

SCHEDULES

SCHEDULE 9

AMENDMENTS

PART II

OTHER AMENDMENTS

(3) ORDERS IN COUNCIL

The Industrial Relations (Northern Ireland) Order 1976 (NI 16)

- 88.** In Article 42 (employee’s rights on the insolvency of his employer)—
- (a) in paragraph (6)—
 - (i) for “section 250 of the Irish Bankrupt and Insolvent Act 1857 (preferential claims of apprentices)” substitute “Article 319 of the Insolvency (Northern Ireland) Order 1989”;
 - (ii) for the words from “that section” onwards substitute “that Article as applied to the winding up of a company by rules under Article 359 of that Order”;
 - (b) in paragraph (7)—
 - (i) for “the Official Assignee, a liquidator” substitute “a liquidator, an administrator,”;
 - (ii) at the end add—

“and in this paragraph “trustee” in relation to a composition or arrangement, includes the supervisor of a voluntary arrangement proposed for the purposes of, and approved under, Part II or Chapter II of Part VIII of the Insolvency (Northern Ireland) Order 1989”.
- 89.** In Article 43(6) (payment of unpaid contributions to occupational pension schemes)—
- (a) for “the Official Assignee, a liquidator” substitute “a liquidator, an administrator,”;
 - (b) at the end add—

“and in this paragraph “trustee” in relation to a composition or arrangement, includes the supervisor of a voluntary arrangement proposed for the purposes of, and approved under Part II or Chapter II of Part VIII of the Insolvency (Northern Ireland) Order 1989”.
- 90.** In Article 47(1) (interpretation of Articles 42 to 46)—
- (a) for sub-paragraphs (a) and (b) substitute—
 - “(a) he has been adjudged bankrupt or has made a composition or arrangement with his creditors;
 - (b) he has died and his estate falls to be administered in accordance with an order under Article 365 of the Insolvency (Northern Ireland) Order 1989; or”;
 - (b) in sub-paragraph (c)—

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- (i) after “winding-up order” insert “or an administration order”;
- (ii) at the end add “or a voluntary arrangement proposed for the purposes of Part II of the Insolvency (Northern Ireland) Order 1989 is approved under that Part”.