
STATUTORY INSTRUMENTS

1989 No. 2405 (N.I. 19)

The Insolvency (Northern Ireland) Order 1989

- - - - 19th December 1989

THE INSOLVENCY (NORTHERN IRELAND) ORDER 1989

PART I

INTRODUCTORY

1. Title and commencement
2. General interpretation
- 2A Proceedings under EU Regulation: modified definition of property
3. “Act as insolvency practitioner”
4. “Associate”

Interpretation for Parts 1A to 7

5. Interpretation
6. “Insolvency” and “go into liquidation”
7. “Connected with a company”
8. “Member of a company”

Parts 7A to 10

9. Interpretation
10. “Security”, etc.
11. “Bankrupt's estate”

Interpretation for this Order . . .

12. “Receiver or manager”
13. “Contributory”

Parts 1A to 7

COMPANY INSOLVENCY; COMPANIES WINDING UP

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PART 1A

Moratorium

CHAPTER 1

Introductory

- 13A Overview
- 13AA Eligible companies

CHAPTER 2

Obtaining a moratorium

- 13B Obtaining a moratorium by filing documents at High Court
- 13BA Obtaining a moratorium for company subject to winding-up petition
- 13BB Obtaining a moratorium for other overseas companies
- 13BC The relevant documents
- 13BD Beginning of moratorium and appointment of monitor
- 13BE Obligations to notify where moratorium comes into force

CHAPTER 3

Length of moratorium

Initial period

- 13C End of the moratorium

Extension of moratorium

- 13CA Extension by directors without creditor consent
- 13CB Extension by directors with creditor consent
- 13CC Creditor consent for the purposes of Article 13CB
- 13CD Extension by High Court on application of directors
- 13CE Extension while proposal for CVA pending
- 13CF Extension by High Court in the course of other proceedings

Early termination on certain grounds

- 13CG Company enters into insolvency procedure etc

Obligations to notify change in end of moratorium

- 13CH Obligations to notify change in end of moratorium

CHAPTER 4

Effects of moratorium

Introductory

- 13D Overview and construction of references to payment holidays

Publicity about moratorium

13DA Publicity about moratorium

Effect on creditors etc

13DB Restrictions on insolvency proceedings etc
13DC Restrictions on enforcement and legal proceedings
13DD Floating charges
13DE Enforcement of security granted during moratorium

Notification of insolvency proceedings

13DF Duty of directors to notify monitor of insolvency proceedings etc

Restrictions on transactions

13DG Restrictions on obtaining credit
13DH Restrictions on grant of security etc
13DI Prohibition on entering into market contracts etc

Restrictions on payments and disposal of property

13DJ Restrictions on payment of certain pre-moratorium debts
13DK Restrictions on disposal of property
13DL Restrictions on disposal of hire-purchase property

Disposals of property free from charges etc

13DM Disposal of charged property free from charge
13DN Disposal of hire-purchase property

Effect of contravention of certain provisions of Chapter

13DO Contravention of certain requirements imposed under this Chapter

CHAPTER 5

The monitor

13E Status of monitor
13EA Monitoring
13EB Provision of information to monitor
13EC Application by monitor for directions
13ED Termination of moratorium by monitor
13EE Replacement of monitor or appointment of additional monitor
13EF Application of Part where two or more persons act as monitor
13EG Presumption of validity

CHAPTER 6

Challenges

13F Challenge to monitor's actions
13FA Challenges to monitor remuneration in insolvency proceedings
13FB Challenge to directors' actions

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13FC Challenge brought by Board of the Pension Protection Fund

CHAPTER 7

Offences: general

- 13G Offence of fraud etc during or in anticipation of moratorium
- 13GA Offence of false representation etc to obtain a moratorium
- 13GB Prosecution of delinquent officers of company

CHAPTER 8

Miscellaneous and general

Special rules for certain kinds of company etc

- 13H Regulated companies: modifications to this Part
- 13HA Power to modify this Part etc in relation to certain companies
- 13HB Power to make provision in connection with pension schemes

Floating charges

- 13HC Void provisions in floating charge documents

Interpretation of this Part

- 13HD Meaning of “pre-moratorium debt” and “moratorium debt”
- 13HE Interpretation of this Part: general

Regulations

- 13HF Regulations

PART II

COMPANY VOLUNTARY ARRANGEMENTS

The proposal

- 14. Those who may propose an arrangement
- 14A Moratorium
- 15. Procedure where nominee is not the liquidator or administrator
- 16. Summoning of meetings

Consideration and implementation of proposal

- 17. Decisions of meetings
- 17A Approval of arrangement
- 18. Effect of approval
- 19. Challenge of decisions
- 19A False representations, etc.
- 20. Implementation of proposal
- 20A Prosecution of delinquent officers of company
- 20B Arrangements coming to an end prematurely

PART III
ADMINISTRATION

21. Administration

PART III
ADMINISTRATION ORDERS

Making, etc., of administration order

- 22. Application for order
- 23. Effect of application
- 24. Effect of order
- 25. Notification of order

Administrators

- 26. Appointment of administrator
- 27. General powers
- 28. Power to deal with charged property, etc.
- 29. General duties
- 30. Discharge or variation of administration order
- 31. Vacation of office
- 32. Release of administrator

Ascertainment and investigation of company's affairs

- 33. Information to be given by administrator
- 34. Statement of affairs to be submitted to administrator

Administrator's proposals

- 35. Statement of proposals
- 36. Consideration of proposals by creditors' meeting
- 37. Approval of substantial revisions

Miscellaneous

- 38. Creditors' committee
- 39. Protection of interests of creditors and members

PART IV
RECEIVERSHIP

General Provisions

- 39A. Meaning of "company"
- 40. Disqualification of body corporate from acting as receiver
- 41. Disqualification of bankrupt
- 42. Power of High Court to appoint official receiver

Receivers and managers appointed out of court

- 43. Time from which appointment is effective
- 44. Liability for invalid appointment
- 45. Application to High Court for directions

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46. Power of High Court to fix remuneration
47. Liability for contracts, etc.
48. Receivership accounts to be delivered to registrar

Provisions applicable to every receivership

49. Notification that receiver or manager appointed
50. Payment of debts out of assets subject to floating charge
51. Enforcement of duty to make returns

Administrative receivers: general

52. General powers
53. Power to dispose of charged property, etc.
54. Agency and liability for contracts
55. Vacation of office

Administrative receivers: ascertainment and investigation of company's affairs

56. Information to be given by administrative receiver
57. Statement of affairs to be submitted
58. Report by administrative receiver
59. Committee of creditors

Prohibition of appointment of administrative receiver

- 59A Floating charge holder not to appoint administrative receiver
- 59B First exception: capital market
- 59C Second exception: public-private partnership
- 59D Third exception: utilities
- 59E Fourth exception: urban regeneration projects
- 59F Fifth exception: project finance
- 59G Sixth exception: financial market
- 59H Seventh exception: registered housing association
- 59I Eighth exception: licence companies
- 59J Articles 59A to 59I: supplementary

PART V

WINDING UP OF COMPANIES REGISTERED UNDER the Companies Act 2006

CHAPTER I

PRELIMINARY

Introductory

60. Scheme of this Part

Contributories

61. Liability as contributories of present and past members
62. Directors with unlimited liability
63. Liability of past directors and shareholders
64. Limited company formerly unlimited
65. Unlimited company formerly limited
66. Nature of contributory's liability

67. Contributories in case of death of a member
68. Effect of contributory's bankruptcy
69. Companies registered but not formed under the Companies Act 2006

CHAPTER II

VOLUNTARY WINDING UP (INTRODUCTORY AND GENERAL)

Resolutions for, and commencement of, voluntary winding up

70. Circumstances in which company may be wound up voluntarily
71. Notice of resolution to wind up voluntarily
72. Commencement of voluntary winding up

Consequences of resolution to wind up

73. Effect on business and status of company
74. Avoidance of share transfers, etc., after winding#up resolution

Declaration of solvency

75. Statutory declaration of solvency
76. Distinction between “members” and “creditors” voluntary winding up

CHAPTER III

MEMBERS' VOLUNTARY WINDING UP

77. Appointment of liquidator
78. Power to fill vacancy in office of liquidator
79. General company meeting at each year's end
80. Final meeting prior to dissolution
81. Effect of company's insolvency
82. Conversion to creditors' voluntary winding up

CHAPTER IV

CREDITORS' VOLUNTARY WINDING UP

83. Application of this Chapter
84. Meeting of creditors
85. Directors to lay statement of affairs before creditors
86. Appointment of liquidator
87. Appointment of liquidation committee
88. Creditors' meeting where winding up converted under Article 82
89. Cesser of directors' powers
90. Vacancy in office of liquidator
91. Meetings of company and creditors at each year's end
92. Final meeting prior to dissolution

