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STATUTORY RULES OF NORTHERN IRELAND

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**2002 No. 261**

**INSOLVENCY**

**The Insolvency (Amendment) Rules (Northern Ireland) 2002**

*Made* - - - - *5th August 2002*

*To be laid before Parliament*

*Coming into operation* *5th September 2002*

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

**Citation and commencement**

1. These Rules may be cited as the Insolvency (Amendment) Rules (Northern Ireland) 2002 and shall come into operation on 5th September 2002.

**Interpretation**

2. In these Rules, references to “the principal Rules” are references to the Insolvency Rules (Northern Ireland) 1991(3) and a rule, Schedule or form referred to by number means the Rule, Schedule or form so numbered in the principal Rules.

**Amendments to the Insolvency Rules (Northern Ireland) 1991**

3.—(1) The principal Rules are amended as provided in these Rules.

(2) Anything done before 5th September 2002 under or for the purposes of any provision of the principal Rules is not invalidated by the amendment of that provision by these Rules, but it has effect as if done under or for the purposes of the provision as amended.

**Amendments to the Insolvency Rules (Northern Ireland) 1991 in relation to the Introductory Provisions**

4. In Rule 0.2 (interpretation) insert – after the definition of “business day” –

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(1) S.I. 1989/2405 (N.I. 19); to which recent relevant amendments were made by S.R. 2002 No. 223  
(2) S.I. 1999/283 (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, S.R. 1995 No. 291 and S.R. 2000 No. 247

““Centre of main interests” has the same meaning as in the EC Regulation;”;

after the definition of “the court” –

““Establishment” has the meaning given by Article 2(h) of the EC Regulation;”;

after the definition of “the Judge” –

““Main proceedings” means proceedings opened in accordance with Article 3(1) of the EC Regulation and falling within the definition of insolvency proceedings in Article 2(a) of the EC Regulation, and

- (a) in relation to Northern Ireland, set out in Annex A to the EC Regulation under the heading “United Kingdom”, and
- (b) in relation to another member State, set out in Annex A to the EC Regulation under the heading relating to that member State;”;

after the definition of “Master” –

““Member State liquidator” means a person falling within the definition of liquidator in Article 2(b) of the EC Regulation appointed in proceedings to which it applies in a member State other than the United Kingdom.;”;

after the definition of “sealed” –

““Secondary proceedings” means proceedings opened in accordance with Articles 3(2) and 3(3) of the EC Regulation and falling within the definition of winding-up proceedings in Article 2(c) of the EC Regulation, and

- (a) in relation to Northern Ireland, set out in Annex B to the EC Regulation under the heading “United Kingdom”, and
- (b) in relation to another member State, set out in Annex B to the EC Regulation under the heading relating to that member State;”;

after the definition of “Taxing Master” –

““Temporary administrator” means a temporary administrator referred to by Article 38 of the EC Regulation;”;

““Territorial proceedings” means proceedings opened in accordance with Articles 3(2) and 3(4) of the EC Regulation and falling within the definition of insolvency proceedings in Article 2(a) of the EC Regulation, and

- (a) in relation to Northern Ireland, set out in Annex A to the EC Regulation under the heading “United Kingdom”, and
- (b) in relation to another member State, set out in Annex A to the EC Regulation under the heading relating to that member State.”.

[E.R. 10(7)]

### **Amendments to the Insolvency Rules (Northern Ireland) 1991 in relation to Company Voluntary Arrangements**

5.—(1) In Rule 1.01(2)(d) (scope of this Part; interpretation) for “5 and 6” substitute –

“5, 6, 7 and 8”.

(2) In Rule 1.03(2) (contents of proposal) –

(a) at the end of sub-paragraph (o) omit “and”; and

(b) in sub-paragraph (p) after “in relation to the company” insert –

“; and

- (q) whether the EC Regulation<sup>(4)</sup> will apply and, if so, whether the proceedings will be main proceedings, secondary proceedings or territorial proceedings”.
- (3) In Rule 1.24(2)(c) (report of meetings) –
  - (a) at the end of sub-paragraph (c) omit “and”; and
  - (b) after sub-paragraph (c) insert –
    - “(ca) state whether, in the opinion of the supervisor, (i) the EC Regulation applies to the voluntary arrangement and (ii) if so, whether the proceedings are main proceedings, secondary proceedings or territorial proceedings; and”.
- (4) After Rule 1.30 (false representations, etc) insert –

“CHAPTER 7

EC REGULATION – CONVERSION OF  
VOLUNTARY ARRANGEMENT INTO WINDING UP

**Application for conversion into winding up**

**1.31.**—(1) Where a member State liquidator proposes to apply to the court for the conversion under Article 37 of the EC Regulation (conversion of earlier proceedings) of a voluntary arrangement into a winding up, an affidavit complying with Rule 1.32 must be prepared and sworn, and filed in court in support of the application.

- (2) An application under this Rule shall be by originating application.
- (3) The application and the affidavit required under this Rule shall be served upon –
  - (a) the company; and
  - (b) the supervisor.

**Contents of affidavit**

- 1.32.**—(1) The affidavit shall state –
- (a) that main proceedings have been opened in relation to the company in a member State other than the United Kingdom;
  - (b) the deponent’s belief that the conversion of the voluntary arrangement into a winding up would prove to be in the interests of the creditors in the main proceedings;
  - (c) the deponent’s opinion as to whether the company ought to enter voluntary winding up or be wound up by the court; and
  - (d) all other matters that, in the opinion of the member State liquidator, would assist the court –
    - (i) in deciding whether to make such an order, and
    - (ii) if the court were to do so, in considering the need for any consequential provision that would be necessary or desirable.
- (2) An affidavit under this Rule shall be sworn by, or on behalf of, the member State liquidator.

### **Power of court**

**1.33.**—(1) On hearing the application for conversion into winding up the court may make such order as it thinks fit.

(2) If the court makes an order for conversion into winding up the order may contain all such consequential provisions as the court deems necessary or desirable.

(3) Without prejudice to the generality of paragraph (1), an order under that paragraph may provide that the company be wound up as if a resolution for voluntary winding up under Article 70 were passed on the day on which the order is made.

(4) Where the court makes an order for conversion into winding up under paragraph (1), any expenses properly incurred as expenses of the administration of the voluntary arrangement in question shall be a first charge on the company's assets.

## **CHAPTER 8**

### **EC REGULATION – MEMBER STATE LIQUIDATOR**

#### **Interpretation of creditor and notice to member State liquidator**

**1.34.**—(1) This Rule applies where a member State liquidator has been appointed in relation to the company.

(2) Where the supervisor is obliged to give notice to, or provide a copy of a document (including an order of court) to, the court, the registrar or the official receiver, the supervisor shall give notice or provide copies, as appropriate, to the member State liquidator.

(3) Paragraph (2) is without prejudice to the generality of the obligations imposed by Article 31 of the EC Regulation (duty to cooperate and communicate information)".

[E.R. 4]

#### **Amendments to the Insolvency Rules (Northern Ireland) 1991 in relation to Administration**

**6.**—(1) In Rule 2.03(1) (contents of affidavit) –

(a) at the end of sub-paragraph (a) omit "and"; and

(b) in sub-paragraph (b) after "administration order" insert –  
"; and

(c) whether, in the opinion of the deponent, (i) the EC Regulation will apply and (ii) if so, whether the proceedings will be main proceedings, secondary proceedings or territorial proceedings".

