
STATUTORY INSTRUMENTS

1989 No. 2405

The Insolvency (Northern Ireland) Order 1989

PART XIII

PUBLIC ADMINISTRATION

Insolvency practice

Regulations for purposes of Part XII

363.—^[F1](1) The Department may make regulations for the purpose of giving effect to Part 12 of this Order.]

^[F2](2) Without prejudice to the generality of ^[F3]paragraph (1) or] any provision of Part XII by virtue of which regulations may be made with respect to any matter, ^[F4]regulations under this Article may contain] —

- (a) provision as to the matters to be taken into account in determining whether a person is a fit and proper person to act as an insolvency practitioner;
- (b) provision prohibiting a person from so acting in prescribed cases, being cases in which a conflict of interest will or may arise;
- (c) provision imposing requirements with respect to—
 - (i) the preparation and keeping by a person who acts as an insolvency practitioner of prescribed books, accounts and other records, and
 - (ii) the production of those books, accounts and records to prescribed persons;
- (d) provision conferring power on prescribed persons—
 - (i) to require any person who acts or has acted as an insolvency practitioner to answer any inquiry in relation to a case in which he is so acting or has so acted, and
 - (ii) to apply to a court to examine such a person or any other person on oath concerning such a case;
- (e) provision making non-compliance with any of the regulations a criminal offence; and
- (f) such incidental, supplemental and transitional provisions as may appear to the Department necessary or expedient.

^[F5](3) In making regulations under this Article, the Department must have regard to the regulatory objectives (as defined by Article 350C(3)).]

F1 Art. 363(1) inserted (1.4.2016) by *Insolvency (Amendment) Act (Northern Ireland) 2016 (c. 2)*, ss. **23(4)**, 28(2); S.R. 2016/203, art. 2

F2 Art. 363 renumbered as art. 363(2) (1.4.2016) by *Insolvency (Amendment) Act (Northern Ireland) 2016 (c. 2)*, ss. **23(2)**, 28(2); S.R. 2016/203, art. 2

Changes to legislation: *The Insolvency (Northern Ireland) Order 1989, Cross Heading: Insolvency practice is up to date with all changes known to be in force on or before 23 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) View outstanding changes*

- F3** Words in art. 363(2) inserted (1.4.2016) by Insolvency (Amendment) Act (Northern Ireland) 2016 (c. 2), **ss. 23(3)(a)**, 28(2); S.R. 2016/203, art. 2
- F4** Words in art. 363(2) substituted (1.4.2016) by Insolvency (Amendment) Act (Northern Ireland) 2016 (c. 2), **ss. 23(3)(b)**, 28(2); S.R. 2016/203, art. 2
- F5** Art. 363(3) inserted (1.4.2016) by Insolvency (Amendment) Act (Northern Ireland) 2016 (c. 2), **ss. 23(5)**, 28(2); S.R. 2016/203, art. 2

Changes to legislation:

The Insolvency (Northern Ireland) Order 1989, Cross Heading: Insolvency practice is up to date with all changes known to be in force on or before 23 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.

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Changes and effects yet to be applied to :

- Instrument amended by [1998 c. 11 s. 23 Sch. 5 Pt.1 Ch. 3 para. 40](#)
- Instrument amended (prosp) by [S.I. 1994/279 \(N.I.\) art. 26\(1\)Sch. 2 para. 15](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch. 9 Pt. 2 para. 66 revoked by [1996 c. 23 s. 107\(2\)Sch. 4](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov.uk](#))
- art. 2B inserted by [2016 c. 2 \(N.I.\) s. 2\(1\)](#)
- art. 208ZA applied (with modifications) by S.I. 2021/716, reg. 37A (as inserted) by [S.I. 2023/1399 reg. 12](#) (This amendment not applied to [Legislation.gov.uk](#). S. 208ZA is inserted by the Insolvency (Amendment) Act (Northern Ireland) 2016 (c. 2), s. 1(1) which is currently prospective.)
- art. 208ZA-208ZB inserted by [2016 c. 2 \(N.I.\) s. 1\(1\)](#)
- art. 208ZB applied (with modifications) by S.I. 2021/716, reg. 37A (as inserted) by [S.I. 2023/1399 reg. 12](#) (This amendment not applied to [Legislation.gov.uk](#). S. 208ZB is inserted by the Insolvency (Amendment) Act (Northern Ireland) 2016 (c. 2), s. 1(1) which is currently prospective.)
- art. 345A-345B inserted by [2016 c. 2 \(N.I.\) s. 1\(2\)](#)