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CHAPTER V

PROVISIONS APPLYING TO BOTH KINDS OF VOLUNTARY WINDING UP

93. Distribution of company's property
94. Appointment or removal of liquidator by the High Court
95. Notice by liquidator of his appointment
96. Acceptance of shares, etc., as consideration for sale of company's property
97. Dissent from arrangement under Article 96
98. Reference of questions to the High Court
99. No liquidator appointed or nominated by company
100. Expenses of voluntary winding up
101. Saving for certain rights

CHAPTER VI

WINDING UP BY THE HIGH COURT

Grounds and effect of winding#up petition

102. Circumstances in which company may be wound up by the High Court
103. Definition of inability to pay debts; the statutory demand
104. Application for winding up
- 104A. Petition for winding up on grounds of public interest
- 104B. Petition for winding up of SE
- 104C. Petition for winding up of SCE
105. Powers of High Court on hearing of petition
106. Power to stay or restrain proceedings against company
107. Avoidance of property dispositions, etc.
108. Avoidance of sequestration or distress

Commencement of winding up

109. Commencement of winding up by the High Court
110. Consequences of winding#up order

Investigation procedures

111. Company's statement of affairs
112. Investigation by official receiver
113. Public examination of officers
114. Enforcement of Article 113

Appointment of liquidator

115. Appointment and powers of provisional liquidator
116. Functions of official receiver in relation to office of liquidator
117. Appointment by Department
118. Choice of liquidator at meetings of creditors and contributories
119. Appointment by the High Court following administration or voluntary arrangement

Liquidation committees

120. Liquidation committee

The liquidator's functions

- 121. General functions in winding up by the High Court
- 122. Custody of company's property
- 123. Vesting of company property in liquidator
- 124. Duty to summon final meeting
- 124A. Official receiver's duty to send statement to registrar about other proceedings—

General powers of High Court

- 125. Power to stay winding up
- 126. Settlement of list of contributories and application of assets
- 127. Debts due from contributory to company
- 128. Power to make calls
- 129. Payment into bank of money due to company
- 130. Order on contributory to be conclusive evidence
- 131. Power to exclude creditors not proving in time
- 132. Adjustment of rights of contributories
- 133. Inspection of books by creditors, etc.
- 134. Payment of expenses of winding up
- 135. Power to arrest absconding contributory
- 136. Powers of High Court to be cumulative
- 137. Delegation of powers to liquidator

CHAPTER VII

LIQUIDATORS

Preliminary

- 138. Style and title of liquidators
- 139. Corrupt inducement affecting appointment

Liquidator's powers and duties

- 140. Voluntary winding up
- 141. Creditors' voluntary winding up
- 142. Winding up by the High Court
- 143. Supplementary powers
- 144. Enforcement of liquidator's duty to make returns, etc.

Removal: vacation of office

- 145. Removal, etc. (voluntary winding up)
- 146. Removal, etc. (winding up by the High Court)

Release of liquidator

- 147. Release (voluntary winding up)
- 148. Release (winding up by the High Court)

CHAPTER VIII

PROVISIONS OF GENERAL APPLICATION IN WINDING UP

Changes to legislation: The Insolvency (Northern Ireland) Order 1989 is up to date with all changes known to be in force on or before 15 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Moratorium: order of priority of payment of debts

148A Moratorium debts etc: priority

Preferential debts

- 149. Preferential debts (general provision)
- 150. Preferential charge on goods distrained , etc

Non-preferential debts

150ZZA Non-preferential debts of financial institutions

Property subject to floating charge

- 150ZA Payment of expenses of winding up
- 150A Share of assets for unsecured creditors

Special managers

- 151. Power to appoint special manager

Disclaimer

- 152. Power to disclaim onerous property
- 153. Disclaimer of leaseholds
- 154. Land subject to rentcharge
- 155. Powers of High Court (general)
- 156. Powers of High Court (leaseholds)

Miscellaneous matters

- 157. Rescission of contracts by the High Court
- 158. Power to make over assets to employees
- 159. Notification that company is in liquidation
- 160. Interest on debts
- 161. Company's books to be evidence
- 162. Information as to pending liquidations
- 163. Resolutions passed at adjourned meetings
- 164. Meeting to ascertain wishes of creditors or contributories
- 165. Affidavits, etc., in United Kingdom and elsewhere

CHAPTER IX

DISSOLUTION OF COMPANIES AFTER WINDING UP

- 166. Dissolution (voluntary winding up)
- 167. Early dissolution
- 168. Consequence of notice under Article 167
- 169. Dissolution otherwise than under Article 167

CHAPTER X

MALPRACTICE BEFORE AND DURING LIQUIDATION; PENALISATION OF COMPANIES AND COMPANY OFFICERS; INVESTIGATIONS AND PROSECUTIONS

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Offences of fraud, deception, etc.

- 170. Fraud, etc., in anticipation of winding up
- 171. Transactions in fraud of creditors
- 172. Misconduct in course of winding up
- 173. Falsification of company's books
- 174. Material omissions from statement relating to company's affairs
- 175. False representations to creditors

Penalisation of directors and officers

- 176. Summary remedy against delinquent directors, liquidators, etc.
- 177. Fraudulent trading
- 178. Wrongful trading
-
- 179. Proceedings under Articles 177 and 178
- 180. Restriction on re#use of company names
- 181. Personal liability for debts, following contravention of Article 180

Investigation and prosecution of malpractice

- 182. Prosecution of delinquent officers and members of company
- 183. Obligations arising under Article 182

PART VI

WINDING UP OF UNREGISTERED COMPANIES

- 184. Meaning of “unregistered company”
- 185. Winding up of unregistered companies
- 186. Inability to pay debts: unpaid creditor for £750 or more
- 187. Inability to pay debts: debt remaining unsatisfied after action brought
- 188. Inability to pay debts: other cases
- 189. Company incorporated outside Northern Ireland may be wound up though dissolved
- 190. Contributories in winding up of unregistered company
- 191. Power of High Court to stay or restrain proceedings
- 192. Actions stayed on winding#up order
- 193. Provisions of this Part to be cumulative

PART VII

MISCELLANEOUS PROVISIONS APPLYING TO COMPANIES WHICH ARE INSOLVENT OR IN LIQUIDATION

Office#holders

- 194. Holders of office to be qualified insolvency practitioners
- 195. Appointment to office of two or more persons
- 196. Validity of office#holder's acts

Management by administrators, liquidators, etc.

- 197. Supplies of water, electricity, etc.
- 197A Further protection of essential supplies
- 197B Protection of supplies of goods and services
- 197C Powers to amend Article 197B and Schedule 2ZZA

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- 198. Getting in the company's property
- 199. Duty to co#operate with office#holder
- 200. Inquiry into company's dealings, etc.
- 201. High Court's enforcement powers under Article 200

Adjustment of prior transactions (administration and liquidation)

- 202. Transactions at an undervalue
- 203. Preferences
- 204. "Relevant time" under Articles 202, 203
- 205. Orders under Articles 202, 203
- 206. Extortionate credit transactions
- 207. Avoidance of certain floating charges
- 208. Unenforceability of liens on books, etc.

PARTS 7A TO 10

INSOLVENCY OF INDIVIDUALS; BANKRUPTCY

PART 7A

DEBT RELIEF ORDERS

Preliminary

- 208A Debt relief orders

Applications for a debt relief order

- 208B Making of application
- 208C Duty of official receiver to consider and determine application
- 208D Presumptions applicable to the determination of an application

Making and effect of debt relief order

- 208E Making of debt relief orders
- 208F Effect of debt relief order on administration order
- 208G Moratorium from qualifying debts
- 208H The moratorium period
- 208I Discharge from qualifying debts

Duties of debtor

- 208J Providing assistance to official receiver, etc.