(2) In Rule 2.06(2) (persons served with petition) after sub-paragraph (b) insert –

"(ba) if a member State liquidator has been appointed in main proceedings in relation to the company, on him;".

(3) In Rule 2.10(1) (appearances at hearing) –

(a) at the end of sub-paragraph (f) omit "and"; and

(b) after sub-paragraph (f) insert –

"(fa) if a member State liquidator has been appointed in main proceedings in relation to the company, he;".

(4) In Rule 2.19(1) (statement to be annexed to proposals) –

(a) at the end of sub-paragraph (f) omit "and"; and

(b) after sub-paragraph (f) insert –

- “(fa) whether (i) the EC Regulation applies and (ii) if so, whether the proceedings are main proceedings, secondary proceedings or territorial proceedings; and”.
- (5) In Rule 2.25 (entitlement to vote) –
- (a) in paragraph (1)(a) for “he claims to be due to him from the company” substitute –
- “(i) he claims to be due to him from the company, or
- (ii) in relation to a member State liquidator, is claimed to be due to creditors in proceedings in relation to which he holds office”;
- (b) after paragraph (6) insert –
- “(7) No vote shall be cast by virtue of a claim more than once on any resolution put to the meeting.
- (8) Where –
- (a) a creditor is entitled to vote under this Rule,
- (b) has lodged his claim in one or more sets of other proceedings, and
- (c) votes (either in person or by proxy) on a resolution put to the meeting,
- only the creditor’s vote shall be counted.
- (9) Where –
- (a) a creditor has lodged his claim in more than one set of other proceedings, and
- (b) more than one member State liquidator seeks to vote by virtue of that claim,
- the entitlement to vote by virtue of that claim is exercisable by the member State liquidator in main proceedings, whether or not the creditor has lodged his claim in the main proceedings.
- (10) For the purposes of paragraph (7), the claim of a creditor and of any member State liquidator in relation to the same debt are a single claim.
- (11) For the purposes of paragraphs (8) and (9), “other proceedings” means main proceedings, secondary proceedings or territorial proceedings in another member State.”.
- (6) After Rule 2.34(5) (conduct of meetings) insert –
- “(5A) Paragraph (5) does not apply where the laws of a member State and not the laws of Northern Ireland apply in relation to the conduct of the meeting.
- (5B) Where paragraph (5A) applies, subject as above, the meeting shall be summoned and conducted in accordance with the constitution of the company and the laws of the member State referred to in that paragraph shall apply to the conduct of the meeting.”.
- (7) After Rule 2.57(3) (resignation of administrator) insert –
- “(4) Where the administrator gives notice under paragraph (3), he must also give notice to a member State liquidator, if such a person has been appointed in relation to the company.”.
- (8) After Rule 2.62 (preservation of VAT Bad Debt relief certificate) insert –

## “CHAPTER 7

### EC REGULATION – CONVERSION OF ADMINISTRATION INTO WINDING UP

#### **Application for conversion into winding up**

**2.63.**—(1) Where a member State liquidator proposes to apply to the court for the conversion under Article 37 of the EC Regulation (conversion of earlier proceedings) of an administration into a winding up, an affidavit complying with Rule 2.64 must be prepared and sworn, and filed in court in support of the application.

(2) An application under this Rule shall be by originating application.

(3) The application and the affidavit required under this Rule shall be served upon –

- (a) the company; and
- (b) the administrator.

#### **Contents of affidavit**

**2.64.**—(1) The affidavit shall state –

- (a) that main proceedings have been opened in relation to the company in a member State other than the United Kingdom;
- (b) the deponent’s belief that the conversion of the administration into a winding up would prove to be in the interests of the creditors in the main proceedings;
- (c) the deponent’s opinion as to whether the company ought to enter voluntary winding up or be wound up by the court; and
- (d) all other matters that, in the opinion of the member State liquidator, would assist the court –
  - (i) in deciding whether to make such an order, and
  - (ii) if the court were to do so, in considering the need for any consequential provision that would be necessary or desirable.

(2) An affidavit under this Rule shall be sworn by, or on behalf of, the member State liquidator.

#### **Power of court**

**2.65.**—(1) On hearing the application for conversion into winding up the court may make such order as it thinks fit.

(2) If the court makes an order for conversion into winding up the order may contain all such consequential provisions as the court deems necessary or desirable.

(3) Without prejudice to the generality of paragraph (1), an order under that paragraph may provide that the company be wound up as if a resolution for voluntary winding up under Article 70 were passed on the day on which the order is made.

## CHAPTER 8

### EC REGULATION – MEMBER STATE LIQUIDATOR

#### **Interpretation of creditor and notice to member State liquidator**

**2.66.**—(1) This Rule applies where a member State liquidator has been appointed in relation to the company.

(2) For the purposes of the Rules referred to in paragraph (3) the member State liquidator is deemed to be a creditor.

(3) The Rules referred to in paragraph (2) are Rules 2.21(1) (notice of creditors' meeting), 2.22(4) (creditors' meeting), 2.24 (requisitioning of creditors' meeting), 2.25 (entitlement to vote), 2.26 (admission and rejection of claims), 2.27 (secured creditors), 2.28 (holders of negotiable instruments), 2.29 (retention of title creditors), 2.30 (hire-purchase, conditional sale and chattel leasing agreements), 2.33 (notice of result of creditors' meeting), 2.35(2) (creditors' committee), 2.42(1)(b) and (c) (termination of membership of creditors' committee), 2.44(3) (vacancies in creditors' committee), 2.53(3) (administrator's remuneration – recourse to court) and 2.54 (challenge to administrator's remuneration).

(4) Paragraphs (2) and (3) are without prejudice to the generality of the right to participate referred to in paragraph 3 of Article 32 of the EC Regulation (exercise of creditor's rights).

(5) Where the administrator is obliged to give notice to, or provide a copy of a document (including an order of court) to, the court, the registrar or the official receiver, the administrator shall give notice or provide copies, as the case may be, to the member State liquidator.

(6) Paragraph (5) is without prejudice to the generality of the obligations imposed by Article 31 of the EC Regulation (duty to cooperate and communicate information)."

[E.R. 5]

#### **Amendments to the Insolvency Rules (Northern Ireland) 1991 in relation to Companies Winding up**

7.—(1) In Rule 4.007 (documents delivered with petition filed in court) –

(a) at the end of paragraph (4)(e) omit “and”, and

(b) after paragraph (4)(e) insert –

“(ea) if a member State liquidator has been appointed in main proceedings in relation to the company, one copy to be sent to him;

and”.

(2) After Rule 4.010(3) (persons entitled to receive winding up petition) insert –

“(3A) If to the petitioner's knowledge, there is a member State liquidator appointed in main proceedings in relation to the company, a copy of the petition shall be sent by him to that person.

This does not apply if the petitioner referred to in this paragraph is a member State liquidator.”.

(3) After Rule 4.019(2) (substitution of petitioner) insert –

“(2A) Where a member State liquidator has been appointed in main proceedings in relation to the company, without prejudice to paragraph (2), the court may, on such terms as it thinks just, substitute the member State liquidator as petitioner, where he is desirous of prosecuting the petition.”.

