

**1991 No. 384****INSOLVENCY****The Insolvency (Deposits) Order (Northern Ireland) 1991**

*Made* . . . . . 20th August 1991

*Coming into operation* . . . . . 1st October 1991

The Department of Economic Development, in exercise of the powers conferred on it by Article 361(2) and (3) of the Insolvency (Northern Ireland) Order 1989(a) and of every other power enabling it in that behalf, with the concurrence of the Department of Finance and Personnel, hereby makes the following Order:

*Citation, commencement and application*

**1.**—(1) This Order may be cited as the Insolvency (Deposits) Order (Northern Ireland) 1991 and shall come into operation on 1st October 1991.

(2) This Order applies to proceedings under the Insolvency (Northern Ireland) Order 1989 and the Insolvency Rules (Northern Ireland) 1991(b) where—

- (a) in the case of bankruptcy proceedings, the petition was presented on or after the day on which this Order comes into operation, and
- (b) in the case of any other proceedings, those proceedings commenced on or after that day.

*Interpretation*

**2.** In this Order—

“the Order” means the Insolvency (Northern Ireland) Order 1989;

“the Fees Order” means the Insolvency (Fees) Order (Northern Ireland) 1991(c);

“the administration fee” means Fee No. 1 listed in Part I of the Schedule to the Fees Order or Fee No. 10 listed in Part II of that Schedule, as the case may be.

*Payment of deposit*

**3.**—(1) Before a winding-up or bankruptcy petition can be presented the appropriate deposit (as specified in Article 4) must be paid to the official receiver.

(2) That deposit is security—

- (a) for the administration fee, or

---

(a) S.I. 1989/2405 (N.I. 19)

(b) S.R. 1991 No. 364

(c) S.R. 1991 No. 385

- (b) where an insolvency practitioner is appointed under Article 247 of the Order, for the payment of his fee under Article 7 of the Fees Order.

*Amount of deposit*

4. The appropriate deposit referred to in Article 3 is—

- (a) in relation to a winding-up petition to be presented under the Order, £270;
- (b) in relation to a bankruptcy petition to be presented under Article 238(1)(b) of the Order, £135;
- (c) in relation to a bankruptcy petition to be presented under Article 238(1)(a), (c) or (d) of the Order, £270.

*Repayment of deposit*

5.—(1) In the circumstances specified in this Article a deposit made under Article 3 is to be repaid to the person who made it.

(2) Where a winding-up or bankruptcy petition under the Order is dismissed or withdrawn the deposit shall be repaid in full, unless—

- (a) a winding-up or bankruptcy order has been made, or
- (b) a fee has become payable to an insolvency practitioner under Article 7 of the Fees Order.

(3) If the assets of the company being wound up are, or (as the case may be) the bankrupt's estate is, sufficient to pay the whole or part of the relevant administration fee, then the deposit shall be repaid to the extent that it is not required for payment of that fee.

(4) Where a winding-up or bankruptcy order is annulled, rescinded or recalled, the deposit shall be repaid to the extent that it is not required for payment of the relevant administration fee, unless a fee has become payable to an insolvency practitioner under Article 7 of the Fees Order.

Sealed with the Official Seal of the Department of Economic Development on 20th August 1991.

(L.S.)

*A. H. McAlister*

Assistant Secretary

The Department of Finance and Personnel hereby concurs with the foregoing Order.

Sealed with the Official Seal of the Department of Finance and Personnel on 20th August 1991.

(L.S.)

*R. Miller*

Assistant Secretary

## EXPLANATORY NOTE

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

This Order provides for the payment of a deposit on the presentation of a winding-up or bankruptcy petition to which the Insolvency (Northern Ireland) Order 1989 applies where a bankruptcy or winding-up petition is presented on or after the date this Order comes into operation. The deposit is to be £270 in all cases except where the debtor presents his own petition, in which case it is to be £135. For cases begun before the date on which this Order comes into operation the Bankruptcy (Fees and Deposit) Regulations (Northern Ireland) 1987 will continue to apply.

This Order introduces a deposit in respect of a winding-up petition for the first time.