
STATUTORY INSTRUMENTS

1989 No. 2405

The Insolvency (Northern Ireland) Order 1989

PARTS XI TO XIV MISCELLANEOUS MATTERS BEARING ON BOTH COMPANY AND INDIVIDUAL INSOLVENCY

PART XIV

MISCELLANEOUS

Supplemental

Judicial notice of court documents

376. In all proceedings under this Order, all courts, judges and persons judicially acting, and all officers, judicial or ministerial, of any court, or employed in enforcing the process of any court shall take judicial notice—

- (a) of the signature of any officer of the High Court in Northern Ireland or of the High Court or a county court in England and Wales, or of the Court of Session or a sheriff court in Scotland, and also
- (b) of the official seal or stamp of the several offices of the High Court in Northern Ireland or England and Wales or of the Court of Session, appended to or impressed on any document made, issued or signed under the provisions of this Order or the Companies Order, or any official copy of such a document.

Exemption from stamp duty

377. Stamp duty shall not be charged on—

- (a) any document, being a deed, conveyance, assignment, surrender, admission or other assurance relating solely to property which—
 - (i) in the case of a winding up by the High Court or of a creditors' voluntary winding up, forms part of the company's assets; or
 - (ii) is comprised in a bankrupt's estate;

and which, after the execution of that document, is or remains at law or in equity part of that company's assets or the property of the bankrupt or of the trustee in bankruptcy, as the case may require,

- (b) any order, certificate or other instrument relating solely to—
 - (i) the assets of any company which is being wound up as mentioned in head (a)(i) or any proceedings under such a winding up, or
 - (ii) the property of a bankrupt or any bankruptcy proceedings.

Crown application

378. For the avoidance of doubt it is hereby declared that provisions of this Order bind the Crown, including the Crown in right of Her Majesty's government in the United Kingdom, so far as affecting or relating to the following matters, namely—

- (a) remedies against, or against the property of, companies or individuals;
- (b) priorities of debts;
- (c) transactions at an undervalue or preferences;
- (d) voluntary arrangements approved under Part II or Part VIII, and
- (e) discharge from bankruptcy.

Transitional provisions and savings

379. The transitional provisions and savings set out in Schedule 8 shall have effect, the Schedule comprising the following Parts—

Part I: company insolvency and winding up (matters arising before the date of the coming into operation of this Order, and continuance of proceedings in certain cases as before that date);

Part II: individual insolvency (matters so arising, and continuance of bankruptcy proceedings in certain cases as before that date); and

Part III: other general transitional provisions and savings.

Amendments of Industrial Relations (Northern Ireland) Order 1976

380.—(1) Article 42 of the Industrial Relations (Northern Ireland) Order 1976⁽¹⁾ (employee's right on the insolvency of his employer to be paid certain debts out of the Northern Ireland Redundancy Fund) shall be amended as follows.

(2) In paragraph (1) (conditions of payment), after sub-paragraph (a) there shall be inserted the following sub-paragraph—

“(aa) that the employment of the employee has been terminated; and”.

(3) For paragraph (2) (date for determining debts payable out of Fund) there shall be substituted the following paragraph—

“(2) In this Article “the relevant date”—

- (a) in relation to arrears of pay (not being remuneration under a protective award made under Article 51) and to holiday pay, means the date on which the employer became insolvent;
- (b) in relation to such an award and to a basic award of compensation for unfair dismissal, means whichever is the latest of—
 - (i) the date on which the employer became insolvent;
 - (ii) the date of the termination of the employee's employment; and
 - (iii) the date on which the award was made;
- (c) in relation to any other debt to which this Article applies, means whichever is the later of the dates mentioned in heads (i) and (ii) of sub-paragraph (b)”.

Other amendments

381.—(1) The Companies Order shall have effect subject to the amendments specified in Part I of Schedule 9, being amendments consequential on the provisions of this Order.

(2) The statutory provisions specified in Parts II and III of Schedule 9 shall have effect subject to the amendments specified in Part II, being amendments consequential on the provisions of this Order, and Part III, being interim amendments relating to preferential debts.

Repeals

382. The statutory provisions specified in Schedule 10 are hereby repealed to the extent specified in column 3 of that Schedule.