(4) After Rule 4.024(5) (petition by contributory) insert –

“(6) Where a member State liquidator has been appointed in main proceedings in relation to the company, the petitioner shall send a copy of the petition to him.”.

(5) For Rule 4.027(1) (application for appointment of provisional liquidator) substitute –

“(1) An application to the court for the appointment of a provisional liquidator under Article 115 may be made by –

(a) the petitioner;

- (b) a creditor of the company;
  - (c) a contributory;
  - (d) the company;
  - (e) the Department of Enterprise, Trade and Investment
  - (f) a temporary administrator;
  - (g) a member State liquidator appointed in main proceedings; or
  - (h) any person who under any enactment would be entitled to present a petition for the winding up of the company.”.
- (6) In Rule 4.073 (entitlement to vote at creditors' meeting) –
- (a) in paragraph (1)(a) for “claimed to be due to him from the company” substitute –
    - “(i) claimed to be due to him from the company, or
    - (ii) in relation to a member State liquidator, is claimed to be due to creditors in proceedings in relation to which he holds office”, and
  - (b) after paragraph (6) insert –
    - “(7) No vote shall be cast by virtue of a debt more than once on any resolution put to the meeting.
    - (8) Where –
      - (a) a creditor is entitled to vote under this Rule and Rule 4.076 (admission of proof),
      - (b) has lodged his claim in one or more sets of other proceedings, and
      - (c) votes (either in person or by proxy) on a resolution put to the meeting, only the creditor’s vote shall be counted.
    - (9) Where –
      - (a) a creditor has lodged his claim in more than one set of other proceedings, and
      - (b) more than one member State liquidator seeks to vote by virtue of that claim,
 the entitlement to vote by virtue of that claim is exercisable by the member State liquidator in main proceedings, whether or not the creditor has lodged his claim in the main proceedings.
    - (10) For the purposes of paragraphs (8) and (9), “other proceedings” means main proceedings, secondary proceedings or territorial proceedings in another member State.”.
- (7) In Rule 4.081(1) (contents of proof) –
- (a) at the end of sub-paragraph (g) omit “and”; and
  - (b) after sub-paragraph (g) insert –
    - “(ga) details of any reservation of title in respect of goods to which the debt refers;
 and”.
- (8) After Rule 4.102(2) (surrender of security for non-disclosure) insert –
- “(3) Nothing in this Rule or the following two Rules may affect the rights in rem of creditors or third parties protected under Article 5 of the EC Regulation (third parties' rights in rem).”.
- (9) After Rule 4.240 (leave to act as director – third excepted case) insert –

## “CHAPTER 23

### EC REGULATION – MEMBER STATE LIQUIDATOR

#### **Interpretation of creditor and notice to member State liquidator**

**4.241.**—(1) This Rule applies where a member State liquidator has been appointed in relation to the company.

(2) For the purposes of the Rules referred to in paragraph (3) the member State liquidator is deemed to be a creditor.

(3) The Rules referred to in paragraph (2) are Rules 4.047(1) (official receiver’s report), 4.049(1) (report on statement of affairs), 4.050(2) (report where no statement of affairs), 4.051(2) (general rule on reporting), 4.052(2) (winding up stayed), 4.053 (information to creditors), 4.055(2) (notice of meetings), 4.056(2) (notice of creditors’ meeting –CVL), 4.061 (power to call meetings), 4.064(1) and (2) (requisitioned meetings), 4.064(4), 4.073 (entitlement to vote (creditors)), 4.074 (chairman’s discretion to allow vote –CVL), 4.076 (admission and rejection of proof (creditors’ meeting)), 4.079 (meaning of “prove”), 4.080 (supply of forms), 4.081 (contents of proof), 4.082 (particulars of creditor’s claim), 4.083 (claim established by affidavit), 4.084 (cost of proving), 4.085 (inspection of proofs), 4.088 (admission and rejection of proofs for dividend), 4.089(1) and (2) (appeal against decision in relation to proof), 4.089(3), 4.090 (withdrawal or variation of proof), 4.091(1) (expunging of proof), 4.092 (estimate of quantum), 4.093 (negotiable instruments, etc.), 4.094 (secured creditors), 4.095 (discounts), 4.096 (mutual credit and set-off), 4.097 (debt in foreign currency), 4.098 (payment of a periodical nature), 4.099 (interest), 4.100 (debt payable at future time), 4.108 (power to fill vacancy in office of liquidator), 4.109(5) (appointment by court), 4.110(4) (appointment by court), 4.120(1) (meeting of creditors to remove liquidator), 4.121(1) (meeting of creditors to remove liquidator), 4.122 (regulation of meetings), 4.131(1) (release of official receiver), 4.132(1) (final meeting), 4.133(1) (final meeting), 4.138(1) (challenge to liquidator’s remuneration), 4.160(1) (liquidation committee), 4.160(3) (eligibility for liquidation committee), 4.171(3) (vacancy on liquidation committee), 4.184(1) (liquidation committee), 4.189 (notice of dividend) and 4.222(2) (notice of public examination hearing).

(4) Paragraphs (2) and (3) are without prejudice to the generality of the right to participate referred to in paragraph 3 of Article 32 of the EC Regulation (exercise of creditor’s rights).

(5) Where the liquidator is obliged to give notice to, or provide a copy of a document (including an order of court) to, the court, the registrar or the official receiver, the liquidator shall give notice or provide copies, as the case may be, to the member State liquidator.

(6) Paragraph (5) is without prejudice to the generality of the obligations imposed by Article 31 of the EC Regulation (duty to cooperate and communicate information).”.

[E.R. 6]

#### **Amendments to the Insolvency Rules (Northern Ireland) 1991 in relation to Individual Voluntary Arrangements**

**8.**—(1) After Rule 5.04(2)(p) (contents of proposal) insert –

“(q) whether the EC Regulation will apply and, if so, whether the proceedings will be main proceedings, secondary proceedings or territorial proceedings.”.

(2) In Rule 5.25(2) (report of creditors’ meeting) –

(a) at the end of sub-paragraph (c) omit “and”; and

(b) after sub-paragraph (c) insert –

“(ca) whether, in the opinion of the supervisor, (i) the EC Regulation applies to the voluntary arrangement and (ii) if so, whether the proceedings are main proceedings, secondary proceedings or territorial proceedings; and”.

(3) After Rule 5.33 (false representations, etc.) insert –

*“SECTION E: EC REGULATION – CONVERSION OF  
VOLUNTARY ARRANGEMENT INTO BANKRUPTCY*

**Application for conversion into bankruptcy**

**5.34.**—(1) Where a member State liquidator proposes to apply to the court for the conversion under Article 37 of the EC Regulation (conversion of earlier proceedings) of a voluntary arrangement into bankruptcy, an affidavit complying with Rule 5.35 must be prepared and sworn, and filed in court in support of the application.

(2) An application under this Rule shall be by originating application.

(3) The application and the affidavit required under this Rule shall be served upon –

- (a) the debtor; and
- (b) the supervisor.

**Contents of affidavit**

**5.35.**—(1) The affidavit shall state –

- (a) that main proceedings have been opened in relation to the debtor in a member State other than the United Kingdom;
- (b) the deponent’s belief that the conversion of the voluntary arrangement into a bankruptcy would prove to be in the interests of the creditors in the main proceedings; and
- (c) all other matters that, in the opinion of the member State liquidator, would assist the court –
  - (i) in deciding whether to make an order under Rule 5.36, and
  - (ii) if the court were to do so, in considering the need for any consequential provision that would be necessary or desirable.

