
STATUTORY RULES OF NORTHERN IRELAND

2006 No. 22

**The Insolvency (2005 Order) (Transitional Provisions
and Savings) Order (Northern Ireland) 2006**

Abolition of Crown Preference – transitional provisions

- 3.—(1) This Article applies to a case where before the commencement date—
- (a) a petition for an administration order pursuant to Part III of the Insolvency (Northern Ireland) Order 1989 is presented;
 - (b) a voluntary arrangement under Part II of the Insolvency (Northern Ireland) Order 1989 has effect;
 - (c) a receiver is appointed under the terms of a charge (which when created was a floating charge) in relation to the property of a company subject to the charge;
 - (d) a petition for a winding-up order is presented;
 - (e) a resolution for the winding up of a company is passed;
 - (f) a petition for a bankruptcy order is presented; or
 - (g) a voluntary arrangement pursuant to Chapter II of Part VIII of the Insolvency (Northern Ireland) Order 1989 has effect.
- (2) This Article also applies to a case where on or after the commencement date—
- (a) an administration order under Part III of the Insolvency (Northern Ireland) Order 1989 is made on a petition presented prior to the commencement date;
 - (b) that order is discharged; and
 - (c) immediately on the discharge of that order—
 - (i) a winding-up order is made in respect of the company in question; or
 - (ii) a resolution for the winding up of the company is passed,
- (3) This Article also applies to a case where—
- (a) a winding-up order is made on a petition presented prior to the commencement date; and
 - (b) the company in question enters administration by virtue of an order made under paragraph 38 or 39 of Schedule B1 to the Insolvency (Northern Ireland) Order 1989.
- (4) This Article also applies to a case where—
- (a) a resolution for the winding up of a company is passed before the commencement date; and
 - (b) the company enters administration by virtue of an order made under paragraph 39 of Schedule B1 to the Insolvency (Northern Ireland) Order 1989.
- (5) This Article also applies to a case where—
- (a) a receiver is appointed before the commencement date in respect of a company;
 - (b) the receiver vacates office; and
 - (c) the company in respect of which the receiver is appointed enters administration within the meaning of paragraph 2(2)(b) of Schedule B1 to the Insolvency (Northern Ireland)

Order 1989(1) during the period that the receiver is in office or immediately after the end of that period.

(6) This Article also applies to a case where proposals for a voluntary arrangement under Part II of the Insolvency (Northern Ireland) Order 1989 are made (whether before or after the commencement date) by—

- (a) a liquidator in a winding up where the winding-up petition is presented or, as the case may be, the resolution for winding up is passed, before the commencement date; or
- (b) an administrator appointed in relation to an administration under Part III of the Insolvency (Northern Ireland) Order 1989 where the administration order is made on a petition which is presented before the commencement date.

(7) This Article also applies to a case in which a proposal for a voluntary arrangement under Chapter II of Part VIII of the Insolvency (Northern Ireland) Order 1989 is made (whether before or after the commencement date) by a person who was adjudged bankrupt on a petition which was presented before the commencement date.

(8) In a case to which this article applies—

- (a) the provisions of Article 6 of the 2005 Order; and
- (b) the provisions of Article 31 of and Schedule 9 to the 2005 Order as respects repeals to paragraphs 1 to 7 of Schedule 4 to the Insolvency (Northern Ireland) Order 1989, paragraphs 22A and 23 of Schedule 2 to the Finance Act 1991(2), paragraph 37 of Schedule 2 to the Social Security (Consequential Provisions) (Northern Ireland) Act 1992(3), sections 36(4) and (5) of the Finance Act 1993(4), paragraph 13(3) of Schedule 6 and paragraph 7(6) of Schedule 7 to the Finance Act 1994(5), section 17 of the Finance Act 1995(6), paragraph 12(5) of Schedule 5 to the Finance Act 1996(7), Articles 201(7) (a), 228(3)(a) and 234(4) of the Employment Rights (Northern Ireland) Order 1996(8), paragraph 5 of Schedule 7 to the Finance Act 2000(9) and paragraphs 17(3) and (4) of Schedule 5 to the Finance Act 2001(10),

shall have no effect.

(1) Schedule B1 to the Insolvency (Northern Ireland) Order 1989 was inserted by Article 3(2) of and Schedule 1 to the Insolvency (Northern Ireland) Order 2005 S.I. 2005/1455 (N.I. 10)

(2) 1991 c. 31

(3) 1992 c. 9

(4) 1993 c. 34

(5) 1994 c. 9

(6) 1995 c. 4

(7) 1996 c. 8

(8) S.I. 1996/1919 (N.I. 16)

(9) 2000 c. 17

(10) 2001 c. 9