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STATUTORY INSTRUMENTS

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**1989 No. 2405**

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

**PART IX**

**BANKRUPTCY**

**CHAPTER I**

**BANKRUPTCY PETITIONS; BANKRUPTCY ORDERS**

*Preliminary*

**Who may present a bankruptcy petition**

**238.**—(1) A petition for a bankruptcy order (a bankruptcy petition) to be made against an individual may be presented to the High Court in accordance with the following provisions of this Part—

- (a) by one of the individual's creditors or jointly by more than one of them,
- (b) by the individual himself,
- [<sup>F1</sup>(ba) by a temporary administrator (within the meaning of Article 38 of the EC Regulation),
- (bb) by a liquidator (within the meaning of Article 2(b) of the EC Regulation) appointed in proceedings by virtue of Article 3(1) of the EC Regulation,]
- (c) by the supervisor of, or any person (other than the individual) who is for the time being bound by, a voluntary arrangement proposed by the individual and approved under Part VIII,<sup>F2</sup> . . .
- (d) <sup>F3</sup> . . . . .

(2) Subject to those provisions, the High Court may make a bankruptcy order on any such petition.

**F1** SR 2002/334

**F2** Word before art. 238(1)(d) repealed (27.3.2006) by [Insolvency \(Northern Ireland\) Order 2005 \(S.I. 2005/1455 \(N.I. 10\)\)](#), arts. 1(3), 25, 31, Sch. 8 para. 3, Sch. 9 (with art. 4); S.R. 2006/21, [art. 2](#) (with S.R. 2006/22, [arts. 2 - 7](#))

**F3** [Art. 238\(1\)\(d\)](#) repealed (27.3.2006) by [Insolvency \(Northern Ireland\) Order 2005 \(S.I. 2005/1455 \(N.I. 10\)\)](#), arts. 1(3), 25, 31, Sch. 8 para. 3, Sch. 9 (with art. 4); S.R. 2006/21, [art. 2](#) (with S.R. 2006/22, [arts. 2 - 7](#))

**Conditions to be satisfied in respect of debtor**

**239.**—(1) A bankruptcy petition shall not be presented to the High Court under Article 238(1) (a) or (b) unless the debtor—

- (a) is domiciled in Northern Ireland,

**Status:** Point in time view as at 27/03/2006.

**Changes to legislation:** The Insolvency (Northern Ireland) Order 1989, Cross Heading: Preliminary is up to date with all changes known to be in force on or before 10 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)

- (b) is personally present in Northern Ireland on the day on which the petition is presented, or
- (c) at any time in the 3 years immediately preceding that day—
  - (i) has been ordinarily resident, or has had a place of residence, in Northern Ireland, or
  - (ii) has carried on business in Northern Ireland.
- (2) The reference in paragraph (1)(c) to an individual carrying on business includes—
  - (a) the carrying on of business by a firm or partnership of which the individual is a member, and
  - (b) the carrying on of business by an agent or manager for the individual or for such a firm or partnership.
- [<sup>F4</sup>(3) This Article is subject to Article 3 of the EC Regulation.]

**F4** SR 2002/334

#### **Other preliminary conditions**

**240.**—(1) Where a bankruptcy petition relating to an individual is presented by a person who is entitled to present a petition under 2 or more sub#paragraphs of Article 238(1), the petition is to be treated for the purposes of this Part as a petition under such one of those sub#paragraphs as may be specified in the petition.

(2) A bankruptcy petition shall not be withdrawn without the leave of the High Court.

(3) The High Court may, if it appears to it appropriate to do so on the grounds that there has been a contravention of the rules or for any other reason, dismiss a bankruptcy petition or stay proceedings on such a petition; and, where it stays proceedings on a petition, it may do so on such terms and conditions as it thinks fit.

**Status:**

Point in time view as at 27/03/2006.

**Changes to legislation:**

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