

## 1983 No. 384

## BANKRUPTCY

**The Bankruptcy (General) Regulations (Northern Ireland) 1983**

*Made* . . . . . 23rd November 1983

*Coming into operation* . . . . . 1st January 1984

The Department of Economic Development, in exercise of the powers conferred by Article 34(2) of the Bankruptcy Amendment (Northern Ireland) Order 1980(a) now vested in it(b) and of every other power enabling it in that behalf, hereby makes the following Regulations:

*Citation and commencement*

1. These regulations may be cited as the Bankruptcy (General) Regulations (Northern Ireland) 1983 and shall come into operation on 1st January 1984.

*Interpretation*

2. In these regulations—

“the Bank” means the bank with which the Insolvency Account referred to in Article 93(1) of the Companies (Northern Ireland) Order 1978(c) is kept;

“the Dividend Account” means the Official Assignee’s Dividend Account kept in pursuance of regulation 4;

“the Official Assignee” means the Official Assignee for bankruptcy for Northern Ireland or any Assistant Official Assignee for bankruptcy for Northern Ireland;

“the Order” means the Bankruptcy Amendment (Northern Ireland) Order 1980.

*Payments out of the Insolvency Account or Dividend Account*

3. No payment shall be made by the Bank out of the Insolvency Account or out of the Dividend Account except upon a cheque signed or payable order authorised to be paid by the Official Assignee or the Department.

*Payment of dividend*

4.—(1) An account called the “Official Assignee for bankruptcy’s Dividend Account” shall be kept with the Bank.

(2) After the declaration of a dividend under Article 22 of the Order the Official Assignee shall transfer to the Dividend Account from the Insolvency Account the amount required to pay that dividend.

(3) The dividend referred to in paragraph (2) may be paid by cheque or payable order drawn on the Dividend Account by the Official Assignee or by the Bank at the direction of the Official Assignee.

(4) Where after a direction has been issued to the Bank under paragraph (3) and before the dividend payable to any creditor named in that direction has been paid, the proof of any debt proved by that creditor has been disallowed in whole or in part, the Official Assignee shall issue to the Bank a direction to withhold payment of the

(a) S.I. 1980/561 (N.I. 4)

(b) By S.I. 1982/846 (N.I. 11) Art. 4

(c) S.I. 1978/1042 (N.I. 12)

dividend to the extent of the disallowance and shall transfer an equivalent sum from the Dividend Account to the Insolvency Account.

*Records to be kept*

5. The Official Assignee shall keep records of—
- (a) bankruptcy petitions and adjudication orders;
  - (b) petitions and protection orders under section 343 of the Act of 1857;
  - (c) petitions and administration orders under section 21 of the Bankruptcy Amendment Act (Northern Ireland) 1929(a); and
  - (d) all books and papers delivered to or seized by him.

*Public inspection of records*

6.—(1) The records prepared under Article 35(2) of the Order shall be filed in the Bankruptcy and Companies Office and in the office of the Official Assignee.

(2) For the purpose of paragraph (1) the Department shall supply copies of the records therein referred to to the Master (Bankruptcy) and the Official Assignee.

(3) The records referred to in paragraph (1) shall be open to public inspection at the offices therein referred to during ordinary office hours without charge.

*Official seal*

7.—(1) The Official Assignee shall have an official seal.

(2) The Official Assignee shall provide for the safe custody of the official seal which shall be used only by his authority.

(3) Every document to which the official seal is fixed shall be signed by the Official Assignee.

*Revocation*

8. The Official Assignee (Official Seal) Regulations (Northern Ireland) 1980(b) are hereby revoked.

Sealed with the Official Seal of the Department of Economic Development for Northern Ireland on 23rd November 1983.

(L.S.)

W. T. McCrory

Assistant Secretary

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(a) 1929 c. 1 (N.I.) (20 Geo. 5)

(b) S.R. 1980 No. 314

## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These regulations deal with certain administrative matters under the Bankruptcy Acts and bankruptcy rules which were formerly dealt with by the Rules of the Supreme Court (Northern Ireland) 1936 or the Official Assignee (Official Seal) Regulations (Northern Ireland) 1980.

The administrative matters are:

- (1) payments out of the Insolvency Account;
- (2) the manner of payment of dividends and cash compositions;
- (3) the records to be kept by the Official Assignee for bankruptcy;
- (4) public access to bankruptcy statistics; and
- (5) custody and use of an official seal by the Official Assignee.

The Official Assignee (Official Seal) Regulations (Northern Ireland) 1980 are revoked.