(2) An affidavit under this Rule shall be sworn by, or on behalf of, the member State liquidator.

**Power of court**

**5.36.**—(1) On hearing the application for conversion into bankruptcy the court may make such order as it thinks fit.

(2) If the court makes an order for conversion into bankruptcy the order may contain all such consequential provisions as the court deems necessary or desirable.

(3) Where the court makes an order for conversion into bankruptcy under paragraph (1), any expenses properly incurred as expenses of the administration of the voluntary arrangement in question shall be a first charge on the bankrupt’s estate.

*SECTION F: EC REGULATION – MEMBER STATE LIQUIDATOR*

**Interpretation of creditor and notice to member State liquidator**

**5.37.**—(1) This Rule applies where a member State liquidator has been appointed in relation to the debtor.

(2) Where the supervisor is obliged to give notice to, or provide a copy of a document (including an order of court) to, the court or the official receiver, the supervisor shall give notice or provide copies, as appropriate, to the member State liquidator.

(3) Paragraph (2) is without prejudice to the generality of the obligations imposed by Article 31 of the EC Regulation (duty to co-operate and communicate information).”.

[E.R. 7]

**Amendments to the Insolvency Rules (Northern Ireland) 1991 in relation to Bankruptcy**

**9.**—(1) After Rule 6.007(1)(e) (identification of debtor) insert –

“(f) whether the debtor has his centre of main interests or an establishment in another member State.”

(2) After Rule 6.013(4) (service of petition) insert –

“(5) If to the petitioner’s knowledge, there is a member State liquidator appointed in main proceedings in relation to the bankrupt, a copy of the petition shall be sent by him to the member State liquidator.”.

(3) In Rule 6.027(2)(c) (substitution of petitioner) after “owed to him by the debtor” insert –

“(or in the case of the member State liquidator, owed to creditors in proceedings in relation to which he holds office)”.

(4) For Rule 6.049(1) (application for appointment of interim receiver) substitute –

“(1) An application to the court for the appointment of an interim receiver under Article 259 may be made by –

- (a) a creditor;
- (b) the debtor;
- (c) an insolvency practitioner appointed under Article 247(2);
- (d) a temporary administrator; or
- (e) a member State liquidator appointed in main proceedings.”.

(5) In Rule 6.090 (entitlement to vote at creditors' meeting) –

(a) in paragraph (1)(a) for “claimed to be due to him from the bankrupt” substitute –

- “(i) claimed to be due to him from the bankrupt, or
- (ii) in relation to a member State liquidator, is claimed to be due to creditors in proceedings in relation to which he holds office”, and

(b) after paragraph (6) insert –

“(7) No vote shall be cast by virtue of a debt more than once on any resolution put to the meeting.

(8) Where –

- (a) a creditor is entitled to vote under this Rule and Rule 6.091 (admission of proof),
- (b) has lodged his claim in one or more sets of other proceedings, and

- (c) votes (either in person or by proxy) on a resolution put to the meeting, only the creditor's vote shall be counted.
- (9) Where –
  - (a) a creditor has lodged his claim in more than one set of other proceedings, and
  - (b) more than one member State liquidator seeks to vote by virtue of that claim, the entitlement to vote by virtue of that claim is exercisable by the member State liquidator in main proceedings, whether or not the creditor has lodged his claim in the main proceedings.
- (10) For the purposes of paragraphs (8) and (9), “other proceedings” means main proceedings, secondary proceedings or territorial proceedings in another member State.”
- (6) In Rule 6.096(1) (contents of proof) –
  - (a) at the end of sub-paragraph (g) omit “and”; and
  - (b) after sub-paragraph (g) insert –
    - “(ga) details of any reservation of title in respect of goods to which the debt refers; and”.
- (7) After Rule 6.113(2) (surrender of security for non-disclosure) insert –
  - “(3) Nothing in this Rule or the following two Rules may affect the rights in rem of creditors or third parties protected under Article 5 of the EC Regulation (third parties' rights in rem).”.
- (8) After Rule 6.195(4) (power of court to order sale) insert –
  - “(5) Nothing in this Rule or the following Rule may affect the rights in rem of creditors or third parties protected under Article 5 of the EC Regulation (third parties' rights in rem).”.
- (9) After Rule 6.230 (bankrupt leaving Northern Ireland) insert –

## “CHAPTER 26

### EC REGULATION – MEMBER STATE LIQUIDATOR

#### **Interpretation of creditor and notice to member State liquidator**

**6.231.**—(1) This Rule applies where a member State liquidator has been appointed in relation to the bankrupt.

(2) For the purposes of the Rules referred to in paragraph (3) a member State liquidator is deemed to be a creditor.

(3) The Rules referred to in paragraph (2) are Rules 6.071(1) (duty of official receiver), 6.073(1) (report of official receiver), 6.074(2) (report of official receiver), 6.077(2) (creditors' meeting), 6.079 (power to call creditors' meeting), 6.081 (requisitioned meetings), 6.090 (entitlement to vote), 6.091 (admission and rejection of proof), 6.094 (meaning of “prove”), 6.095 (supply of forms), 6.096 (contents of proof), 6.097 (claim established by affidavit), 6.098 (cost of proving), 6.099 (inspection of proofs), 6.101 (admission and rejection of proofs for dividend), 6.102(1) and (2) (appeal against decision on proof), 6.102(3), 6.103 (withdrawal or variation of proofs), 6.104(1) (expunging of proof), 6.105 (negotiable instruments, etc.), 6.106 (secured creditors), 6.107 (discounts), 6.108 (debts in foreign currency), 6.109 (payments of a periodical nature), 6.110 (interest), 6.111 (debt payable at future time), 6.123(1) and (2) (resignation of trustee), 6.133(1) (release of official receiver), 6.134(1) (final meeting), 6.139(1) (challenge to remuneration), 6.147(2) (creditors' committee), 6.157(3) (vacancy

on creditors' committee), 6.169(3) (request for public examination), 6.209(1) (notice of annulment) and 6.215(3) (application by bankrupt for discharge).

(4) Paragraphs (2) and (3) are without prejudice to the generality of the right to participate referred to in paragraph 3 of Article 32 of the EC Regulation (exercise of creditor's rights).

(5) Where the trustee is obliged to give notice to, or provide a copy of a document (including an order of court) to, the court or the official receiver, the trustee shall give notice or provide copies, as the case may be, to the member State liquidator.

(6) Paragraph (5) is without prejudice to the generality of the obligations imposed by Article 31 of the EC Regulation (duty to co-operate and communicate information).

### **Interpretation of creditor and notice to member State liquidator appointed in main proceedings**

**6.232.**—(1) This Rule applies, in addition to Rule 6.231, where a member State liquidator has been appointed in main proceedings in relation to the bankrupt.

(2) For the purposes of the Rules referred to in paragraph (3) the member State liquidator is deemed to be a creditor.

(3) The Rules referred to in paragraph (2) are Rules 6.017(3) (hearing of petition), 6.020(1) (notice of intention to appear), 6.025(4) (extension of time), 6.027(2) (substitution of petitioner), 6.028(1) (change of carriage of petition) and 6.216(5) (report of official receiver).