Objections, investigations and revocation

- 208K Objections and investigations
- 208L Power of official receiver to revoke or amend a debt relief order

Role of the High Court

- 208M Powers of High Court in relation to debt relief orders
- 208N Inquiry into debtor's dealings and property

Offences

- 208O False representations and omissions

- 208P Concealment or falsification of documents
- 208Q Fraudulent disposal of property
- 208R Fraudulent dealing with property obtained on credit
- 208S Obtaining credit or engaging in business
- 208T Offences: supplementary

Supplementary

- 208U Approved intermediaries
- 208V Debt relief restrictions orders and undertakings
- 208W Register of debt relief orders, etc.
- 208X Interpretation

PART VIII

INDIVIDUAL VOLUNTARY ARRANGEMENTS

CHAPTER I

DEEDS OF ARRANGEMENT

- 209. Deeds of arrangement to which this Chapter applies

Registration of deeds of arrangement

- 210. Registrar and deputy registrar
- 211. Mode of registration
- 212. Form of register
- 213. Rectification of register

Avoidance of deeds of arrangement

- 214. Avoidance of unregistered deeds of arrangement
- 215. Avoidance of deeds of arrangement unless assented to by a majority of the creditors
- 216. Deeds otherwise void or voidable

Provisions as to trustees

- 217. Notice to creditors of avoidance of deed
- 218. Trustee acting when deed of arrangement void
- 219. Protection of trustees under void deeds
- 220. Payment of expenses incurred by trustees
- 221. Security by trustee
- 222. Transmission of accounts
- 223. Preferential payment to creditor

Miscellaneous

- 224. Applications to the High Court
- 225. Inspection of register, etc., certified copies and evidence

CHAPTER II

VOLUNTARY ARRANGEMENTS

Changes to legislation: The Insolvency (Northern Ireland) Order 1989 is up to date with all changes known to be in force on or before 15 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Moratorium for insolvent debtor

- 226. Interim order of High Court
- 227. Application for interim order
- 228. Effect of application
- 229. Cases in which interim order can be made
- 230. Nominee's report on debtor's proposal

Procedure where no interim order made

- 230A Debtor's proposal and nominee's report

Creditors' meeting

- 231. Summoning of creditors' meeting

Consideration and implementation of debtor's proposal

- 232. Decisions of creditors' meeting
- 233. Report of decisions to High Court
- 234. Effect of approval
- 235. Additional effect on undischarged bankrupt
- 236. Challenge of meeting's decision
- 236A False representations etc.
- 236B Prosecution of delinquent debtors
- 236C Arrangements coming to an end prematurely
- 237. Implementation and supervision of approved voluntary arrangement

Fast-track voluntary arrangement

- 237A Availability
- 237B Decision
- 237C Result
- 237D Approval of voluntary arrangement
- 237E Implementation
- 237F Revocation
- 237G Offences

PART IX

BANKRUPTCY

CHAPTER I

BANKRUPTCY PETITIONS; BANKRUPTCY ORDERS

Preliminary

- 238. Who may present a bankruptcy petition
- 239. Conditions to be satisfied in respect of debtor
- 240. Other preliminary conditions

Creditor's petition

- 241. Grounds of creditor's petition
- 242. Definition of "inability to pay", etc.; the statutory demand
- 243. Creditor with security

- 244. Expedited petition
- 245. Proceedings on creditor's petition

Debtor's petition

- 246. Grounds of debtor's petition
- 247. Appointment of insolvency practitioner by the High Court
- 248. Action on report of insolvency practitioner
- 248A Debtor who meets conditions for a debt relief order
- 249. Summary administration

Other cases for special consideration

- 250. Default in connection with voluntary arrangement
- 251. Petition in respect of a solicitor

Commencement and duration of bankruptcy; discharge

- 252. Commencement and continuance
- 253. Duration
- 254. Discharge where bankrupt is a solicitor
- 255. Effect of discharge
- 255A Post-discharge restrictions
- 256. Power of High Court to annul bankruptcy order

CHAPTER II

PROTECTION OF BANKRUPT'S ESTATE AND INVESTIGATION OF HIS AFFAIRS

- 256A Bankrupt's home ceasing to form part of estate
- 257. Restrictions on dispositions of property
- 258. Restriction on proceedings and remedies
- 259. Power to appoint interim receiver
- 260. Receivership pending appointment of trustee
- 261. Statement of affairs
- 262. Investigatory duties of official receiver
- 263. Public examination of bankrupt
- 264. Duties of bankrupt in relation to official receiver

CHAPTER III

TRUSTEES IN BANKRUPTCY

Tenure of office as trustee

- 265. Power to make appointments
- 266. Summoning of meeting to appoint first trustee
- 267. Power of creditors to requisition meeting
- 268. Failure of meeting to appoint trustee
- 269. Appointment of trustee by Department
- 270. Special cases
- 271. Removal of trustee; vacation of office
- 272. Release of trustee
- 273. Vacancy in office of trustee

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Control of trustee

- 274. Creditors' committee
- 275. Exercise by Department of functions of creditors' committee
- 276. General control of trustee by the High Court
- 277. Liability of trustee

CHAPTER IV

ADMINISTRATION BY TRUSTEE

Preliminary

- 278. General functions of trustee

Acquisition, control and realisation of bankrupt's estate

- 279. Vesting of bankrupt's estate in trustee
- 279A Property subject to restraint order
- 279AA Property released from detention
- 279B Property in respect of which receivership or administration order made
- 279BA Property in respect of which realisation order made
- 279C Property subject to certain orders where confiscation order discharged or quashed
- 280. After#acquired property
- 281. Vesting in trustee of certain items of excess value
- 282. Time#limit for notice under Article 280 or 281
- 283. Income payments orders
- 283A Income payments agreement
- 284. Acquisition by trustee of control
- 285. Obligation to surrender control to trustee
- 286. Charge on bankrupt's home
- 286A Low value home: application for sale, possession or charge
- 287. Powers of trustee

Disclaimer of onerous property

- 288. Disclaimer (general power)
- 289. Notice requiring trustee's decision
- 290. Disclaimer of leaseholds
- 291. Disclaimer of dwelling house
- 292. Disclaimer of land subject to rentcharge
- 293. High Court order vesting disclaimed property
- 294. Order under Article 293 in respect of leaseholds

Distribution of bankrupt's estate

- 295. Proof of debts
- 296. Mutual credit and set#off
- 297. Distribution by means of dividend
- 298. Claims by unsatisfied creditors
- 299. Distribution of property in specie
- 300. Priority of debts
- 301. Preferential charge on goods distrained
- 302. Debts to spouse or civil partner

- 303. Final distribution
- 304. Final meeting
- 305. Saving for bankrupt's home

Supplemental

- 306. Duties of bankrupt in relation to trustee
- 307. Stay of distribution in case of second bankruptcy
- 308. Adjustment between earlier and later bankruptcy estates

CHAPTER V

EFFECT OF BANKRUPTCY ON CERTAIN RIGHTS, TRANSACTIONS, ETC.

Rights of occupation

- 309. Rights of occupation, etc., of bankrupt's spouse or civil partner
- 310. Rights of occupation of bankrupt
- 311. Payments in respect of premises occupied by bankrupt

Adjustment of prior transactions, etc.

- 312. Transactions at an undervalue
- 313. Preferences
- 314. "Relevant time" under Articles 312, 313
- 315. Orders under Articles 312, 313
- 315A Recovery of excessive pension contributions
- 315B Orders under Article 315A
- 315C Orders under Article 315A: supplementary
- 315D Recovery of excessive contributions in pension-sharing cases
- 315E Orders under Article 312 or 313 in respect of pension-sharing transactions
- 315F Orders under Article 312 or 313 in pension-sharing cases: supplementary
- 316. Extortionate credit transactions
- 317. Avoidance of general assignment of book debts
- 318. Contracts to which bankrupt is a party
- 319. Apprenticeships, etc.
- 320. Unenforceability of liens on books, etc.
- 320A Arbitration agreements to which bankrupt is party.

CHAPTER VI

BANKRUPTCY OFFENCES

Preliminary

- 321. Scheme of this Chapter
- 322. Definitions for the purposes of this Chapter
- 323. Defence of innocent intention

Wrongdoing by the bankrupt before and after bankruptcy

- 324. Non-disclosure
- 325. Concealment of property
- 326. Concealment of books and papers; falsification
- 327. False statements

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- 328. Fraudulent disposal of property
- 329. Absconding
- 330. Fraudulent dealing with property obtained on credit
- 331. Obtaining credit; engaging in business
- 332. Failure to keep proper accounts of business
- 333. Gambling

CHAPTER VII

POWERS OF HIGH COURT IN BANKRUPTCY

- 334. General control of High Court
- 335. Power of arrest
- 336. Seizure of bankrupt's property
- 337. Inquiry into bankrupt's dealings and property
- 338. High Court's enforcement powers under Article 337
- 339. Provision corresponding to Article 337, where interim receiver appointed
- 340. Order for production of documents by Inland Revenue
- 341. Power to appoint special manager
- 342. Re#direction of bankrupt's letters, etc.

PART X

INDIVIDUAL INSOLVENCY: GENERAL PROVISIONS

- 343. Supplies of water, electricity, etc.
- 344. Time#limits
- 345. Formal defects

PARTS XI TO XIV

MISCELLANEOUS MATTERS BEARING ON BOTH COMPANY AND INDIVIDUAL INSOLVENCY

PART XI

PREFERENTIAL AND NON-PREFERENTIAL DEBTS IN COMPANY AND INDIVIDUAL INSOLVENCY

- 346. Categories of preferential debts
- 347. "The relevant date"
- 347A Financial institutions and their non-preferential debts

PART XII

INSOLVENCY PRACTITIONERS AND THEIR QUALIFICATION

Restrictions on unqualified persons acting as liquidator, trustee in bankruptcy, etc.

