aa)] ^{F10}whether, in his opinion, meetings of the company and of its creditors should be summoned to consider the proposal, and

(b) ^{F10} if in his opinion such meetings should be summoned, the date on which, and time and place at which, he proposes the meetings should be held.

(3 ^{F10} For the purposes of enabling the nominee to prepare his report, the person intending to make the proposal shall submit to the nominee—

(a) a document setting out the terms of the proposed voluntary arrangement, and

(b) a statement of the company's affairs containing—

(i) such particulars of its creditors and of its debts and other liabilities and of its assets as may be prescribed, and

(ii) such other information as may be prescribed.

[^{F13}(4) The High Court may—

(a) ^{F10} on an application made by the person intending to make the proposal, in a case where the nominee has failed to submit the report required by this Article or has died, or

(b) ^{F10} on an application made by that person or the nominee, in a case where it is impracticable or inappropriate for the nominee to continue to act as such,

direct that the nominee be replaced as such by another person qualified to act as an insolvency practitioner^{F14} in relation to the voluntary arrangement.]

F10 mod. by SR 2004/307

Changes to legislation: The Insolvency (Northern Ireland) Order 1989, Cross Heading: The proposal is up to date with all changes known to be in force on or before 20 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)

- F11** Words in art. 15(1) omitted (26.6.2020) by virtue of [Corporate Insolvency and Governance Act 2020](#) (c. 12), s. 49(1), [Sch. 7 para. 7](#) (with ss. 2(2), 5(2))
- F12** [2002 NI 6](#)
- F13** [2002 NI 6](#)
- F14** Words in art. 15(4) repealed (1.4.2016) by [Insolvency \(Amendment\) Act \(Northern Ireland\) 2016](#) (c. 2), s. 28(2), [Sch. 3 para. 5](#), [Sch. 4](#); S.R. 2016/203, art. 2

Summoning of meetings

16.—(1) ^{F15} Where the nominee under Article 14 is not the liquidator or administrator, and it has been reported to the High Court that such meetings as are mentioned in Article 15(2) should be summoned, the person making the report shall (unless the Court otherwise directs) summon those meetings for the time, date and place proposed in the report.

(2) ^{F15} Where the nominee is the liquidator or administrator, he shall summon meetings of the company and of its creditors to consider the proposal for such a time, date and place as he thinks fit.

(3) The persons to be summoned to a creditors' meeting under this Article are every creditor of the company of whose claim and address the person summoning the meeting is aware.

- F15** mod. by SR 2004/307

Status:

Point in time view as at 26/06/2020.

Changes to legislation:

The Insolvency (Northern Ireland) Order 1989, Cross Heading: The proposal is up to date with all changes known to be in force on or before 20 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.