(4) Paragraphs (2) and (3) are without prejudice to the generality of the right to participate referred to in paragraph 3 of Article 32 of the EC Regulation (exercise of creditor's rights).".

[E.R. 8]

### **Amendment to Insolvency Rules in relation to Part 7 (court procedure and practice) and Part 8 (proxies and company representation)**

**10.**—(1) After Chapter 9 of Part 7 (court procedure and practice – general) insert –

#### “CHAPTER 10

#### EC REGULATION – CREDITORS' VOLUNTARY WINDING UP – CONFIRMATION BY THE COURT

### **Application for confirmation**

**7.56.**—(1) Where a company has passed a resolution for voluntary winding up, and no declaration under Article 75 has been made, the liquidator may apply to the court for an order confirming the creditors' voluntary winding up for the purposes of the EC Regulation.

(2) The application shall be in writing and verified by affidavit by the liquidator (using [FORM 7.17]) and shall state –

- (a) the name of the applicant,
- (b) the name of the company and its registered number,
- (c) the date on which the resolution for voluntary winding up was passed,
- (d) that the application is accompanied by all of the documents required under paragraph (3) which are true copies of the documents required, and
- (e) that the EC Regulation will apply to the company and whether the proceedings will be main proceedings, territorial proceedings or secondary proceedings.

- (3) The liquidator shall file in court two copies of the application, together with one copy of the following –
- (a) a copy of the resolution for voluntary winding up referred to by Article 70(2),
  - (b) evidence of his appointment as liquidator of the company, and
  - (c) a copy of the statement of affairs required under Article 85.
- (4) It shall not be necessary to serve the application on, or give notice of it to, any person.
- (5) On an application under this Rule the court may confirm the creditors' voluntary winding up.
- (6) If the court confirms the creditor's voluntary winding up –
- (a) it may do so without a hearing,
  - (b) it shall affix its seal to the application.
- (7) A member of the court staff may deal with an application under this Rule.

**Notice to member State liquidator and creditors in member States**

- 7.57.** Where the court has confirmed the creditors' voluntary winding up, the liquidator shall forthwith give notice –
- (a) if there is a member State liquidator in relation to the company, to the member State liquidator;
  - (b) in accordance with Article 40 of the EC Regulation (duty to inform creditors).

CHAPTER 11

EC REGULATION – MEMBER STATE LIQUIDATOR

**Interpretation of creditor**

- 7.58.**—(1) This Rule applies where a member State liquidator has been appointed in relation to a person subject to insolvency proceedings.
- (2) For the purposes of the Rules referred to in paragraph (3) a member State liquidator appointed in main proceedings is deemed to be a creditor.
- (3) The Rules referred to in paragraph (2) are Rules 7.27(1) (right to inspect court file) and 7.47(1) (right of attendance).
- (4) Paragraphs (2) and (3) are without prejudice to the generality of the right to participate referred to in paragraph 3 of Article 32 of the EC Regulation (exercise of creditor's rights).".
- (2) After Rule 8.7 (company representation) insert –

**“Interpretation of creditor**

- 8.8.**—(1) This Rule applies where a member State liquidator has been appointed in relation to a person subject to insolvency proceedings.
- (2) For the purposes of Rule 8.5(1) (right of inspection of proxies) a member State liquidator appointed in main proceedings is deemed to be a creditor.
- (3) Paragraph (2) is without prejudice to the generality of the right to participate referred to in paragraph 3 of Article 32 of the EC Regulation (exercise of creditor's rights).".

[E.R. 9]

## **Amendments to the Insolvency Rules (Northern Ireland) 1991 in relation to Parts 11 and 12**

**11.**—(1) After Rule 11.01(2) (preliminary) insert –

“(3) For the purposes of this Part, a member State liquidator appointed in relation to an insolvent is deemed to be a creditor.”.

(2) In Rule 11.02(1) (notice of intended dividend) after “his intention to do so” substitute –

“(a) to all creditors whose addresses are known to him and who have not proved their debts, and

(b) where a member State liquidator has been appointed in relation to the insolvent, to that person.”.

(3) After Rule 11.03(2) (final admission/rejection of proofs) insert –

“(3) In the declaration of a dividend no payment shall be made more than once by virtue of the same debt.

(4) Subject to Rule 11.11, where –

(a) a creditor has proved, and

(b) a member State liquidator has proved in relation to the same debt, payment shall only be made to the creditor”.

(4) In Rule 11.06(1) (notice of declaration) after “notice of the dividend to” substitute –

“(a) all creditors who have proved their debts, and

(b) where a member State liquidator has been appointed in relation to the insolvent, to that person.”.

(5) After Rule 12.13(4) (service outside the jurisdiction) insert –

“(5) Leave of the court is not required to serve anything referred to in this Rule on a member State liquidator.”.

(6) After Rule 12.19(3) (right to have list of creditors) insert –

“(3A) For the purpose of this Rule a member State liquidator appointed in main proceedings in relation to a person is deemed to be a creditor.”.

[E.R. 10(1)-(6)]

## **Amendment of index to Schedule 2**

**12.** Insert in the index to forms in Schedule 2 to the principal Rules –

“7.17. Application, affidavit and order confirming creditors' voluntary winding up”.

[E.R. 11]

## **New form**

**13.** Add the form contained in Part 1 of the Schedule to these Rules to Schedule 2 of the principal Rules as Form 7.17.

[E.R. 12]

## **Amended forms**

**14.** The forms contained in Part 2 of the Schedule to these Rules are substituted for the forms identically numbered in Schedule 2 to the principal Rules.

[E.R. 13]

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Dated 27th July 2002

*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 5th August 2002.

*Michael J. Bohill*  
Senior Officer of the  
Department of Enterprise, Trade and Investment

SCHEDULE

Rule 13

PART 1

NEW FORM

Form 7.17 Confirmation by Court of Creditors' Voluntary Winding Up Application and Order

Rule 7.56

No. \_\_\_\_\_

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND  
CHANCERY DIVISION (COMPANIES WINDING UP)

<sup>4</sup>Insert name of company IN THE MATTER OF \*  
AND IN THE MATTER OF THE INSOLVENCY (NORTHERN IRELAND) ORDER 1989

(a) Insert name of applicant 1. I (a) \_\_\_\_\_ hereby make application to the court for confirmation of the creditors' voluntary winding up proceedings under Part V of the Insolvency (Northern Ireland) Order 1989 in relation to

(b) Insert name of company (b) \_\_\_\_\_  
2. The resolution for voluntary winding up was passed on

(c) Insert date of resolution (c) \_\_\_\_\_

(d) Insert date 3. I was appointed liquidator of the company on (d) \_\_\_\_\_

(e) Insert whether main, secondary or ancillary proceedings (e) \_\_\_\_\_ proceedings as defined in Article 3 of the FC Regulation.

4. I declare that the FC Regulation will apply and that these proceedings will be

5. I attach the following documents required to accompany the application under Rule 7.56:
- (a) copy of resolution for voluntary winding up
  - (b) evidence of my appointment as liquidator of the company
  - (c) copy of statement of affairs required under Article 85.

**Affidavit**

After sections 1 to 4 have been completed (and having the documents required under section 5 available), this affidavit must be sworn before a solicitor or commissioner for oaths or an officer of the court duly authorised to administer oaths.