- 348. Acting as insolvency practitioner without qualification
- 348A Authorisation of nominees and supervisors
- 348B Official receiver as nominee or supervisor

The requisite qualification, and the means of obtaining it

- 349. Persons not qualified to act as insolvency practitioners
- 349A Authorisation

- 349B Partial authorisation: acting in relation to partnerships
- 350. Recognised professional bodies
- 350A Application for recognition as recognised professional body

Regulatory objectives

- 350B Application of regulatory objectives
- 350C Meaning of “regulatory functions” and “regulatory objectives”

Oversight of recognised professional bodies

- 350D Directions
- 350E Directions: procedure
- 350F Financial penalty
- 350G Financial penalty: procedure
- 350H Appeal against financial penalty
- 350I Recovery of financial penalties
- 350J Reprimand
- 350K Reprimand: procedure

Revocation etc. of recognition

- 350L Revocation of recognition at instigation of Department
- 350M Orders under Article 350L: procedure
- 350N Revocation of recognition at request of body

Court sanction of insolvency practitioners in public interest cases

- 350O Direct sanction orders
- 350P Application for, and power to make, direct sanctions order
- 350Q Direct sanctions order: conditions
- 350R Direct sanctions direction instead of order

General

- 350S Power for Department to obtain information
- 350T Compliance orders
- 351. Authorisation by competent authority
- 352. Grant, refusal and withdrawal of authorisation
- 353. Notices
- 354. Right to make representations

PART XIII

PUBLIC ADMINISTRATION

Official receivers

- 355. Appointment, etc., of official receivers
- 356. Functions and status of official receivers
- 357. Deputy official receivers

Insolvency Account

- 358. Insolvency Account
- 358A Adjustment of balances

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Insolvency rules

- [[[359 Insolvency rules
- 360. Committee to review rules under Article 359

Fees

- [[[361 Fees orders
- 361A Fees orders (supplementary)

Specification, increase and reduction of money sums relevant in the operation of this Order

- 362. Monetary limits

Insolvency practice

- 363. Regulations for purposes of Part XII

Other order#making powers

- 364. Insolvent partnerships
- 365. Insolvent estates of deceased persons
- 365A Insolvent estates: joint tenancies
- 366. Formerly authorised banks
- 366A Meaning of “relevant offence”

PART XIV

MISCELLANEOUS

Provisions against debt avoidance

- 367. Transactions defrauding creditors
- 368. Those who may apply for an order under Article 367
- 369. Provision which may be made by order under Article 367

Disqualifications, reviews and reports

- 370. Assembly disqualification
- 370A Irrelevance of privilege
- 371. Review, etc., by High Court of its orders
- 372. Annual report

Legal proceedings

- 373. Prosecution and punishment of offences
- 374. Summary proceedings
- [[375 Admissibility in evidence of statements of affairs, etc.

Supplemental

- 376. Judicial notice of court documents
- 377. Exemption from stamp duty
- 378. Crown application
- 379. Transitional provisions and savings
 - Art.380 rep. by 1996 NI 16
 - Art.381—Amendments
 - Art.382—Repeals

PART 15
SUPPLEMENTARY PROVISIONS

- 383. Introductory
- 384. Representation of corporations at meetings
- 385. Legal professional privilege
- 386. Enforcement of company's filing obligations
- 387. Application of filing obligations to overseas companies

SCHEDULES
SCHEDULE ZA1 — MORATORIUM: ELIGIBLE COMPANIES

Eligible companies

- 1. A company is “eligible” for the purposes of...

Companies subject to, or recently subject to, moratorium or an insolvency procedure

- 2. (1) A company is excluded from being eligible if—

Insurance companies

- 3. (1) A company is excluded from being eligible if—

Banks

- 4. (1) A company is excluded from being eligible if—

Electronic money institutions

- 5. A company is excluded from being eligible if it is...

Investment banks and investment firms

- 6. (1) A company is excluded from being eligible if it...

Companies that are party to market contracts or subject to market charges, etc

- 7. (1) A company is excluded from being eligible if it...

Participants in designated systems

- 8. A company is excluded from being eligible if—

Payment institutions

- 9. A company is excluded from being eligible if it is...

Operators of payment systems, infrastructure providers etc

- 10. A company is excluded from being eligible if—

Recognised investment exchanges, clearing houses and CSDs

- 11. A company is excluded from being eligible if it is...

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Securitisation companies

12. A company is excluded from being eligible if it is...

Parties to capital market arrangement

13. (1) A company is excluded from being eligible if, on...
14. (1) For the purposes of paragraph 13 an investment is...

Public-private partnership project companies

15. (1) A company is excluded from being eligible if, on...
16. (1) For the purposes of paragraph 15 “ public-private partnership...
17. (1) For the purposes of paragraph 15 a project has...

Overseas companies with corresponding functions

18. A company is excluded from being eligible if its registered...

Interpretation of Schedule

19. (1) This paragraph applies for the purposes of this Schedule....

Power to amend Schedule

20. (1) Regulations may amend this Schedule, apart from paragraph 2,...

SCHEDULE ZA2 — MORATORIUM: CONTRACT OR OTHER INSTRUMENT INVOLVING FINANCIAL SERVICES

Introductory

1. For the purposes of Article 13D “ contract or other...

Financial contracts

2. (1) This paragraph applies to a financial contract.

Securities financing transactions

3. (1) This paragraph applies to— (a) a securities financing transaction,...

Derivatives

4. (1) This paragraph applies to— (a) a derivative, and

Spot contracts

5. (1) This paragraph applies to— (a) a spot contract, and...

Capital market investments

6. (1) This paragraph applies to an agreement which is, or...

Contracts forming part of a public-private partnership

7. This paragraph applies to a contract forming part of a...

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Market contracts

8. This paragraph applies to a market contract within the meaning...

Qualifying collateral arrangements and qualifying property transfers

9. This paragraph applies to qualifying collateral arrangements and qualifying property...

Contracts secured by certain charges or arrangements

10. This paragraph applies to a contract where any obligation under...

Default arrangements and transfer orders

11. This paragraph applies to a contract which is included in...

Card-based payment transactions

12. This paragraph applies to a contract to accept and process...

Power to amend Schedule

13. (1) Regulations may amend this Schedule so as to change...

SCHEDULE A1 — MORATORIUM WHERE DIRECTORS PROPOSE VOLUNTARY
ARRANGEMENT
PART I — INTRODUCTORY

Interpretation

1.

Eligible companies

2.
3.
4.

Capital market arrangement

5.

Public private partnership

6.

Liability under an arrangement

7.

Interpretation of capital market arrangement

8.

Capital market investment

9.
10.

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Debt

11.

Interpretation of project company

12.

Public-private partnership project

13.

Step-in rights

14.

“Person”

15.

16.

PART II — OBTAINING A MORATORIUM

Nominee's statement

17.

Documents to be submitted to High Court

18.

Duration of moratorium

19.

Notification of beginning of moratorium

20.

21.

Notification of end of moratorium

22.

PART III — EFFECTS OF MORATORIUM

Effect on creditors, etc.

23.

24.

25.

Effect on company

26.

Company invoices, etc.

27.

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Obtaining credit during moratorium

28.

Disposals and payments

29.

30.

Disposal of charged property, etc.

31.

32.

Market contracts, etc.

33.

PART IV — NOMINEES

Monitoring of company's activities

34.

Withdrawal of consent to act

35.

Challenge of nominee's actions, etc.

36.

37.

Replacement of nominee by High Court

38. (1) The High Court may— (a) on an application made...

PART V — CONSIDERATION AND IMPLEMENTATION OF VOLUNTARY ARRANGEMENT

Summoning of meetings

39.

Conduct of meetings

40.

Approval of voluntary arrangement

41. (1) The meetings summoned under paragraph 39 shall decide whether...

Extension of moratorium

42.

43. (1) The conditions which may be imposed when a moratorium...

44.

Moratorium committee

45.

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Effectiveness of decisions

46.

Effect of approval of voluntary arrangement

47.

Challenge of decisions

48.

Implementation of voluntary arrangement

49. (1) This paragraph applies where a voluntary arrangement approved by...
PART VI — MISCELLANEOUS

Challenge of directors' actions

50.

Offences

51.

52.

Void provisions in floating charge documents

53.

Functions of the Financial Conduct Authority and the Prudential Regulation Authority

54.

Subordinate legislation

55.

SCHEDULE B1 — ADMINISTRATION
ARRANGEMENT OF
SCHEDULE
— INTRODUCTORY

Interpretation

1. (1) In this Schedule— “ administrative receiver ” has the...

Non-UK companies

1A A company incorporated outside the United Kingdom that has a...
— NATURE OF ADMINISTRATION

Administration

2. (1) For the purposes of this Order “ administrator ”...
3. A person may be appointed as administrator of a company—...

Purpose of administration

4. (1) The administrator of a company must perform his functions...
5. The administrator of a company must perform his functions as...

