
EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Administration of Insolvent Estates of Deceased Persons Order (Northern Ireland) 1991 (S.R. 1991 No. 365) (“the 1991 Order”) in the light of Council Regulation (EC) No. 1346/2000 of 29th May 2000 on insolvency proceedings Official Journal No. L160, 30.06.00. p. 1 (“the EC Regulation”) which came into force on 31st May 2002.

The EC Regulation aims to provide for the efficient and effective functioning of cross-border insolvency proceedings in the European Union.

The amendments made by this Order are–

- to specify which form a liquidator (within the meaning of Article 2(b) of the EC Regulation) appointed in proceedings by virtue of Article 3(1) of the EC Regulation or a temporary administrator (within the meaning of Article 38 of the EC Regulation) must use to petition for an insolvency administration order (“temporary administrator” and “main proceedings” are defined in the EC Regulation);
- to require that, where such a liquidator has been appointed, a petition will need to be served on him;
- to provide expressly that modified Article 303 of the Insolvency (Northern Ireland) Order 1989 is subject to Article 35 of the EC Regulation;
- to substitute the forms in the 1991 Order with forms which require consideration of whether the EC Regulation applies to the proceedings in question.