(f) Insert name and occupation I (f) \_\_\_\_\_

(g) Insert full address of (g) \_\_\_\_\_

make oath and say that the contents of this application are to the best of my knowledge and belief true and that the documents exhibited hereto are all those required to accompany this application under Rule 7.56 and that they are true copies of the stated documents.

Sworn at \_\_\_\_\_

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ORDER

(a) Insert date      Upon reading the application dated (b) \_\_\_\_\_ of

(c) Insert name of applicant      (d) \_\_\_\_\_  
and the evidence filed in support

It is hereby confirmed by the court that the proceedings are creditors' voluntary winding up proceedings under Part V of the Insolvency (Northern Ireland) Order 1989

Date

Rule 14

PART 2

AMENDED FORMS

Rule 2.01 Petition for Administration Order

No. \_\_\_\_\_

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

\* Insert name of company

IN THE MATTER OF\*

AND IN THE MATTER OF THE INSOLVENCY (NORTHERN IRELAND) ORDER 1989

**To the High Court of Justice in Northern Ireland**

(a) Insert full name(s) and address(es) of petitioner(s)

The petition of (a) \_\_\_\_\_

(b) Delete if petition not presented by the company's directors

(b) [presented by the directors under Article 22 of the Insolvency (Northern Ireland) Order 1989]

(c) Insert full name, and registered no. of company subject to petition

1. (c)

(hereinafter called "the company") was incorporated on

(d) Insert date of incorporation

(d)

under (c)

(e) Insert title of Companies Act or Order under which company was incorporated

2. The registered office of the company is at (i)

(f) Insert address of registered office

3. The nominal capital of the company is (g) £ divided into shares of £ each. The amount of the capital paid up or credited as paid up is (h) £ .

(g) Insert amount of nominal capital and how it is divided

4. The principal objects for which the company was established are as follows:

and other objects stated in the memorandum of association thereof.

(h) Insert amount of capital paid up or credited as paid up

5. The petitioner(s) believe(s) that the company is or is likely to become unable to pay its debts and that an administration order would be likely to achieve (j)

(j) Delete such as are inapplicable

(i) the survival of the company and the whole or some part of its undertaking as a going concern

(ii) the approval of a voluntary arrangement with its creditors under Part II of the Insolvency (Northern Ireland) Order 1989

(iii) the sanctioning of a compromise or arrangement between the company and such persons as are mentioned in Article 418 of the Companies (Northern Ireland) Order 1986

(iv) a more advantageous realisation of the company's assets than would be effected on a winding up

for the reasons stated in the affidavit of \_\_\_\_\_ filed in support hereof.

(k) Delete as applicable

6. The company (k) is/is not an insurance undertaking; a credit institution; an investment undertaking providing services involving the holding of funds or securities for third parties; or a collective investment undertaking under Article 1.2 of the EC Regulation.

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(i) Insert name of person swearing affidavit  
(ii) Insert whether main, secondary or territorial proceedings

(n) Insert full name(s) and address(es) of proposed administrator(s)

(o) Insert full name of company  
(p) Insert name(s) of proposed administrator(s)  
(q) Insert details of any ancillary orders sought

7. For the reasons stated in the affidavit of (i) \_\_\_\_\_ it is considered that the I.C. Regulation (k) will/will not apply (k) and that these proceedings will be (m) \_\_\_\_\_ proceedings as defined in Article 3 of the I.C. Regulation.

8. The petitioner(s) propose(s) that during the period for which the order is in force the affairs, business and property of the company be managed by (n) \_\_\_\_\_

who is (are) to the best of the petitioner's knowledge and belief qualified to act as (an) insolvency practitioner(s) in relation to the company. The petitioner(s) therefore pray(s) as follows: -

- (1) that the court make an administration order in relation to (o)
- (2) that (p) \_\_\_\_\_ be appointed to be the administrator(s) of the said company
- (3) (q)

or

(4) that such other order may be made in the premises as shall be just.

Note: It is intended to serve this petition on

This petition was issued by (r) \_\_\_\_\_

(r) Insert here name, address, telephone number, fax number (if any) and reference (if any) of a solicitor acting for the petitioner

(solicitor for) the petitioner(s) whose address for service is:

Rule 2.10 Administration Order

No. \_\_\_\_\_

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

+ Insert name of company IN THE MATTER OF  
AND IN THE MATTER OF THE INSOLVENCY (NORTHERN IRELAND) ORDER 1989

(a) Insert name and address of petitioner Upon the petition of (a)

(b) Delete where company itself is petitioner OR insert status of petitioner, ie director, creditor etc (b) (a of the above named company hereinafter called "the company") presented to the court on 20

And upon hearing counsel for the petitioner and for (c)

(c) Insert details of any other parties (including the company) appearing, and by whom represented and upon reading the evidence

IT IS ORDERED that during the period for which this order is in force the affairs, business and property of the company be managed by the administrator hereinafter appointed pursuant to the provisions of Article 21 of the Insolvency (Northern Ireland) Order 1989 for the following purpose(s) (d)

(d) Set out the purpose(s) which the order is likely to achieve

(e) Insert full name(s) and address(es) of administrator(s) AND it is ordered that (e) \_\_\_\_\_ be appointed administrator(s) of the company

(f) Delete as applicable AND the Court being satisfied on the evidence before it that the EC Regulation (l) does/does not apply (l) and that these proceedings are (m) proceedings as defined in Article 3 of the EC Regulation

(g) Insert whether main or territorial proceedings AND it is ordered that

(h) Insert particulars of any further order made by the court (h) And it is ordered that the costs of the said petition

(i) Insert terms of order for costs (i)

Dated

Form 4.02

No. \_\_\_\_\_

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND  
CHANCERY DIVISION (COMPANIES WINDING UP)

- \*Insert name of company IN THE MATTER OF \*
- AND IN THE MATTER OF THE INSOLVENCY (NORTHERN IRELAND) ORDER 1989
- To the High Court of Justice in Northern Ireland**
- (a) Insert full name(s) and address(es) of petitioner(s) The petition of (a)
- (b) Insert full name and registered no. of company subject to petition 1. (b)  
(hereinafter called "the company") was incorporated on:
- (c) Insert date of incorporation (c)
- (d) Insert title of Companies Act or Order under which company was incorporated under (d)
- (e) Insert address of registered office 2. The registered office of the company is at (e)
- (f) Insert amount of nominal capital and how it is divided 3. The nominal capital of the company is (f) £ divided into shares of £ each. The amount of the capital paid up or credited as paid up is (g) £ .
- (g) Insert amount of capital paid up or credited as paid up 4. The principal objects for which the company was established are as follows:  
  
and other objects stated in the memorandum of association of the company
- (h) Set out the grounds on which a winding-up order is sought 5. (h)
- (j) Delete as applicable 6. The company (j) is/is not an insurance undertaking; a credit institution; an investment undertaking providing services involving the holding of funds or securities for third parties; or a collective investment undertaking as referred to in Article 1.2 of the EC Regulation.
- (k) Insert name of person swearing affidavit (l) Insert whether main, secondary or territorial proceedings 7. For the reasons stated in the affidavit of (k) filed in support hereof it is considered that the EC Regulation on insolvency proceedings (j) will/will not apply (l) and that these proceedings will be (l) proceedings as defined in Article 3 of the EC Regulation.
8. In the circumstances it is just and equitable that the company should be wound up. The petitioner(s) therefore prays(s) as follows: -

(1) that (b)

may be wound up by the court under the provisions of the Insolvency (Northern Ireland) Order 1989

or

(2) that such other order may be made as the court thinks fit.

