

1988 No. 211

BANKRUPTCY**COMPANIES****Insolvency (ECSC Levy Debts) Regulations
(Northern Ireland) 1988***Made* 10th June 1988*Coming into operation* 11th July 1988

The Department of Economic Development, being a Department designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the conferment of preferential treatment in insolvency for debts arising from the application of levies on the production of coal and steel, in exercise of the powers conferred on it by that section and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Insolvency (ECSC Levy Debts) Regulations (Northern Ireland) 1988 and shall come into operation on 11th July 1988.

Interpretation

2. The Interpretation Act (Northern Ireland) 1954(c) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Amendment of the Companies (Northern Ireland) Order 1986

3.—(1) Schedule 18 to the Companies (Northern Ireland) Order 1986(d) shall be amended by the insertion after paragraph 15 of the following paragraph—

“Levies on coal and steel production

15A. Any sums due at the relevant date from the company in respect of—

- (a) the levies on the production of coal and steel referred to in Articles 49 and 50 of the E.C.S.C. Treaty, or
- (b) any surcharge for delay provided for in Article 50(3) of that Treaty and Article 6 of Decision 3/52 of the High Authority of the Coal and Steel Community(e).”

(a) S.I. 1987/926

(b) 1972 c. 68

(c) 1954 c. 33 (N.I.)

(d) S.I. 1986/1032 (N.I. 6)

(e) OJ No. 1, 30.12.52, p. 4 (OJ/SE 1952-1958, p. 4)

(2) The amendment made by paragraph (1) shall have effect in relation to a company whether the relevant date referred to in that amendment is a date falling before or after the commencement of these Regulations, but shall not affect any declaration or payment of a dividend made before that commencement.

Amendment of the Bankruptcy Amendment (Northern Ireland) Order 1980

4.—(1) Article 19 of the Bankruptcy Amendment (Northern Ireland) Order 1980(a) shall be amended by the insertion after paragraph (f) of the following paragraph—

“(g) any sums due from the bankrupt at the relevant date in respect of—

- (i) the levies on the production of coal and steel referred to in Articles 49 and 50 of the E.C.S.C. Treaty, or
- (ii) any surcharge for delay provided for in Article 50(3) of that Treaty and Article 6 of Decision 3/52 of the High Authority of the Coal and Steel Community.”

(2) The amendment made by paragraph (1) shall have effect in relation to a bankrupt whether the relevant date referred to in that amendment is a date falling before or after the commencement of these Regulations, but shall not affect any declaration or payment of a dividend made before that commencement.

Preferential treatment under former law

5.—(1) Where the payment of preferential debts falls to be regulated by the law in operation at any time before the commencement of Articles 18 to 21 of and paragraph 13 of Schedule 1 to the Bankruptcy Amendment (Northern Ireland) Order 1980 or, as the case may be, Article 570 of and Schedule 18 to the Companies (Northern Ireland) Order 1986, there shall be treated as included among those debts any sums due at the relevant date from the bankrupt or, as the case may be, the company in respect of—

- (a) the levies on the production of coal and steel referred to in Articles 49 and 50 of the E.C.S.C. Treaty, or
- (b) any surcharge for delay provided for in Article 50(3) of that Treaty and Article 6 of Decision 3/52 of the High Authority of the Coal and Steel Community.

(2) In paragraph (1) “the relevant date” means the date by reference to which the preferential debts of the bankrupt or, as the case may be, the company fall to be ascertained in accordance with the law referred to in that paragraph.

Sealed with the Official Seal of the Department of Economic Development on 10th June 1988.

(L.S.)

R. G. Smartt

Assistant Secretary

(a) S.I. 1980/561 (N.I. 4)

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations implement Commission Recommendation 86/198/ECSC on the establishment of preferential treatment for debts in respect of levies on the production of coal and steel (OJ No. L144, 29.5.86, p. 40). Regulation 3(1) adds such European Coal and Steel Community levy debts to the list of preferential debts set out in Schedule 18 to the Companies (Northern Ireland) Order 1986 and regulation 4(1) adds them to the list of preferential debts set out in Article 19 of the Bankruptcy Amendment (Northern Ireland) Order 1980. These amendments have effect in relation to a company or a bankrupt whether the relevant date (as defined in the Companies (Northern Ireland) Order 1986 or, as the case may be, the Bankruptcy Amendment (Northern Ireland) Order 1980) is a date falling before or after the commencement of these Regulations but does not affect any declaration or payment of dividend made before that commencement.

Regulation 5 provides for the preferential treatment of European Coal and Steel Community levy debts where the payment of preferential debts falls to be regulated by previous companies and bankruptcy legislation.

Copies of Commission Recommendation No. 86/198/ECSC and High Authority Decision 3/52 (OJ No. 1, 30.12.52, p. 4 (OJ/SE 1952-1958, p. 4)) may be obtained from Her Majesty's Stationery Office.