

Status: Point in time view as at 26/06/2017.

Changes to legislation: The Insolvency (Northern Ireland) Order 1989, Cross Heading: Moving from administration to dissolution is up to date with all changes known to be in force on or before 07 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)

SCHEDULES

[^{F1}SCHEDULE B1

ADMINISTRATION

F1 Sch. B1 inserted (27.3.2006) by [Insolvency \(Northern Ireland\) Order 2005 \(S.I. 2005/1455 \(N.I. 10\)\)](#), arts. 1(3), 3(2), Sch. 1 (with art. 4); [S.R. 2006/21](#), art. 2 (with [S.R. 2006/22](#), arts. 2-7)

Modifications etc. (not altering text)

C1 Sch. B1 applied (with modifications) (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), ss. 73, 87(1)(2), 93(3), [Sch. 10 Pt. 1](#), [Sch. 10 Pt. 2](#)

ENDING ADMINISTRATION

Moving from administration to dissolution

85.—(1) If the administrator of a company thinks that the company has no property which might permit a distribution to its creditors, he shall send a notice to that effect to the registrar.

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^{F2}(1A) Sub-paragraph (1B) applies where, immediately before the administrator sends the notice, there are EU insolvency proceedings open in respect of the company in one or more member States.

(1B) The administrator must send to the registrar, with the notice, a statement—

- (a) identifying those proceedings,
- (b) identifying the member State liquidator appointed in each of those proceedings, and
- (c) indicating, in relation to each of those member State liquidators, whether that member State liquidator consents to the company being dissolved.]

(2) The High Court may on the application of the administrator of a company disapply sub-paragraph (1) in respect of the company.

(3) On receipt of a notice under sub-paragraph (1) [^{F3}and any statement under sub-paragraph (1B)] the registrar shall register it [^{F4}or them].

(4) On the registration of a notice in respect of a company under sub-paragraph (1) the appointment of an administrator of the company shall cease to have effect.

(5) If an administrator sends a notice under sub-paragraph (1) he shall as soon as is reasonably practicable—

- (a) file a copy of the notice with the Court, and
- (b) send a copy of the notice to each creditor of whose claim and address he is aware.

(6) At the end of the period of 3 months beginning with the date of registration of a notice in respect of a company under sub-paragraph (1) the company is deemed to be dissolved [^{F5}(except where sub-paragraph (6A) applies)].

[

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^{F6}(6A) This sub-paragraph applies where a statement under sub-paragraph (1B) indicates that a member State liquidator does not consent to the company being dissolved..

(6B) Where sub-paragraph (6A) applies, the company is deemed to be dissolved at the end of the period of three months beginning with the date (if any) recorded in the register as the date on which the registrar was notified that—

- (a) all proceedings identified under sub-paragraph (1B) were closed; or
- (b) every member State liquidator appointed in those proceedings consented to the company being dissolved.]

(7) On an application in respect of a company by the administrator or another interested person the Court may—

- (a) extend the period specified in sub-paragraph (6) [^{F7}or 6(B)],
- (b) suspend that period, or
- (c) disapply sub-paragraph (6) [^{F8}or 6(B)].

(8) Where an order is made under sub-paragraph (7) in respect of a company the administrator shall as soon as is reasonably practicable notify the registrar.

(9) An administrator commits an offence if he fails without reasonable excuse to comply with sub-paragraph (5).]

F2 Sch. B1 para. 85(1A)(1B) inserted (26.6.2017) by The Insolvency Amendment (EU 2015/848) Regulations 2017 (S.I. 2017/702), reg. 1, **Sch. para. 119(1)** (with reg. 3)

F3 Words in Sch. B1 para. 85(3) inserted (26.6.2017) by The Insolvency Amendment (EU 2015/848) Regulations 2017 (S.I. 2017/702), reg. 1, **Sch. para. 119(2)(a)** (with reg. 3)

F4 Words in Sch. B1 para. 85(3) inserted (26.6.2017) by The Insolvency Amendment (EU 2015/848) Regulations 2017 (S.I. 2017/702), reg. 1, **Sch. para. 119(2)(b)** (with reg. 3)

F5 Words in Sch. B1 para. 85(6) inserted (26.6.2017) by The Insolvency Amendment (EU 2015/848) Regulations 2017 (S.I. 2017/702), reg. 1, **Sch. para. 119(3)** (with reg. 3)

F6 Sch. B1 para. 85(6A)(6B) inserted (26.6.2017) by The Insolvency Amendment (EU 2015/848) Regulations 2017 (S.I. 2017/702), reg. 1, **Sch. para. 119(4)** (with reg. 3)

F7 Words in Sch. B1 para. 85(7)(a) inserted (26.6.2017) by The Insolvency Amendment (EU 2015/848) Regulations 2017 (S.I. 2017/702), reg. 1, **Sch. para. 119(5)** (with reg. 3)

F8 Words in Sch. B1 para. 85(7)(c) inserted (26.6.2017) by The Insolvency Amendment (EU 2015/848) Regulations 2017 (S.I. 2017/702), reg. 1, **Sch. para. 119(5)** (with reg. 3)

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