(m) If the company is the petitioner, delete "the company". Add the full name and address of any other person on whom it is intended to serve this petition

Note: It is intended to serve this petition on (m)

[the company] [and]

**Endorsement**

This petition having been presented to the court on \_\_\_\_\_ will be heard at Royal Courts of Justice, Chichester Street, Belfast, BT1 3JT

on:

Date

Time \_\_\_\_\_ hours

(or as soon thereafter as the petition can be heard)

The solicitor to the petitioner is: -

Name

Address

Telephone number

Fax Number (if any)

Reference

Rule 4.020 Order for Winding Up by the Court

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Form 4.11

No. \_\_\_\_\_

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND  
CHANCERY DIVISION (COMPANIES WINDING UP)

\*Insert name of company

IN THE MATTER OF\*

AN ORDER IN THE MATTER OF THE INSOLVENCY (NORTHERN IRELAND) ORDER 1989

(c) Insert name and address of petitioner (as appropriate) "the company" or "the creditor of the company" or "the contributory of the company"

Upon the petition of (a)

presented to this court on:

And upon hearing

And upon reading the evidence

(b) Insert full name of the company

It is ordered that (b) be wound up by this court under the provisions of the Insolvency (Northern Ireland) Order 1989

(c) Delete as applicable (d) Insert, whether main, secondary or territorial proceedings

And the Court being satisfied on the evidence that the EC Regulation (c) does/does not apply (c); and that these proceedings are (d) proceedings as defined in Article 3 of the EC Regulation.

(e) Insert names of all parties to be awarded their costs

And it is ordered that the costs of (e) \_\_\_\_\_

of the said petition be paid out of the assets of the company (c) \_\_\_\_\_

(f) Insert any terms concerning costs

Dated

Note: The Official Receiver is by virtue of this order liquidator of the company

Rule 4.020 Order for Winding Up by the Court following upon the Discharge of an Administration Order

No.

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND  
CHANCERY DIVISION (COMPANIES WINDING UP)

\*Insert name of company IN THE MATTER OF  
AND IN THE MATTER OF THE INSOLVENCY (NORTHERN IRELAND) ORDER 1989

(a) Delete words in brackets as applicable Upon the petition of the company (a) [by its administrator (b) ] or [(h)

(b) insert name and address a [creditor/ member] of the above-named company [pursuant to leave of this court by order dated (c) ]

(c) Insert date [by agreement with the administrator dated (c) ]

presented to this court on (c)

And upon hearing

And upon reading the administration order dated (c)

It is ordered that the said administration order be and the same is discharged.

(d) Insert full name of the company And it is ordered that (d) \_\_\_\_\_  
be wound up by this court under the provisions of the Insolvency (Northern Ireland) Order 1989

(a) [And it is ordered that  
be appointed liquidator of the company]

(a) [And the court being satisfied that these proceedings are

(e) Insert whether main, secondary or territorial proceedings (e) \_\_\_\_\_  
proceedings as defined in Article 3 of the EC Regulation]

(f) Insert any further terms of order, eg as to costs And it is ordered (f)

Dated

Note: The Official Receiver is by virtue of this order liquidator of the company.

Rule 4.024 Petition by Contributory

Form 4.14

No. \_\_\_\_\_

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND  
CHANCERY DIVISION (COMPANIES WINDING UP)

† Insert name of company

IN THE MATTER OF\*

AND IN THE MATTER OF THE INSOLVENCY (NORTHERN IRELAND) ORDER 1989

**To the High Court of Justice in Northern Ireland**

(a) Insert full name(s) and address(es) of petitioner(s)

The petition of (a)

(b) Insert full name of company subject to petition

1. (b)

(hereinafter called "the company") was incorporated on

(c) Insert date of incorporation

(c)

(d) Insert title of Companies Act or Order under which company was incorporated

under (d)

(e) Insert address of registered office

2. The registered office of the company is at (e)

3. The nominal capital of the company is £ \_\_\_\_\_ divided into \_\_\_\_\_ shares of £ \_\_\_\_\_ each. The amount of the capital paid up or credited as paid up is £ \_\_\_\_\_.

(f) Delete as applicable

The petitioner(s) is/are the holder(s) of shares of £ \_\_\_\_\_ each. Such shares (1) [were allotted to him/them on the incorporation of the company] [have been registered in his/their name(s) for more than 6 months in the last 18 months] [devolved upon him/them through the death of the former holder of the shares].

4. The principal objects for which the company was established are as follows: –

\_\_\_\_\_ and other objects stated in the memorandum of association of the company.

(g) Set out the grounds on which a winding-up order is sought

5. (g)

6. The company (1) is/is not an insurance undertaking; a credit institution; an investment undertaking providing services involving the holding of funds or securities for third parties; or a collective investment undertaking as referred to in Article 1.2 of the EC Regulation.

(h) Insert name of person swearing affidavit

7. For the reasons stated in the affidavit of (h) \_\_\_\_\_ filed in support hereof it is considered that the I.C. Regulation (1) will/will not apply (1) and that these proceedings will be (j) \_\_\_\_\_ proceedings as defined in Article 3 of the EC Regulation.

(i) Insert whether main, secondary or territorial proceedings

8. In the circumstances it is just and equitable that the company should be wound up. The petitioner(s) therefore pray(s) as follows: –

(1) that (b)

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may be wound up by the court under the provisions of the Insolvency (Northern Ireland) Order 1989

or

(2) that such other order may be made as the court thinks fit.

(k) If the company is the petitioner, delete "the company". Add the full name and address of any other person on whom it is intended to serve this petition

Note: It is intended to serve this petition on (k)

[the company] and]

**Endorsement**

This petition having been presented to the court on  
attend before the Master in Chambers on

let all parties

Date

Time                    hours

Place

for directions to be given

The solicitor(s) for the petitioner is/are: –

Name

Address

Telephone number

Fax Number (if any)

Reference (if any)

Rule 4.029 Order of Appointment of Provisional Liquidator

Form 4.16

No. \_\_\_\_\_

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND  
CHANCERY DIVISION (COMPANIES WINDING UP)

<p>+Insert name of company</p>	<p>IN THE MATTER OF*</p>
	<p>AND IN THE MATTER OF THE INSOLVENCY (NORTHERN IRELAND) ORDER 1989</p>
	<p>Master            in chambers</p>
<p>(c) Give full name and address of applicant</p>	<p>Upon the application of (a)</p> <p>And upon hearing</p> <p>And upon reading the petition to wind up the above-named company and the evidence</p>
<p>(h) Delete if not applicable</p>	<p>(b) And the court being satisfied that the company is unable to pay its debts</p>
<p>(c) Delete as applicable</p>	<p>And the court being satisfied that the EC Regulation (c) does/does not apply (c) and that these proceedings are (d) proceedings as defined in Article 3 of the EC Regulation.</p>
<p>(d) Insert whether main, secondary or territorial proceedings</p>	
<p>(e) If a person other than the official receiver is to be appointed delete the words in [ ] otherwise insert the amount to be deposited</p>	<p>It is ordered that (c) [upon the sum of £            being deposited by the applicant with the official receiver] the following person is appointed provisional liquidator of the above-named company.</p>
<p>(f) Insert either "the official receiver" or if an insolvency practitioner is to be appointed, his full name and address</p>	<p>Name of the provisional liquidator (d)</p> <p>Address (if applicable)</p>
	<p>And it is ordered that: –</p>
<p>(g) Insert details of the functions to be carried out by the provisional liquidator in relation to the company's affairs.</p>	<p>(j)</p> <p>Dated</p>
	<p><b>Notice to officers of Company</b></p> <p>You are required by Article 199 of the Insolvency (Northern Ireland) Order 1989 to give the provisional liquidator all the information as he may reasonably require relating to the company's property and affairs and to attend upon him at such times as he may reasonably require.</p>
	<p>Date</p>

