
Changes to legislation: There are currently no known outstanding effects for the Finance (No. 2) Act 2015, Cross Heading: Insolvency (Northern Ireland) Order 1989. (See end of Document for details)

SCHEDULES

SCHEDULE 8 **U.K.**

ENFORCEMENT BY DEDUCTION FROM ACCOUNTS

PART 2 **U.K.**

MISCELLANEOUS AMENDMENTS

Insolvency (Northern Ireland) Order 1989

- 34 The Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N.I. 19)) is amended as follows.
- 35 In Article 106 (power to stay or restrain proceedings against company), after paragraph (2) insert—
- “(3) Paragraph (1) applies in relation to any action being taken in respect of the company under Part 1 of Schedule 8 to the Finance (No. 2) Act 2015 (enforcement by deduction from accounts) as it applies in relation to any action or proceeding mentioned in sub-paragraph (b) of that paragraph.”
- 36 In Article 108 (avoidance of sequestration or distress)—
- (a) the existing text becomes paragraph (1), and
- (b) after that paragraph insert—
- “(2) In paragraph (1) the reference to “sequestration or distress” includes a hold notice or a deduction notice under Part 1 of Schedule 8 to the Finance (No. 2) Act 2015 (enforcement by deduction from accounts) and, if paragraph (1) has effect in relation to a deduction notice, it also has effect in relation to the hold notice to which it relates (whenever the hold notice was given).”
- 37 In Article 110 (consequences of winding-up order), after paragraph (3) insert—
- “(3A) In paragraphs (2) and (3), the reference to an action or proceeding includes action in respect of the company under Part 1 of Schedule 8 to the Finance (No. 2) Act 2015 (enforcement by deduction from accounts).”
- 38 (1) Article 150 (preferential charge on goods distrained) is amended as follows.
- (2) For paragraph (2) substitute—
- “(2) Paragraph (2A) applies where—
- (a) any person has distrained upon the goods or effects of the company, or
- (b) Her Majesty's Revenue and Customs has been paid any amount from an account of the company under Part 1 of Schedule 8 to the Finance (No. 2) Act 2015 (enforcement by deduction from accounts),

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within the 3 months immediately preceding the date of the winding-up order.

(2A) Where this paragraph applies—

(a) in a case within paragraph (2)(a), the goods or effects, or the proceeds of their sale, and

(b) in a case within paragraph (2)(b), the amount in question,

is charged for the benefit of the company with the preferential debts of the company to the extent that the company's property is for the time being insufficient for meeting those debts.”

(3) In paragraph (3) for “(2)” substitute “ (2A) ”.

(4) Accordingly, in the heading for the Article after “distrained” insert “ , etc ”.

39 (1) Article 301 (preferential charge on goods distrained) is amended as follows.

(2) For paragraph (1) substitute—

“(1) Paragraph (1A) applies where—

(a) any person has distrained upon the goods or effects of an individual who is adjudged bankrupt within 3 months from the distraint, or

(b) Her Majesty's Revenue and Customs has been paid any amount from an account of an individual under Part 1 of Schedule 8 to the Finance (No. 2) Act 2015 (enforcement by deduction from accounts) and the individual is adjudged bankrupt within 3 months from the payment.

(1A) Where this paragraph applies—

(a) in a case within paragraph (1)(a), the goods or effects, or the proceeds of their sale, and

(b) in a case within paragraph (1)(b), the amount in question,

is charged for the benefit of the bankrupt's estate with the preferential debts of the bankrupt to the extent that the bankrupt's estate is for the time being insufficient for meeting them.”

(3) In paragraph (2) for “(1)” substitute “ (1A) ”.

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