Status of administrator

6. An administrator is an officer of the High Court (whether...

General restrictions

7. A person may be appointed as administrator of a company...
8. A person may not be appointed as administrator of a...
9. (1) A person may not be appointed as administrator of...
10. (1) A person may not be appointed as administrator of...
— APPOINTMENT OF ADMINISTRATOR BY HIGH COURT

Administration order

11. An administration order is an order appointing a person as...

Conditions for making order

12. The High Court may make an administration order in relation...

Administration application

13. (1) An application to the High Court for an administration...

Powers of High Court

14. (1) On hearing an administration application the High Court may—...
— APPOINTMENT OF ADMINISTRATOR BY HOLDER OF
FLOATING CHARGE

Power to appoint

15. (1) The holder of a qualifying floating charge in respect...

Restrictions on power to appoint

16. (1) A person may not appoint an administrator under paragraph...
17. An administrator may not be appointed under paragraph 15 while...
18. An administrator of a company may not be appointed under...

Notice of appointment

19. (1) A person who appoints an administrator of a company...

Commencement of appointment

20. The appointment of an administrator under paragraph 15 takes effect...
21. A person who appoints an administrator under paragraph 15—

Invalid appointment: indemnity

22. (1) This paragraph applies where— (a) a person purports to...
— APPOINTMENT OF ADMINISTRATOR BY COMPANY OR
DIRECTORS

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Power to appoint

23. (1) A company may appoint an administrator.

Restrictions on power to appoint

24. (1) This paragraph applies where an administrator of a company...
25. (1) If a moratorium for a company under Schedule A1...
26. An administrator of a company may not be appointed under...

Notice of intention to appoint

27. (1) A person who proposes to make an appointment under...
28. (1) A person who gives notice of intention to appoint...
29. (1) An appointment may not be made under paragraph 23...

Notice of appointment

30. (1) A person who appoints an administrator of a company...
31. In a case in which no person is entitled to...

Commencement of appointment

32. The appointment of an administrator under paragraph 23 takes effect...
33. A person who appoints an administrator under paragraph 23—
34. If before the requirements of paragraph 30 are satisfied the...

Invalid appointment: indemnity

35. (1) This paragraph applies where— (a) a person purports to...
— ADMINISTRATION APPLICATION — SPECIAL CASES

Application by holder of floating charge

36. (1) This paragraph applies where an administration application in respect...

Intervention by holder of floating charge

37. (1) This paragraph applies where— (a) an administration application in...

Application where company in liquidation

38. (1) This paragraph applies where the holder of a qualifying...
39. (1) The liquidator of a company may make an administration...

Effect of administrative receivership

40. (1) Where there is an administrative receiver of a company...
— EFFECT OF ADMINISTRATION

Dismissal of pending winding-up petition

41. (1) A petition for the winding up of a company—...

Dismissal of administrative or other receiver

42. (1) When an administration order takes effect in respect of...

Moratorium on insolvency proceedings

43. (1) This paragraph applies to a company in administration.

Moratorium on other legal process

44. (1) This paragraph applies to a company in administration.

Interim moratorium

45. (1) This paragraph applies where an administration application in respect...

Publicity

46. (1) While a company is in administration, every business document...
— PROCESS OF ADMINISTRATION

Announcement of administrator's appointment

47. (1) This paragraph applies where a person becomes the administrator...

Statement of company's affairs

48. (1) As soon as is reasonably practicable after appointment the...
49. (1) A person required to submit a statement of affairs...

Administrator's proposals

50. (1) The administrator of a company shall make a statement...

Creditors' meeting

51. (1) In this Schedule “ creditors' meeting ” means a...

Requirement for initial creditors' meeting

52. (1) Each copy of an administrator's statement of proposals sent...
53. (1) Paragraph 52(1) shall not apply where the statement of...

Business and result of initial creditors' meeting

54. (1) An initial creditors' meeting to which an administrator's proposals...

Revision of administrator's proposals

55. (1) This paragraph applies where— (a) an administrator's proposals have...

Failure to obtain approval of administrator's proposals

56. (1) This paragraph applies where an administrator reports to the...

Further creditors' meetings

57. (1) The administrator of a company shall summon a creditors'...

Creditors' committee

58. (1) A creditors' meeting may establish a creditors' committee.

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Correspondence instead of creditors' meeting

59. (1) Anything which is required or permitted by or under...
— FUNCTIONS OF ADMINISTRATOR

General powers

60. (1) The administrator of a company may do anything necessary...
61. (1) The administrator of a company has the powers specified...
61A (1) Regulations may make provision for— (a) prohibiting, or
62. The administrator of a company— (a) may remove a director...
63. The administrator of a company may call a meeting of...
64. The administrator of a company may apply to the High...
65. (1) A company in administration or an officer of a...

Distribution

- 65A (1) This paragraph applies where a company enters administration before...
66. (1) If the assets of a company are sufficient to...
67. If the debts or other liabilities payable under paragraph 65A...

General duties

68. The administrator of a company shall on his appointment take...
69. (1) Subject to sub-paragraph (2), the administrator of a company...

Administrator as agent of company

70. In exercising his functions under this Schedule the administrator of...

Charged property: floating charge

71. (1) The administrator of a company may dispose of or...

Charged property: non-floating charge

72. (1) The High Court may by order enable the administrator...

Hire-purchase property

73. (1) The High Court may by order enable the administrator...

Protection for priority creditor

74. (1) An administrator's statement of proposals under paragraph 50 may...

Challenge to administrator's conduct of company

75. (1) A creditor or member of a company in administration...

Misfeasance

76. (1) The High Court may examine the conduct of a...
— ENDING ADMINISTRATION

Automatic end of administration

77. (1) The appointment of an administrator shall cease to have...
78. (1) An order of the High Court under paragraph 77—...

79. (1) In paragraph 77(2)(b) “ consent ” means consent of—...

Court ending administration on application of administrator

80. (1) On the application of the administrator of a company...

Termination of administration where objective achieved

81. (1) This paragraph applies where an administrator of a company...

Court ending administration on application of creditor

82. (1) On the application of a creditor of a company...

Public interest winding-up

83. (1) This paragraph applies where a winding-up order is made...

Moving from administration to creditors' voluntary liquidation

84. (1) This paragraph applies where the administrator of a company...

Moving from administration to dissolution

85. (1) If the administrator of a company thinks that the...

Discharge of administration order where administration ends

86. (1) This paragraph applies where— (a) the High Court makes...

Notice to registrar where administration ends

87. (1) This paragraph applies where the High Court makes an...

— REPLACING ADMINISTRATOR

Resignation of administrator

88. (1) An administrator may resign only in prescribed circumstances.

Removal of administrator from office

89. The High Court may by order remove an administrator from...

Administrator ceasing to be qualified

90. (1) The administrator of a company shall vacate office if...

Supplying vacancy in office of administrator

91. Paragraphs 92 to 96 apply where an administrator—

92. (1) Where the administrator was appointed by administration order, the...

93. Where the administrator was appointed under paragraph 15 the holder...

94. (1) Where the administrator was appointed under paragraph 23(1) by...

95. (1) Where the administrator was appointed under paragraph 23(2) the...

96. The High Court may replace an administrator on the application...

Substitution of administrator: competing floating charge-holder

97. (1) This paragraph applies where an administrator of a company...

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Substitution of administrator appointed by company or directors: creditors' meeting

98. (1) This paragraph applies where— (a) an administrator of a...

Vacation of office: discharge from liability

99. (1) Where a person ceases to be the administrator of...

Vacation of office: charges and liabilities

100. (1) This paragraph applies where a person ceases to be...
— GENERAL

Joint and concurrent administrators

101. (1) In this Schedule— (a) a reference to the appointment...
102. (1) This paragraph applies where two or more persons are...
103. (1) This paragraph applies where two or more persons are...
104. (1) Where a company is in administration, a person may...

Presumption of validity

105. An act of the administrator of a company is valid...

Majority decision of directors

106. A reference in this Schedule to something done by the...

Penalties

107. (1) A person who is guilty of an offence under...

Extension of time limit

108. (1) Where a provision of this Schedule provides that a...
109. (1) A period specified in paragraph 50(5), 51(1)(b) or 52(2)...
110. Where a period is extended under paragraph 108 or 109,...

Amendment of provision about time

111. (1) The Department may by order amend a provision of...

SCHEDULE 1 — POWERS OF ADMINISTRATOR OR ADMINISTRATIVE RECEIVER

1. Power to take possession of, collect and get in the...
2. Power to sell or otherwise dispose of the company's property,...
3. Without prejudice to Article 28 or 30 of the Property...
4. Power to raise or borrow money and grant security therefor...
5. Power to appoint a solicitor or accountant or other professionally...
6. Power to bring or defend any action or other legal...
7. Power to refer to arbitration any question affecting the company...
8. Power to effect and maintain insurances in respect of the...
9. Power to use the company's seal.
10. Power to do all acts and to execute in the...
11. Power to draw, accept, make and endorse any bill of...
12. Power to appoint any agent to do any business which...
13. Power to do all such things (including the carrying out...

