SCHEDULES

SCHEDULE 4

CONFISCATION ORDERS: SUPPLEMENTARY PROVISIONS

Transitional provisions

21 (1) In the case of a confiscation order made before the coming into operation of the Insolvency (Northern Ireland) Order 1989, section 50(4) of this Act shall have effect as if for paragraph (b) there were substituted—

"(b) pay any sum which, if the defendant had been adjudged bankrupt or was being wound up, would be among the preferential debts.";and in that paragraph "the preferential debts"—

(a) in relation to bankruptcy, means the debts to be paid in priority under Article 19 of the Bankruptcy Amendment (Northern Ireland) Order 1980 (assuming the date of the confiscation order to be the date of the order of adjudication); and

(b) in relation to winding up, means the preferential debts listed in Schedule 18 to the Companies (Northern Ireland) Order 1986 (assuming the date of the confiscation order to be the relevant date for the purpose of that Schedule).

(2) Until the coming into operation of the Insolvency (Northern Ireland) Order 1989, paragraphs 12(1) and (4) and 18 above shall have effect as if for references to an insolvency practitioner there were substituted references to an Official Assignee, trustee, liquidator, provisional liquidator or a receiver or manager appointed under section 68 of the Bankruptcy (Ireland) Amendment Act 1872.

(3) In any case in which a petition in bankruptcy was presented, or an adjudication in bankruptcy was made, before the coming into operation of the Insolvency (Northern Ireland) Order 1989, paragraph 16 above shall have effect with the following modifications—

(a) for references to the bankrupt's estate for the purposes of Part IX of that Order there shall be substituted references to the property of the bankrupt for the purposes of the Bankruptcy Acts (Northern Ireland) 1857 to 1980;

(b) sub-paragraph (2)(b) shall be omitted;

(c) for the reference in sub-paragraph (2)(c) to Article 254(2)(c) of that Order there shall be substituted a reference to Articles 28(4), (5)(c) and (11) and 30(6)(c) of the Bankruptcy Amendment (Northern Ireland) Order 1980;

(d) for the reference in sub-paragraph (3) to that Order there shall be substituted a reference to the Bankruptcy Acts (Northern Ireland) 1857 to 1980;

(e) for the reference in sub-paragraph (5) to an interim receiver appointed under Article 259 of that Order there shall be substituted a reference to a receiver or manager appointed under section 68 of the Bankruptcy (Ireland) Amendment Act 1872; and

(f) for the references in sub-paragraph (6) to Articles 312 and 367 of that Order there shall be respectively substituted references to section 12 of the

Bankruptcy Amendment Act (Northern Ireland) 1929 and paragraph 16 of the Conveyancing Act (Ireland) 1634.

(4) In any case in which a winding up of a company has commenced, or is treated as having commenced, before the coming into operation of the Insolvency (Northern Ireland) Order 1989, paragraph 17 above shall have effect with the substitution for references to that Order of references to the Companies (Northern Ireland) Order 1986.