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STATUTORY RULES OF NORTHERN IRELAND

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**2000 No. 247**

**INSOLVENCY**

**The Insolvency (Amendment) Rules (Northern Ireland) 2000**

*To be laid before Parliament*

*Made - - - - 27th July 2000*

*Coming into operation 5th September 2000*

The Lord Chancellor, in exercise of the powers conferred on him by Article 359 of the Insolvency (Northern Ireland) Order 1989<sup>(1)</sup>, with the concurrence of the Department of Enterprise, Trade and Investment<sup>(2)</sup>, and after consulting the committee existing for that purpose under Article 360 of the said Order, hereby makes the following Rules—

**Citation and commencement**

1. These Rules may be cited as the Insolvency (Amendment) Rules (Northern Ireland) 2000 and shall come into operation on 5th September 2000.

**Interpretation**

2. In these Rules, a rule, Schedule or form referred to by number means the rule, Schedule or form so numbered in the Insolvency Rules (Northern Ireland) 1991<sup>(3)</sup>.

**Application**

3. Rules 5 to 7 of these Rules shall not apply in relation to—
- (a) winding-up proceedings commenced before 5th September 2000, or
  - (b) bankruptcy proceedings where the bankruptcy petition was presented before that day.

**Rules 4.001., 4.007., 4.010. and 4.078.**

4. Rules 4.001., 4.007., 4.010. and 4.078. shall be amended—
- (a) by substituting for the words “Bank of England” in each place they appear, the words “Financial Services Authority”; and

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(1) S.I.1989/2405 (N.I. 19)  
(2) S.I. 1999/238 (N.I. 1); which renamed the Department of Economic Development as the Department of Enterprise, Trade and Investment  
(3) S.R. 1991 No. 364, amended by S.R. 1994 No. 26 and S.R. 1995 No. 291

- (b) where reference is made to the Bank of England by use of the word “Bank” alone, by substituting for the word “Bank” in each place it appears, the word “Authority”.

**Rule 6.010-CP**

5. Rule 6.010-CP shall be amended by substituting for paragraph (3) the following paragraph—  
“(3) Subject to paragraph (4), if the demand has been served personally on the debtor, the affidavit must be made by the person who effected that service and in such case the affidavit shall state fully the means used by the person serving the petition to satisfy himself of the identity of the debtor.”.

**Rule 6.014**

6. Rule 6.014 shall be amended by inserting after paragraph (1) the following paragraph—  
“(1A) In the case of personal service, the affidavit shall state fully the means used by the person serving the petition to satisfy himself of the identity of the debtor.”.

**Amendments to Schedule 2**

7. Schedule 2 shall be amended by substituting—  
(a) for Form 6.12, the new Form 6.12 set out in the Schedule to these Rules;  
(b) for Form 6.13, the new Form 6.13 set out in the Schedule to these Rules;  
(c) for Form 6.14, the new Form 6.14 set out in the Schedule to these Rules;  
(d) for Form 6.18, the new Form 6.18 set out in the Schedule to these Rules.

Dated 24th July 2000

*Irvine of Lairg, C.*

The Department of Enterprise, Trade and Investment hereby concurs with the foregoing Rules.  
Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 27th July 2000.

L.S.

*Suzanna Cooper*  
Assistant Secretary

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SCHEDULE

Rule 7

**Form 6.12 Affidavit of Service of Statutory Demand Where Service Acknowledged in Writing**

Rule 6.010

No.

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND  
CHANCERY DIVISION (BANKRUPTCY)

\*Insert title

Re\*

(a) Insert name, address and description of person making the oath *and whether the creditor or a person acting on his behalf*

Date of statutory demand \_\_\_\_\_

I, (a) \_\_\_\_\_

make oath and say as follows:—

(b) Delete "I" and insert name and address of person who effected personal service, if applicable

1. (b) [I] [ \_\_\_\_\_ ]

did on (c) \_\_\_\_\_ (d) [before] [after] \_\_\_\_\_ hours, at

(c) Insert date

(e) \_\_\_\_\_

(d) Insert time which must be stated as either before or after 16.00 hours Monday to Friday or before or after 12.00 hours Saturday

personally serve the above-named debtor with the demand dated \_\_\_\_\_.

At the time of such service, I was able to identify the person upon whom I served the said demand as the above-named debtor by the following means (f) \_\_\_\_\_

(e) Insert address

OR

(f) Insert means of knowledge of identity of person served

[On (c) \_\_\_\_\_ substituted service of the demand was effected in the following way:—

(g) Give particulars of the way in which the debtor acknowledged service of the demand

2. On (c) \_\_\_\_\_ the debtor acknowledged service of the demand by (g) \_\_\_\_\_

3. A copy of the demand marked "A" and the acknowledgement of service marked "B" are exhibited hereto.

Sworn at

**Form 6.13 Affidavit of Personal Service of Statutory Demand Where Service Not Acknowledged in Writing**

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Rule 6.010

No.

