

## 1995 No. 291

## INSOLVENCY

**The Insolvency (Amendment) Rules (Northern Ireland) 1995**

*Made* . . . . . 13th July 1995

*Coming into operation* . . . . . 1st October 1995

*To be laid before Parliament*

The Lord Chancellor, in exercise of the powers conferred on him by Article 359 of the Insolvency (Northern Ireland) Order 1989(a) and section 19(3) of the Registration of Deeds Act (Northern Ireland) 1970(b), with the concurrence of the Department of Economic Development, and after consulting the committee existing for that purpose under Article 360 of the said Order, and with the concurrence of the Department of the Environment for Northern Ireland in the exercise of the powers conferred on him by section 19(3) of the said Act, hereby makes the following Rules—

*Citation and commencement*

1. These Rules may be cited as the Insolvency (Amendment) Rules (Northern Ireland) 1995 and shall come into operation on 1st October 1995.

*Interpretation*

2. In these Rules—

“the principal Rules” means the Insolvency Rules (Northern Ireland) 1991(c) and a rule or form referred to by number means the rule or form so numbered in the principal Rules.

*Application*

3.—(1) Subject to paragraph (2), the principal Rules shall have effect subject to the amendments set out in the Schedule.

(2) The amendments to the principal Rules set out in the Schedule shall not apply in relation to—

(a) winding-up proceedings commenced before 1st October 1995, or

(b) bankruptcy proceedings where the bankruptcy petition was presented before that day.

Dated 13th July 1995.

*Mackay of Clashfern, C*

(a) S.I. 1989/2405 (N.I. 19)

(b) 1970 c. 25 (N.I.) sub-section (3) was added to section 19 by S.I. 1989/2405 (N.I. 19) Article 381 and Schedule 9 paragraph 79.

(c) S.R. 1991 No. 364, amended by S.R. 1994 No. 26

The Department of Economic Development hereby concurs with the foregoing Rules.

Sealed with the Official Seal of the Department of Economic Development on 18th July 1995.

(L.S.)

*A. L. Brown*

Assistant Secretary

The Department of the Environment for Northern Ireland hereby concurs with the foregoing Rules.

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 18th July 1995.

(L.S.)

*E. J. Galway*

Assistant Secretary

**Amendments to the principal Rules***Rules 4.228*

1. There shall be substituted for sub-paragraphs (c) and (d) of paragraph (1) of Rules 4.228 the following sub-paragraphs:

- “(c) the fees payable under any order made under Article 361, including those payable to the official receiver (other than the fee referred to in sub-paragraph (d)(i)), and any remuneration payable to him under general regulations;
- (d) (i) the fee payable under any order made under Article 361 for the performance by the official receiver of his general duties as official receiver;
- (ii) any repayable deposit lodged under any such order as security for the fee mentioned in head (i);”.

*Rules 6.009*

2. There shall be substituted for paragraphs (5) and (6) of Rules 6.009 the following paragraphs:

“(5) The date and time of filing the petition shall be recorded on the petition and on each of the copies delivered to the court under paragraph (3).

(6) The court shall fix a venue for hearing the petition, and this shall be endorsed on the petition and on any copy so delivered.”.

*Rules 6.040*

3. There shall be substituted for sub-paragraph (b) of Rules 6.040(3) the following sub-paragraph—

- “(b) send to the debtor 2 sealed copies of the order together with the certificate required by section 3(4) of the Registration of Deeds Act (Northern Ireland) 1970, as applied by section 3A(3) of that Act, signed by the Master, and”.

*Rule 6.222*

4. There shall be substituted for sub-paragraphs (c) and (d) of paragraph (1) of Rule 6.222 the following sub-paragraphs:

- “(c) the fees payable under any order made under Article 361, including those payable to the official receiver (other than the fee referred to in sub-paragraph (d)(i)), and any remuneration payable to him under general regulations;
- (d) (i) the fee payable under any order made under Article 361 for the performance by the official receiver of his general duties as official receiver;
- (ii) any repayable deposit lodged under any such order as security for the fee mentioned in head (i) (except where the deposit is applied to the payment of the remuneration of an insolvency practitioner appointed under Article 247 (debtor’s petition));”.

*Schedule 2*

5. The Endorsement to Form 4.02 shall be amended by substituting for the words “This petition having been presented on the court on \_\_\_\_\_ will be heard at

Royal Courts of Justice, Chichester Street, Belfast, BT1 3JF” the words “This petition will be heard at Royal Courts of Justice, Chichester Street, Belfast, BT1 3JF”.

6. The Endorsements to Forms 6.07, 6.08 and 6.09 shall be amended by substituting for the words “This petition having been presented to the court and filed on \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m. it is ordered that the petition shall be heard as follows:—” the words “It is ordered that this petition shall be heard as follows:—”.

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### EXPLANATORY NOTE

*(This note is not part of the Rules.)*

These Rules further amend the Insolvency Rules (Northern Ireland) 1991 [S.R. 1991 No. 364], which set out the detailed procedures for the conduct of all company and individual insolvency proceedings under the Insolvency (Northern Ireland) Order 1989; to—

- (a) alter the order of priority in which the expenses of a winding up by the High Court and a bankruptcy are payable. The fee payable (under any fees order made under Article 361 of the Insolvency (Northern Ireland) Order 1989) for the performance by the official receiver of his general duties as official receiver, and the repayable deposit lodged as security for that fee, are moved in the order of priority of payment from immediately before to immediately after the payment of the other fees payable under any such fees order and the remuneration of the official receiver under general regulations (Schedule, paragraphs 1 and 4);
- (b) after the prescribed endorsement on bankruptcy and winding up petitions (Schedule, paragraphs 2, 5 and 6); and
- (c) provide that, where a debtor’s petition is deemed to be dismissed by reason of an interim order ceasing to have effect, the court shall send to the debtor a certificate to vacate registration of the bankruptcy petition (Schedule, paragraph 3).

The Rules will come into operation on 1st October 1995.