

2006 No. 26

INSOLVENCY

**The Insolvency (Monetary Limits) (Amendment) Order
(Northern Ireland) 2006**

Made - - - - - 2nd February 2006

Coming into operation - - - - - 27th March 2006

*To be laid before Parliament under paragraph 7(3) of the
Schedule to the Northern Ireland Act 2000*

The Department of Enterprise, Trade and Investment(**a**), makes the following Order in exercise of the power conferred by Article 362(1)(b) of the Insolvency (Northern Ireland) Order 1989(**b**).

Citation and commencement

1. This Order may be cited as the Insolvency (Monetary Limits) (Amendment) Order (Northern Ireland) 2006 and shall come into operation on 27 March 2006.

Interpretation

2. In this Order—

“the principal Order” means the Insolvency (Monetary Limits) Order (Northern Ireland)1991(c).

Amendments to the Schedule to the principal Order

3. For the entries in columns 1, 2 and 3 set out in the Schedule to the principal Order there shall be substituted the entries set out in the Schedule.

Matters to be disregarded in determining the value of an interest for the purposes of Article 286A(2)

4. After Article 3 of the principal Order there shall be inserted—

“4. The High Court shall, in determining the value of the bankrupt’s interest for the purposes of Article 286A(2)(d), disregard that part of the value of the property in which the bankrupt’s interest subsists which is equal to the value of:

(a) Formerly the Department of Economic Development; see Article 3(5) of the Departments (Northern Ireland) Order 1999 S.I. 1999/283 (N.I. 1)
(b) S.I. 1989/2405 (N.I. 19); Article 362(1)(b) has been modified in a manner which is not relevant for the purposes of this Order
(c) S.R. 1991 No.386
(d) Article 286A was inserted into the Insolvency (Northern Ireland) Order 1989 by Article 17(3) of the Insolvency (Northern Ireland) Order 2005 S.I 2005/1455 (N.I. 10)

- (a) any loans secured by mortgage or other charge against the property;
- (b) any other third party interest; and
- (c) the reasonable costs of sale.”

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 2 February 2006.



Michael J Bohill
A senior officer of the
Department of Enterprise, Trade and Investment

SCHEDULE

Article 3

Monetary Limits for Purposes of Part IX of the Insolvency (Northern Ireland) Order 1989

<i>Column 1</i> <i>Article of Order</i>	<i>Column 2</i> <i>Short Description</i>	<i>Column 3</i> <i>Monetary Amount</i>
247(1)(a)	Maximum level of unsecured bankruptcy debts on debtor's petition for case to be referred to insolvency practitioner to assess possibility of voluntary arrangement with creditors.	£40,000
247(1)(b)	Minimum potential value of bankrupt's estate for case to be referred as described above.	£4,000
286A(2)	Minimum value of interests in a dwelling-house for application by trustee for order for sale, possession or an order under Article 286.	£1,000
325(1) and (3)	Minimum amount of concealed debt, or value of property concealed or removed, determining criminal liability under the Article.	£1,000
329(1)	Minimum value of property taken by a bankrupt out of Northern Ireland, determining his criminal liability.	£1,000
331(1)	Maximum amount of credit which bankrupt may obtain without disclosure of his status.	£500
335(2)(d)	Minimum value of goods removed by the bankrupt, determining his liability to arrest.	£1,000

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Insolvency (Monetary Limits) Order (Northern Ireland) 1991 (S.R. 1991 No. 386). It increases broadly in line with inflation the sums specified in the Schedule to that Order. The table below shows the current amounts and the increase.

This Order also prescribes a monetary limit for the purposes of Article 286A(2) of the Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N.I. 19)) and prescribes the matters for the High Court to disregard in the calculation of that interest. The entry for Article 332(2) of the Insolvency (Northern Ireland) Order 1989 is removed as that Article has been repealed by Article 20 of the Insolvency (Northern Ireland) Order 2005 (S.I. 2005/1455 (N.I. 10)).

<i>Article</i>	<i>Current Monetary Amount</i>	<i>New Monetary Amount</i>
247(1)(a)	£20,000	£40,000
247(1)(b)	£2,000	£4,000
325(1) and (3)	£500	£1,000
329(1)	£500	£1,000
331(1)	£250	£500
335(2)(d)	£500	£1,000

As this Order will not impose any significant costs on business, there is no requirement to prepare a Regulatory Impact Assessment. The setting of the monetary limit for Article 286A(2) and removal of the entry for Article 332(2) of the Insolvency (Northern Ireland) Order 1989 is derived from the Insolvency (Northern Ireland) Order 2005. Copies of the Regulatory Impact Assessment for that Order are available from the Legislation Unit, Insolvency Service, Fermanagh House, Ormeau Avenue, Belfast, BT2 8NJ.