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND  
CHANCERY DIVISION (BANKRUPTCY)

\*Insert title

Re\*

(a) Insert name, address and description of person who effected services

Date of statutory demand \_\_\_\_\_

I, (a) \_\_\_\_\_

(b) Insert date

\_\_\_\_\_

(c) Insert time which must be stated as either before or after 16.00 hours Monday to Friday or before or after 12.00 hours Saturday

make oath and say as follows:—

1. I did on (b) \_\_\_\_\_ (c) [before] [after] \_\_\_\_\_ hours, at (d) \_\_\_\_\_ personally serve the above-named debtor with the demand dated \_\_\_\_\_. At the time of such service, I was able to identify the person upon whom I served the said demand as the above-named debtor by the following means (e) \_\_\_\_\_

(d) Insert address

(f) Insert means of knowledge of identity of person served

2. A copy of the demand marked "A" is exhibited hereto.

Sworn at

**Form 6.14 Affidavit of Substituted Service of Statutory Demand Where Service Not Acknowledged in Writing**

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No.

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND  
CHANCERY DIVISION (BANKRUPTCY)

- \*Insert title
- (a) Insert name, address and description of person making the oath
- (b) Insert date
- (c) Give particulars of the steps taken with a view to serving the demand personally and why they were ineffective, or refer to an accompanying affidavit containing such particulars
- (d) Insert means of knowledge of identity of person whom you attempted to serve
- (e) Insert name of person making affidavit detailing steps taken to effect personal service
- (f) If the creditor has taken advantage of Rule 6.003(3) (newspaper advertisement) state in separate paragraph(s) the means of the creditors knowledge for the purposes of that rule and the date or dates on which and the newspaper in which, the demand was advertised, and re-number paragraphs accordingly
- (g) Delete words in brackets where Rule 6.003 (3) applies
- (h) Delete as applicable
- (i) Refer to paragraph(s) complying with note (e) above
- (j) State means of knowledge

Re\*

Date of Statutory Demand \_\_\_\_\_

I, (a) \_\_\_\_\_

make oath and say as follows:—

1. On (b) \_\_\_\_\_ an attempt was made to serve the demand on the above-named debtor personally by (c) \_\_\_\_\_

At that time, I was able to identify the person upon whom I attempted to serve the said demand as the above-named debtor by the following means (d) \_\_\_\_\_

\_\_\_\_\_

OR

[Attempts have been made to serve the demand on the above-named debtor personally, full particulars of which are set out in the accompanying affidavit of

(e) \_\_\_\_\_]

[(f) \_\_\_\_\_]

2. On (b) \_\_\_\_\_ substituted service of the demand was effected in the following way:—

(g) [3. To the best of my knowledge, information and belief the demand will have come to the attention of the above-named debtor by (b) \_\_\_\_\_]

\_\_\_\_\_

4. I have direct personal knowledge of (h) [the means adopted for serving the demand] [the circumstances referred to in paragraph(s) above (i)] by reason of (j) \_\_\_\_\_

\_\_\_\_\_

5. A copy of the demand marked “A” (h) [and the advertisement of the demand marked “B”] (h) [is] [are] exhibited hereto.

Sworn at

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Rule 6.014

No.

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND  
CHANCERY DIVISION (BANKRUPTCY)

*Insert title	Re*
(a) Insert date	In the matter of a bankruptcy petition filed on (a)
(b) Insert full name, address and description of person making oath	I, (b) _____ and for the purpose of service instructed by (c)
(c) Insert name and address	_____
(d) Delete as applicable	(d) [Solicitor(s) for] the
(e) Insert time which must be stated as either before or after 16.00 hours Monday to Friday or before or after 12.00 hours Saturday	make oath and say as follows:— 1. I did on (a) _____ (e) [before] [after] _____ hours serve the above-named debtor with a copy of the above-mentioned petition, duly sealed with the seal of the court by delivering the same personally to said (f) _____
(f) Insert name of debtor as in title	
(g) State exact place of service	at (g) _____. At the time of such service, I was able to identify the person upon to whom I delivered the said sealed copy petition as the above-named debtor by the following means (h) _____
(h) Insert means of knowledge of identity of person served	_____ .
(i) Sealed copy must be marked as an exhibit	2. A sealed copy of the said petition is now produced and shown to me marked "A" (i)

Sworn at

NOTE: This affidavit and exhibit should be filed in court immediately after service (Rule 6.014(2))

**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) replace references to the Bank of England with references to the Financial Services Authority in consequence of the Bank of England Act 1998; and
- (b) provide that the means of knowledge of the identity of the person served shall be stated in an affidavit of service in respect of a bankruptcy petition or statutory demand.

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The Rules will come into operation on 5th September 2000.