14. Power to make any payment which is necessary or incidental...
15. Power to carry on the business of the company.
16. Power to establish subsidiaries of the company.
17. Power to transfer to subsidiaries of the company the whole...
18. Power to grant or accept a surrender of a lease...
19. Power to make any arrangement or compromise on behalf of...
20. Power to call up any uncalled capital of the company....
21. Power to rank and claim in the bankruptcy, insolvency or...
22. Power to present or defend a petition for the winding...
23. Power to change the situation of the company's registered office....
24. Power to do all other things incidental to the exercise...

SCHEDULE 1A — EXCEPTIONS TO PROHIBITION ON APPOINTMENT
OF ADMINISTRATIVE RECEIVER: SUPPLEMENTARY
PROVISIONS

— Capital market arrangement

1. For the purposes of Article 59B an arrangement is a capital market arrangement if—
 - Capital market investment
2. For the purposes of Article 59B an investment is a capital market investment if it—
 - (1) An investment is also a capital market investment for...
 - “Agreement”
 4. or the purposes of Articles 59B and 59F and this Schedule “
 - Debt
 5. he debt of at least £50 million referred to in Article 59B(1)(a) or 59F(2)(a)
 - - Step-in rights
 6. For the purposes of Articles 59C to 59F a project has “
 - Project company
 7. For the purposes of Articles 59C to 59F a company is a “
 - “Resources”
 8. In Article 59C “
 - “Public body”
 9. In Article 59C “
 - Regulated business
 10. For the purposes of Article 59D a business is regulated if it is carried on—
 - “Person”
 11. A reference to a person in this Schedule includes a reference to a partnership or

SCHEDULE 2 — POWERS OF LIQUIDATOR IN A WINDING UP
PART I — POWERS EXERCISABLE WITH SANCTION

1. Power to pay any class of creditors in full.
2. Power to make any compromise or arrangement with creditors or persons claiming to be creditors,...
3. Power to compromise, on such terms as may be agreed—...
- 3A Power to bring legal proceedings under Article 177, 178, 202, 203 or 367.

PART II — POWERS EXERCISABLE WITHOUT SANCTION IN
VOLUNTARY WINDING UP, WITH SANCTION IN WINDING
UP BY THE HIGH COURT

4. Power to bring or defend any action or other legal proceeding in the name and...

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5. Power to carry on the business of the company so far as may be necessary...
PART III — POWERS EXERCISABLE WITHOUT SANCTION IN ANY WINDING UP
6. Power to sell any part of the company's property, including...
7. Without prejudice to Article 28 or 30 of the Property...
- 7A. Power to compromise, on such terms as may be agreed—...
8. Power to do all acts and execute, in the name...
- 8A. Power to use the company's seal.
9. Power to prove, rank and claim in the bankruptcy or...
10. Power to draw, accept, make and endorse any bill of...
11. Power to raise on the security of the assets of...
12. (1) Power to take out in his official name letters...
13. Power to appoint an agent to do any business which...
14. Power to do all such other things as may be...

SCHEDULE 2ZZA — PROTECTION OF SUPPLIES UNDER ARTICLE 197B:
EXCLUSIONS
PART 1 — ESSENTIAL SUPPLIES

Essential supplies

1. (1) Article 197B(3) and (4) do not apply in relation...
PART 2 — PERSONS INVOLVED IN FINANCIAL SERVICES

Introductory

2. Article 197B does not apply in relation to a contract...

Insurers

3. (1) This paragraph applies where either the company or the...

Banks

4. (1) This paragraph applies where either the company or the...

Electronic money institutions

5. This paragraph applies where either the company or the supplier...

Investment banks and investment firms

6. (1) This paragraph applies where either the company or the...

Payment institutions

7. This paragraph applies where either the company or the supplier...

Operators of payment systems, infrastructure providers etc

8. This paragraph applies where either the company or the supplier...

Recognised investment exchanges etc

9. This paragraph applies where either the company or the supplier...

Securitisation companies

10. This paragraph applies where either the company or the supplier...

Overseas activities

11. This paragraph applies where either the company or the supplier...

PART 3 — CONTRACTS INVOLVING FINANCIAL SERVICES

Introductory

12. To the extent that anything to which any of paragraphs...

Financial contracts

13. (1) This paragraph applies to a financial contract.

Securities financing transactions

14. (1) This paragraph applies to— (a) a securities financing transaction,...

Derivatives

15. (1) This paragraph applies to— (a) a derivative, and

Spot contracts

16. (1) This paragraph applies to— (a) a spot contract, and...

Capital market investments

17. (1) This paragraph applies to an agreement which is, or...

Contracts forming part of a public-private partnership

18. This paragraph applies to a contract forming part of a...

PART 4 — OTHER EXCLUSIONS

Financial markets and insolvency

19. Nothing in Article 197B affects the operation of—

Set-off and netting

20. Nothing in Article 197B affects any set-off or netting arrangements...

Aircraft equipment

21. Nothing in Article 197B affects the International Interests in Aircraft...

SCHEDULE 2ZA — CONDITIONS FOR MAKING A DEBT RELIEF ORDER

PART 1 — CONDITIONS WHICH MUST BE MET

Connection with Northern Ireland

1. (1) The debtor— (a) is domiciled in Northern Ireland on the application date; or (b)...

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Debtor's previous insolvency history

2. The debtor is not, on the determination date— (a) an undischarged bankrupt; (b) subject to...
3. A debtor's petition for the debtor's bankruptcy under Part 9— (a) has not been presented...
4. A creditor's petition for the debtor's bankruptcy under Part 9— (a) has not been presented...
5. A debt relief order has not been made in relation to the debtor in the...

Limit on debtor's overall indebtedness

6. (1) The total amount of the debtor's debts on the determination date, other than unliquidated...

Limit on debtor's monthly surplus income

7. (1) The debtor's monthly surplus income (if any) on the determination date does not exceed...

Limit on value of debtor's property

8. (1) The total value of the debtor's property on the determination date does not exceed...
PART 2 — OTHER CONDITIONS
9. (1) The debtor has not entered into a transaction with any person at an undervalue...
10. (1) The debtor has not given a preference to any person during the period between—...

SCHEDULE 2ZB — DEBT RELIEF RESTRICTIONS ORDERS AND UNDERTAKINGS

Debt relief restrictions order

1. (1) A debt relief restrictions order may be made by the High Court in relation...

Grounds for making order

2. (1) The High Court shall grant an application for a debt relief restrictions order if...

Timing of application for order

3. An application for a debt relief restrictions order in respect of a debtor may be...

Duration of order

4. (1) A debt relief restrictions order— (a) comes into force when it is made, and...

Interim debt relief restrictions order

5. (1) This paragraph applies at any time between— (a) the institution of an application for...
6. (1) This paragraph applies to a case in which both an interim debt relief restrictions...

Debt relief restrictions undertaking

7. (1) A debtor may offer a debt relief restrictions undertaking to the Department. (2) In...
8. A reference in a statutory provision to a person in respect of whom a debt...
9. (1) A debt relief restrictions undertaking— (a) comes into force on being accepted by the...

Effect of revocation of debt relief order

10. Unless the High Court directs otherwise, the revocation at any time of a debt relief...

SCHEDULE 2A — BANKRUPTCY RESTRICTIONS ORDER AND UNDERTAKING
— Bankruptcy restrictions order

1. (1) A bankruptcy restrictions order may be made by the High Court. (2) An order...
— Grounds for making order
2. (1) The High Court shall grant an application for a bankruptcy restrictions order if it...
— Timing of application for order
3. (1) An application for a bankruptcy restrictions order in respect of a bankrupt must be...
— Duration of order
4. (1) A bankruptcy restrictions order— (a) shall come into force when it is made, and...
— Interim bankruptcy restrictions order
5. (1) This paragraph applies at any time between— (a) the institution of an application for...
6. (1) This paragraph applies to a case in which both an interim bankruptcy restrictions order...
— Bankruptcy restrictions undertaking
7. (1) A bankrupt may offer a bankruptcy restrictions undertaking to the Department. (2) In determining...
8. A reference in a statutory provision to a person in respect of whom a bankruptcy...
9. (1) A bankruptcy restrictions undertaking— (a) shall come into force on being accepted by the...
— Effect of annulment of bankruptcy order

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- 10. Where a bankruptcy order is annulled under Article 256(1)(a)— (a) any bankruptcy restrictions order, interim...
- 11. Where a bankruptcy order is annulled under Article 235, 237D or 256(1)(b)— (a) the annulment...
— Registration
- 12. The Department shall maintain a register of— (a) bankruptcy restrictions orders, (b) interim bankruptcy restrictions...

