
STATUTORY INSTRUMENTS

1981 No. 226

Judgments Enforcement (Northern Ireland) Order 1981

PART VI

MULTIPLE DEBT, INSOLVENCY AND WINDING-UP

Bankruptcy and winding-up

Functions of Office as to proceeds of enforcement, etc.

90.—(1) Without prejudice to Article 88 but subject to Article 91, the Office shall hold any money received to avoid enforcement, or in full or part satisfaction of the enforcement, or as proceeds of the enforcement, for 21 days after—

- (a) the receipt of the money (being money received otherwise than as proceeds of enforcement); or
- (b) the completion of the enforcement;

and if, within that period—

- (i) notice is served upon the Office of a bankruptcy petition^[F1] presented] by or against the debtor, or, where the debtor is a company, of the presentation of a petition of the winding-up of the company or of the calling of a meeting at which a resolution for the voluntary winding-up of the company is to be proposed, the money shall be held by the Office pending the disposal of any such petition or the outcome of the resolution so proposed, as the case may be;
- (ii) notice is served upon the Office of^[F1] a bankruptcy order] against the debtor, the money shall be paid to the^[F1] official receiver] or, as the case may be, the trustee.

(2) If, as a result of the disposal of any such petition or the outcome of any such resolution as is referred in paragraph (1)(i)—

- (a) ^[F1]a bankruptcy order] is made against the debtor, the money shall be paid to the^[F1] official receiver] or, as the case may be, the trustee;
- (b) where the debtor is a company, a winding-up order is made or a resolution for the winding-up of the company is passed, as the case may be, the money shall be paid to the liquidator;

but if such an order is not made or such a resolution is not passed, as the case may be, the money shall be dealt with as if no such notice as is referred to in paragraph (1) had been served.

(3) Where—

- (a) a debtor is adjudged bankrupt or where a provisional liquidator is appointed or a winding-up order is made or a resolution for voluntary winding-up is passed in respect of a debtor being a company; and
- (b) any money or other property of the debtor is under seizure pursuant to an order of seizure under Article 31 or an authorisation under Article 43;

the money or property shall on demand by the^[F1] official receiver], trustee or liquidator, as the case may be, be paid or delivered by the Office or any person having custody thereof to the person making

the demand^[F1] and subject to paragraph (3A), that money or property shall be comprised in the bankrupt's estate].

[^{F1}(3A) The rights conferred by this Article on the official receiver, the trustee or the liquidator may, to such extent and on such terms as it thinks fit, be set aside by the High Court in favour of the creditor.

(3B) Paragraph (1)(ii), (2)(a) or (3) shall not apply in relation to money or other property which has been acquired by or has devolved upon the debtor since the making of a bankruptcy order against him unless—

- (a) at the time the money is received or, as the case may be, the money or property is seized; or
- (b) before completion of the enforcement;

the money or other property has been or is claimed for the bankrupt's estate under Article 280 of the Insolvency (Northern Ireland) Order 1989 (after#acquired property) and a copy of the notice given under that Article has been or is served upon the Office.]

(4) For the purposes of this Article money paid to the Office under an administration order shall be treated as proceeds of enforcement.

F1 1989 NI 19

Modifications etc. (not altering text)

C1 Arts. 88-94 applied (with modifications) (4.1.2024) by S.I. 2021/716, reg. 37A(3) (as inserted by [The Payment and Electronic Money Institution Insolvency \(Amendment\) Regulations 2023 \(S.I. 2023/1399\)](#), regs. 1(2), 12)

Changes to legislation:

There are currently no known outstanding effects for the Judgments Enforcement (Northern Ireland) Order 1981, Section 90.