

STATUTORY INSTRUMENTS

1989 No. 2405

The Insolvency (Northern Ireland) Order 1989

PART X

INDIVIDUAL INSOLVENCY: GENERAL PROVISIONS

Modifications etc. (not altering text)

- C1** Pts. VIII-X (arts. 209-345) modified by Foyle Fisheries Act (Northern Ireland) 1952 (c. 5), s. 52K(2) (as inserted (prosp.) by Foyle and Carlingford Fisheries (Northern Ireland) Order 2007 (S.I. 2007/915 (N.I. 9)), arts. 1(3), **3(1)** (with art. 32))

Supplies of water, electricity, etc.

343^{F1}.—(1) This Article applies where on any day (“the relevant day”)—

- (a) a bankruptcy order is made against an individual or an interim receiver of an individual's property is appointed, or
- (b) a voluntary arrangement proposed by an individual is approved under Chapter II of Part VIII,^{F2}...

^{F2}(c)

and “the office#holder” means the official receiver, the trustee in bankruptcy, the interim receiver [^{F3}or], the supervisor of the voluntary arrangement ^{F4}..., as the case may be.

(2) If a request falling within paragraph (3) is made for the giving after the relevant day of any of the supplies mentioned in paragraph (4), the supplier—

- (a) may make it a condition of the giving of the supply that the office#holder personally guarantees the payment of any charges in respect of the supply, but
- (b) shall not make it a condition of the giving of the supply, or do anything which has the effect of making it a condition of the giving of the supply, that any outstanding charges in respect of a supply given to the individual before the relevant day are paid.

(3) A request falls within this paragraph if it is made—

- (a) by or with the concurrence of the office#holder, and
- (b) for the purposes of any business which is or has been carried on by the individual, by a firm or partnership of which the individual is or was a member, or by an agent or manager for the individual or for such a firm or partnership.

(4) The supplies referred to in paragraph (2) are—

- (a) a supply of electricity by [^{F5} a public electricity supplier within the meaning of Part II of the Electricity (Northern Ireland) Order 1992,

[a supply of gas by a holder of a licence under Article 8 of the Gas (Northern Ireland)^{F6}(aa) Order 1996;

Status: Point in time view as at 01/04/2016.

Changes to legislation: The Insolvency (Northern Ireland) Order 1989, PART X is up to date with all changes known to be in force on or before 13 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)

[^{F7}(b) a supply of water or sewerage services by a water or sewerage undertaker;]

[a supply of communications services by a provider of a^{F9} public electronic
^{F8}(c) communications service,

and in this paragraph “communications services” do not include electronic communications services to the extent that they are used to broadcast or transmit programme services (within the meaning of the Communications Act 2003).]]]]

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| F1 | mod. by SR 1990/177; SR 1991/411 |
| F2 | Art. 343(1)(c) and word repealed (1.4.2016) by Insolvency (Amendment) Act (Northern Ireland) 2016 (c. 2), s. 28(2), Sch. 4 ; S.R. 2016/203, art. 2 |
| F3 | Word in art. 343(1) inserted (1.4.2016) by Insolvency (Amendment) Act (Northern Ireland) 2016 (c. 2), s. 28(2), Sch. 3 para. 13 ; S.R. 2016/203, art. 2 |
| F4 | Words in art. 343(1) repealed (1.4.2016) by Insolvency (Amendment) Act (Northern Ireland) 2016 (c. 2), s. 28(2), Sch. 4 ; S.R. 2016/203, art. 2 |
| F5 | 1992 NI 1 |
| F6 | 1996 NI 2 |
| F7 | Art. 343(4)(b) substituted (1.4.2007) by Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336 (N.I. 21)), arts. 1(2), 308(1), Sch. 12 para. 27(2) (with arts. 8(8), 121(3), 307); S.R. 2007/194, art. 2(2) , Sch. 1 Pt. II (subject to art. 3, Sch. 2) |
| F8 | 2003 c. 21 |
| F9 | SI 2004/945 |

Time#limits

344. Where by any provision in [^{F10}Parts 7A to 10]^{F11}... or by the rules the time for doing anything is limited, the High Court may extend the time, either before or after it has expired, on such terms, if any, as it thinks fit.

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| F10 | Words in art. 344 substituted (30.6.2011) by Debt Relief Act (Northern Ireland) 2010 (c. 16), ss. 6, 7(1), Sch. para. 4(8) ; S.R. 2011/13, art. 2 |
| F11 | Words in art. 344 repealed (1.4.2016) by Insolvency (Amendment) Act (Northern Ireland) 2016 (c. 2), s. 28(2), Sch. 4 ; S.R. 2016/203, art. 2 |

Formal defects

345. The acts of a person as the trustee of a bankrupt's estate or as a special manager, and the acts of the creditors' committee established for any bankruptcy, are valid notwithstanding any defect in the appointment, election or qualifications of the trustee or manager or, as the case may be, of any member of the committee.

Status:

Point in time view as at 01/04/2016.

Changes to legislation:

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