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STATUTORY RULES OF NORTHERN IRELAND

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**2021 No. 106**

**The Corporate Insolvency and Governance Act 2020  
(Coronavirus) (Suspension of Liability for Wrongful  
Trading) Regulations (Northern Ireland) 2021**

**Suspension of liability for wrongful trading**

2.—(1) In determining for the purposes of Article 178 of the Insolvency (Northern Ireland) Order 1989<sup>(1)</sup> (wrongful trading) the contribution (if any) to a company’s assets that it is proper for a person to make, the High Court is to assume that the person is not responsible for any worsening of the financial position of the company or its creditors that occurs during the relevant period.

(2) In this regulation the “relevant period” is the period which—

- (a) begins with 1st May 2021, and
- (b) ends with 30th June 2021.

(3) Paragraph (1) does not apply if at any time during the relevant period the company concerned is excluded from being eligible for the purposes of Part 1A of the Insolvency (Northern Ireland) Order 1989 by any of the paragraphs of Schedule ZA1 to that Order listed in paragraph (4), as they apply for the purposes of this paragraph (see paragraph (5)).

(4) The paragraphs of Schedule ZA1 to the Insolvency (Northern Ireland) Order 1989 are—

- (a) paragraph 3 (insurance companies),
- (b) paragraph 4 (banks),
- (c) paragraph 5 (electronic money institutions),
- (d) paragraph 6 (investment banks and investment firms),
- (e) paragraph 9 (payment institutions),
- (f) paragraph 10 (operators of payment systems, infrastructure providers etc),
- (g) paragraph 11 (recognised investment exchanges, clearing houses and CSDs),
- (h) paragraph 12 (securitisation companies),
- (i) paragraph 13 (parties to capital market arrangement),
- (j) paragraph 15 (public-private partnership project companies), and
- (k) paragraph 18 (overseas companies with corresponding functions).

(5) In their application for the purposes of paragraph (3)—

- (a) paragraph 13 of Schedule ZA1 to the Insolvency (Northern Ireland) Order 1989 has effect as if in sub-paragraph (1)—
  - (i) the words “, on the filing date” were omitted, and
  - (ii) paragraph (b) were omitted;

- (b) paragraph 15 of Schedule ZA1 to the Insolvency (Northern Ireland) Order 1989 has effect as if in sub-paragraph (1)—
    - (i) the words “, on the filing date,” were omitted, and
    - (ii) paragraph (b) were omitted, and
  - (c) paragraph 18 of that Schedule has effect as if for “paragraph 2”, in both places, there were substituted “paragraphs 2, 7 and 8”.
- (6) Paragraph (1) also does not apply if at any time during the relevant period the company concerned—
- (a) has permission under Part 4A of the Financial Services and Markets Act 2000<sup>(2)</sup> to carry on a regulated activity, and
  - (b) is not subject to a requirement imposed under that Act to refrain from holding money for clients.
- (7) Subject to paragraph (8), this regulation has effect as if it were contained in Part 5 of the Insolvency (Northern Ireland) Order 1989.
- (8) This regulation does not have effect in relation to the following bodies (which are bodies to which provisions contained in Part 5 of the Insolvency (Northern Ireland) Order 1989 apply)—
- (a) a registered society within the meaning of the Co-operative and Community Benefit Societies Act (Northern Ireland) 1969<sup>(3)</sup> that at any time during the relevant period carries on the regulated activity of effecting or carrying out contracts of insurance;
  - (b) a society that is registered within the meaning of the Friendly Societies Act 1974<sup>(4)</sup> and that at any time during the relevant period carries on the regulated activity of effecting or carrying out contracts of insurance;
  - (c) a building society within the meaning of the Building Societies Act 1986<sup>(5)</sup>;
  - (d) a credit union within the meaning of the Credit Unions (Northern Ireland) Order 1985<sup>(6)</sup>;
  - (e) a society that is incorporated under the Friendly Societies Act 1992<sup>(7)</sup>.
- (9) In this regulation “regulated activity” has the meaning given by section 22 of the Financial Services and Markets Act 2000, taken with Schedule 2 to that Act and any order under that section.

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(2) 2000 c. 8.  
(3) 1969 c. 24 (N.I.)  
(4) 1974 c. 46.  
(5) 1986 c. 53.  
(6) S.I. 1985/1205 (N.I. 12).  
(7) 1992 c. 40.