SCHEDULE 3 — POWERS OF TRUSTEE IN BANKRUPTCY
PART I — POWERS EXERCISABLE WITH SANCTION

- 1. Power to carry on any business of the bankrupt so far as may be necessary...
- 2. Power to bring, institute or defend any action or legal proceedings relating to the property...
- 2A Power to bring legal proceedings under Article 312, 313 or 367.
- 3. Power to accept as the consideration for the sale of any property comprised in the...
- 4. Power to mortgage or pledge any part of the property comprised in the bankrupt's estate...
- 5. Power, where any right, option or other power forms part of the bankrupt's estate, to...
- 6. Power to refer to arbitration, or compromise on such terms...
- 7. Power to make such compromise or other arrangement as may be thought expedient with creditors,...
- 8. Power to make such compromise or other arrangement as may...

PART II — POWERS EXERCISABLE WITHOUT SANCTION

- 9. Power to sell any part of the property for the...
- 10. Without prejudice to Article 28 or 30 of the Property...
- 10A Power to refer to arbitration, or compromise on such terms...
- 10B Power to make such compromise or other arrangement as may...
- 11. Power to give receipts for any money received by him,...
- 12. Power to prove, rank, claim and draw a dividend in...
- 13. Power to exercise in relation to any property comprised in...
- 14. Power to deal with any property comprised in the estate...

PART III — ANCILLARY POWERS

- 15. For the purposes of, or in connection with, the exercise of any of his powers...

SCHEDULE 4 — THE CATEGORIES OF PREFERENTIAL DEBTS

— Category 1: Debts due to Inland Revenue

- 1.
- 2.

— Category 2: Debts due to Customs and Excise

- 3.
- 3A
- 3B
- 3C
- 4.
- 5.
- 5A
- 5B
- 5C

— Category 3: Social security contributions

- 6.

7.
 - Category 4: Contributions to occupational pension schemes, etc.
8. Any sum which is owed by the debtor and is...
 - Category 5: Remuneration, etc., of employees
9. So much of any amount which— (a) is owed by...
10. An amount owed by way of accrued holiday remuneration, in...
11. So much of any sum owed in respect of money...
12. So much of any amount which— (a) is ordered (whether...
 - Interpretation for Category 5
13. (1) For the purposes of paragraphs 9 to 12, a...
14. (1) This paragraph relates to a case in which a...
15. Without prejudice to paragraphs 13 and 14—
 - Orders under Category 5
16. An order under paragraph 9 or 12—
 - Category 6: Levies on coal and steel production
17. Any sums due at the relevant date from the debtor...
 - Category 6A: Debts owed to the Financial Services Compensation Scheme
- 17A Any debt owed by the debtor to the scheme manager...
 - Category 7: Deposits covered by Financial Services Compensation Scheme
18. So much of any amount owed at the relevant date...
 - Category 8: Other deposits
19. So much of any amount owed at the relevant date...
20. An amount owed at the relevant date by the debtor...
 - Interpretation for Categories 6A, 7 and 8
21. (A1) In paragraph 17A “ the scheme manager ” has...
 - Category 9: Certain HMRC debts
22. (1) Any amount owed at the relevant date by the...

SCHEDULE 5 — PROVISIONS CAPABLE OF INCLUSION IN COMPANY
INSOLVENCY RULES

— High Court

1. (1) Provision for regulating the practice and procedure of the High Court so far as...
2. Provision conferring rights of audience, in the High Court so far as relating to, and...
 - Notices, etc.
3. Provision requiring notice of any proceedings in connection with or arising out of the insolvency...
4. Provision with respect to the form, manner of serving, contents and proof of any petition,...
5. Provision specifying the persons to whom any notice is to be given.
 - Registration of voluntary arrangements
6. Provision for the registration of voluntary arrangements approved under Part II, including provision for the...
 - Provisional liquidator
7. Provision as to the manner in which a provisional liquidator appointed under Article 115 is...
 - Conduct of insolvency
8. Provision with respect to the certification of any person as,...
9. The following provision with respect to meetings of a company's creditors, contributories or members— (a)...

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10. (1) Provision as to the functions, membership and proceedings of a committee established under Article...
11. Provision as to the manner in which any requirement that may be imposed on a...
12. Provision as to the debts that may be proved in a winding up, as to...
13. Provision with respect to the manner of the distribution of the property of a company...
14. Provision which, with or without modifications, applies in relation to the winding up of companies...
- 14A Provision about the application of Article 150A which may include, in particular— (a) provision enabling...
 - Administration
- 14B Provision which—
 - Financial provisions
15. Provision as to the amount, or manner of determining the amount, payable to the liquidator,...
16. Provision with respect to the manner in which money received by the liquidator of a...
- 16A Provision enabling the Department to set the rate of interest paid on sums which have...
17. Provision as to the costs that may be treated as the expenses of a winding...
18. Provision as to the costs that may be treated as properly incurred by the administrator...
19. Provision as to the costs that may be incurred for any of the purposes of...
 - Information and records
20. Provision requiring officers of the High Court— (a) to keep books and other records with...
21. Provision requiring a creditor, member or contributory, or such a committee as is mentioned in...
22. Provision as to the manner in which public examinations under Articles 113 and 114 and...
23. Provision imposing requirements with respect to— (a) the preparation and keeping by the liquidator, administrator...
24. Provision requiring the person who is the supervisor of a voluntary arrangement approved under Part...
25. Provision as to the manner in which the liquidator of a company is to act...
26. Provision imposing requirements in connection with the carrying out of functions under Article 10(4) of...
 - General
27. Provision conferring power on the Department to make regulations with respect to so much of...
28. Provision conferring a discretion on the High Court.
29. Provision conferring power on the High Court to make orders for the purpose of securing...
30. Provision making non-compliance with any of the rules a criminal offence.

SCHEDULE 6 — PROVISIONS CAPABLE OF INCLUSION IN INDIVIDUAL INSOLVENCY RULES

— High Court

1. Provision for regulating the practice and procedure of the High Court for the purposes of
2. Provision conferring rights of audience, in the High Court for the purposes of

— Notices, etc.

3. Provision requiring notice of any proceedings under
4. Provision with respect to the form, manner of serving, contents and proof of any petition,
5. Provision specifying the persons to whom any notice under

Debt relief orders

- 5A Provision as to the manner in which the official receiver is to carry out his...
- 5B Provision as to the manner in which any requirement that may be imposed by the...
- 5C Provision modifying the application of Part 7A in relation to an individual who has died...

Debt relief restrictions orders and undertakings

- 5D Provision about debt relief restrictions orders, interim orders and undertakings, including provision about evidence.

Register of debt relief orders and debt relief restrictions orders, etc.

- 5E Provision about the register required to be maintained by Article 208W and the information to...
 - ... Voluntary arrangements
6. Provision ... for the registration of ... voluntary arrangements approved...
 - Official receiver acting on voluntary arrangement
- 6A Provision about the official receiver acting as nominee or supervisor in relation to a voluntary...
 - Interim receiver
7. Provision as to the manner in which an interim receiver appointed under Article 259 is...
 - Receiver or manager
8. Provision as to the manner in which the official receiver is to carry out his...
 - Administration of individual insolvency
9. Provision with respect to the certification of the appointment of any person as trustee of
10. The following provision with respect to meetings of creditors—
11. Provision as to the functions, membership and proceedings of a creditors' committee established under Article
12. Provision as to the manner in which any requirement that may be imposed on a
13. Provision as to the manner in which any requirement imposed by virtue of Article 283(3)
14. Provision as to the terms and conditions that may be included in a charge under
15. Provision as to the debts that may be proved in any bankruptcy, as to the
16. Provision with respect to the manner of the distribution of a bankrupt's estate, including provision
17. Provision modifying the application of Parts VIII to X in relation to a debtor or
 - Financial provisions

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18. Provision as to the amount, or manner of determining the amount, payable to an interim...
19. Provision with respect to the manner in which money received by the trustee of a...
- 19A. Provision enabling the Department to set the rate of interest paid on sums which have...
20. Provision as to the costs that may be treated as the expenses of a bankruptcy.
21. Provision as to the costs that may be incurred for any of the purposes of...
 - Information and records
22. Provision requiring officers of the High Court—
23. Provision requiring a creditor or a committee established under Article 274 to be supplied (on
24. Provision as to the manner in which public examinations under Article 263 and proceedings under
25. Provision imposing requirements with respect to— (a) the preparation and...
26. Provision requiring the person who is the supervisor of a voluntary arrangement approved under Part
27. Provision as to the manner in which the trustee of a bankrupt's estate is to
 - Bankruptcy restrictions orders and undertakings
- 27A. Provision about bankruptcy restrictions orders, interim orders and undertakings, including—
 - General
28. Provision conferring power on the Department to make regulations with...
29. Provision conferring a discretion on the High Court.
30. Provision making non-compliance with any of the rules a criminal offence.

SCHEDULE 7 — PUNISHMENT OF OFFENCES UNDER THIS ORDER

SCHEDULE 8 — TRANSITIONAL PROVISIONS AND SAVINGS PART I — COMPANY INSOLVENCY AND WINDING UP

Administration orders

1. (1) Where any right to appoint an administrative receiver of a company is conferred by...

Receivers and managers

2. (1) Parts IV and VII do not apply in relation to any receiver or manager...

Winding up already in progress

3. (1) Subject to the following provisions of this Part, Parts V to VII do not...

Statement of affairs

4. (1) Where a winding up by the High Court has commenced, or is treated as...

Provisions relating to liquidator

5. (1) This paragraph applies as regards the liquidator in the case of a winding up...

Saving for power to make rules

6. Paragraphs 3 to 5 are without prejudice to the power conferred by this Order under...

Setting aside of preferences and other transactions

7. (1) Where a provision in Part V of this Order applies in relation to a...
PART II — INDIVIDUAL INSOLVENCY

Bankruptcy general

8. (1) Subject to the following provisions of this Part, Parts VIII to X do not...
9. (1) In relation to any such case as is mentioned in paragraph 8(1) the references...
10. Transactions entered into before the commencement date have effect on and after that date as...

Discharge from old bankruptcy

11. (1) Where a person— (a) was adjudged bankrupt before the commencement date or is adjudged...

Provisions relating to trustee

12. (1) This paragraph applies as regards the trustee in the case of a person adjudged...

Second bankruptcy

13. (1) Articles 307 and 308 of this Order apply with the following modifications where the...

Setting aside of preferences and other transactions

14. (1) A preference given, assignment made or other transaction entered into before the commencement date...

Bankruptcy offences

15. (1) Where a bankruptcy order is made under this Order on or after the commencement...

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Power to make rules

16. (1) The preceding provisions of this Part of this Schedule are without prejudice to the...
PART III — OTHER TRANSITIONAL PROVISIONS AND SAVINGS

Deeds of arrangement

17. Chapter I of Part VIII does not apply in relation...

Insolvency practitioners

18. Where an individual began to act as an insolvency practitioner in relation to any person...

Official receiver

19. Any property vested in the Official Assignee for bankruptcy for Northern Ireland, either alone or...

Transitional effect of Articles 367 to 369

20. (1) A transaction entered into before the commencement date shall not be set aside under...

Periods of time

21. Where any period of time specified in any provision repealed by Article 382 and Schedule...

Saving

22. The provisions of this Schedule shall have effect without prejudice to sections 28 and 29...

Interpretation

23. In this Schedule— “the Bankruptcy Acts” means the Bankruptcy Acts (Northern Ireland) 1857 to 1980...

— Schedule 9—Amendments

— Schedule 10—Repeals

Changes to legislation:

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[View outstanding changes](#)

Changes and effects yet to be applied to :

- Sch. A1 omitted by [2020 c. 12 Sch. 7 para. 26](#) (This amendment not applied to [legislation.gov.uk](#).. Sch A1 omitted (26.06.2020) by virtue of [2020 c.12 Sch. 7 para 26](#))
- Sch. B1 para. 1(2) repealed by [2016 c. 2 \(N.I.\) s. 2\(2\)Sch. 4](#)
- Sch. 4 para. 5(a) amended by [1997 c. 16 s. 13\(2\)15 Sch. 2 Pt. 2 para. 6](#)
- Sch. 4 para. 5 repealed in part by [1997 c. 16 s. 113 Sch. 18 Pt. 2 Notes 1 2](#)
- Sch. 4 para. 5(c) revoked by [1997 c. 16 s. 113 Sch. 18 Pt. 2 Notes 1 2](#)
- Sch. 7 applied by [1997 c. 32 s. 39\(2\)Sch. 6 para.001\(2\)](#) (adding to [1986 c. 53 Sch. 15A](#))
- Sch. 7 word repealed by [2006 c. 46 Sch. 16](#) (This amendment not applied to [legislation.gov.uk](#). It is superseded by the substitution of words by [S.I. 2009/1941, Sch. 1 para. 114\(2\)](#) which came into force on [1.10.2009](#))
- Sch. 7 words substituted by [2016 c. 2 \(N.I.\) s. 3\(3\)\(a\)](#)
- Sch. 7 words substituted by [2016 c. 2 \(N.I.\) s. 3\(3\)\(b\)](#)
- Sch. 9 para. 67 repealed by [2009 c. 3 \(N.I.\) Sch. 3](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov.uk](#))
- Sch. 9 para. 63-65 repealed by [2010 c. 10 Sch. 4](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov.uk](#))
- Sch. 9 para. 63 cross-heading repealed by [2010 c. 10 Sch. 4](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov.uk](#))
- Sch. 9 para. 4243(a)50(a)50(c)51 revoked by [S.I. 1995/1442 reg. 52\(3\)54\(2\)](#)
- Sch. 9 Pt. 1 revoked by [S.I. 2008/2860 Sch. 1](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov.uk](#))
- Instrument amended by [1998 c. 11 s. 23 Sch. 5 Pt.1 Ch. 3 para. 40](#)
- Instrument amended (prosp) by [S.I. 1994/279 \(N.I.\) art. 26\(1\)Sch. 2 para. 15](#)
- art. 2(6) applied by [1997 c. 32 s. 39\(2\)Sch. 6 para. 1\(2\)](#) (adding to [1986 c. 53 Sch.15A](#))
- art. 5(1) applied by [1994 c. 9 s. 47](#)
- art. 31(3) amended by [1994 c. 7 s. 4 Sch. 1 para. 1\(2\)\(3\)](#)
- art. 31(5) revoked in part by [1994 c. 7 s. 4 Sch. 1 para. 1\(3\)\(3\)](#)
- art. 31(6)-(10) added by [1994 c. 7 s. 4 Sch. 1 para. 1\(4\)](#)
- art. 54(1)(b) amended by [1994 c. 7 s. 4 Sch. 1 para. 2\(2\)\(3\)](#)
- art. 54(2A)-(2D) added by [1994 c. 7 s. 4 Sch. 1 para. 2\(3\)\(3\)](#)
- art. 79 substituted by [2016 c. 2 \(N.I.\) s. 3\(1\)](#)
- art. 81(2)(b)(i) words repealed by [2016 c. 2 \(N.I.\) s. 4 Sch. 4](#)
- art. 84(1)(b)(i) words repealed by [2016 c. 2 \(N.I.\) s. 4 Sch. 4](#)
- art. 91 substituted by [2016 c. 2 \(N.I.\) s. 3\(2\)](#)
- art. 230A(2) words substituted by [2016 c. 2 \(N.I.\) s. 5\(1\)\(a\)](#)
- art. 230A(3) words substituted by [2016 c. 2 \(N.I.\) s. 5\(1\)\(b\)](#)
- art. 231(1) substituted by [2016 c. 2 \(N.I.\) s. 5\(2\)](#)
- art. 233(2) words substituted by [2016 c. 2 \(N.I.\) s. 5\(3\)](#)
- art. 280283 restricted by [S.I. 1998/2003 reg. 13\(3\)](#)
- art. 359 extended by [1997 c. 32 s. 39\(2\)Sch. 6 para. 4\(1\)](#)
- art. 361 extended by [1997 c. 32 s. 39\(2\)Sch. 6 para. 4\(3\)](#)
- art. 361A(2) repealed by [2016 c. 2 \(N.I.\) Sch. 3 para. 16Sch. 4](#)
- art. 373 applied by [1997 c. 32 s. 39\(2\)Sch. 6 para. 1\(2\)](#) (adding to [1986 c. 53 Sch. 15A](#))

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch. 9 Pt. 2 para. 66 revoked by [1996 c. 23 s. 107\(2\)](#)[Sch. 4](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov.uk](#))
- art. 2B inserted by [2016 c. 2 \(N.I.\) s. 2\(1\)](#)
- art. 208ZA applied (with modifications) by S.I. 2021/716, reg. 37A (as inserted) by [S.I. 2023/1399 reg. 12](#) (This amendment not applied to [Legislation.gov.uk](#). S. 208ZA is inserted by the Insolvency (Amendment) Act (Northern Ireland) 2016 (c. 2), s. 1(1) which is currently prospective.)
- art. 208ZA-208ZB inserted by [2016 c. 2 \(N.I.\) s. 1\(1\)](#)
- art. 208ZB applied (with modifications) by S.I. 2021/716, reg. 37A (as inserted) by [S.I. 2023/1399 reg. 12](#) (This amendment not applied to [Legislation.gov.uk](#). S. 208ZB is inserted by the Insolvency (Amendment) Act (Northern Ireland) 2016 (c. 2), s. 1(1) which is currently prospective.)
- art. 345A-345B inserted by [2016 c. 2 \(N.I.\) s. 1\(2\)](#)