Form 4.26

\* [No ]

\* Delete if  
voluntary  
winding-up

† Insert name of  
company

\* [IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND  
CHANCERY DIVISION (COMPANIES WINDING UP)]

IN THE MATTER OF†

AND IN THE MATTER OF THE INSOLVENCY (NORTHERN IRELAND) ORDER  
1989

**Date of Winding-Up Order/Resolution for voluntary winding-up**

1	Name of Creditor	
2	Address of Creditor	
3	Total amount of claim, including any Value Added Tax and outstanding uncapitalised interest as at the date the company went into liquidation [see Note]	£
4	Details of any document by reference to which the debt can be substantiated. [Note: the liquidator may call for any document or evidence to substantiate the claim at his discretion]	
5	If the total amount shown above includes Value Added Tax, please show: (a) amount of Value Added Tax (b) amount of claim NET of Value Added Tax	£ £
6	If total amount above includes outstanding uncapitalised interest, please state amount.	£
7	If you have filled in both box 3 and box 5, please state whether you are claiming the amount shown in box 3 or the amount shown in box 5(b)	
8	Give details of whether the whole or any part of the debt falls within any (and if so which) of the categories of preferential debts under Article 346 of, and Schedule 4 to, the Insolvency (Northern Ireland) Order 1989 (as read with Schedule 4 to the Social Security Pensions (Northern Ireland) Order 1975)	Category  Amount(s) claimed as preferential £
9	Particulars of how and when debt incurred	
10	Particulars of any security held, the value of the security, and the date it was given	£

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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- 
- 11 Particulars of any reservation of title claimed, including details of goods supplied, their value and when supplied
  - 12 Signature of creditor or person authorised to act on his behalf

Name in BLOCK 1. LETTERS

Position with or relation to creditor

Admitted to vote for

£

Date

Liquidator

---

Admitted preferentially for

£

Date

Liquidator

---

Admitted non-preferentially for

£

Date

Liquidator

**Note:** A company goes into liquidation if it passes a resolution for voluntary winding up or an order for its winding up is made by the Court at a time when it has not already gone into liquidation by passing such a resolution.

### Rule 6.006 Creditor's Bankruptcy Petition on Failure to Comply with a Statutory Demand for a Liquidated Sum Payable Immediately

**WARNING TO DEBTOR**

- This is an application to the court to have you made **bankrupt**
- Your attention is particularly directed to the endorsement overleaf
- If you are in any doubt about your position, you should seek advice **immediately** from a solicitor or your nearest Citizens Advice Bureau

No.

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

\* Insert title

Re\*

(a) Insert full name(s) and address(es) of petitioner(s)

I/We (a) \_\_\_\_\_

(b) Insert full name, place of residence and occupation (if any) of debtor

petition the court that a bankruptcy order may be made against (b) \_\_\_\_\_

[also known as (c) \_\_\_\_\_]

[and carrying on business as (d) \_\_\_\_\_]

(e) Insert in full any other name(s) by which the debtor is or has been known

[and lately residing at (e) \_\_\_\_\_]

[and lately carrying on business as (f) \_\_\_\_\_]

(d) Insert trading name (adding "with another or others" if this is so), business address and nature of business

and say as follows: –

1. (g) The debtor's centre of main interests, being the place where he conducts the administration of his interests, is located within the United Kingdom, at

**OR**

The debtor's centre of main interests is located outside the United Kingdom but within the European Union and he has an establishment as defined by EC Regulation No. 1346/2000 within Northern Ireland at

**OR**

The debtor's centre of main interests is located outside the European Union

**OR**

The debtor carries on business as an insurance undertaking, a credit institution, an investment undertaking providing services involving the holding of funds or securities for third parties; or a collective investment undertaking as referred to in Article 1.2 of the EC Regulation.

(e) Insert any other address or addresses at which the debtor has resided at or after the time the petition debt was incurred

(f) Give the same details as specified in note (d) for any other businesses which have been carried on at or after the time the petition debt was incurred

(g) Deleted as applicable

2. (g) The proceedings will be main OR secondary OR territorial proceedings for the purposes of the EC Regulation.

**OR**

The proceedings do not fall within the EC Regulation.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Under the EC Regulation:

(i) The centre of main interests should correspond to the place where the debtor conducts the administration of his interests on a regular basis.

(ii) Establishment is defined as "any place of operations where the debtor carries out a non-transitory economic activity with human means and goods".

(b) State in respect of the debt or each debt –

(i) the amount, (ii) the consideration for the debt (or if there is no consideration, the way in which it arises), and (iii) when the debt was incurred

The amount or rate of any interest or other charge not previously notified to the debtor and the reasons why you are obtaining it must be shown separately. Such amount must be limited to that claimed in the statutory demand

(j) Insert date (and in the case of personal service, time) of service of statutory demand as set out in affidavit of service

(k) State manner of service of demand

(l) If 3 weeks have not elapsed since service of statutory demand give reasons for earlier presentation of petition

(m) Insert name of debtor

(n) Only to be completed where the petitioning creditor is represented by a solicitor

3. The debtor is justly and truly indebted to me [us] in the aggregate sum of £(h)

4. The above-mentioned debts for a liquidated sum payable on (i) and the debtor appears to have no reasonable prospect of being able to pay it.

5. On (j) a statutory demand was served upon the debtor by (k) in respect of the above-mentioned debt. To the best of my knowledge and belief the demand has neither been complied with nor set aside in accordance with the Rules and no application to set it aside is outstanding.

(l)

6. I/We do not, nor does any person on my/our behalf, hold any security on the debtor's estate, or any part thereof, for the payment of the above-mentioned sum.

**OR**

I/We hold security for the payment of (p) [part of] the above-mentioned sum.

I/We will give up such security for the benefit of all the creditors in the event of a bankruptcy order being made.

**OR**

I/We hold security for the payment of part of the above-mentioned sum and I/we estimate the value of such security to be £ \_\_\_\_\_. This petition is not made in respect of the secured part of my/our debt.

---

**Endorsement**

This petition having been presented to the court on \_\_\_\_\_ it is ordered that this petition shall be heard as follows: –

Date \_\_\_\_\_

Time \_\_\_\_\_ hours

Place \_\_\_\_\_

and you, the above-mentioned (m) \_\_\_\_\_, are to take notice that if you intend to oppose the petition you must not later than 7 days before the date fixed for the hearing:

(i) file in court a notice (in Form 6.20) specifying the grounds on which you object to the making of a bankruptcy order; and

(ii) send a copy of the notice to the petitioner or his solicitor.

The solicitor to the petitioning creditor is:–(n)

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone Number \_\_\_\_\_

Fax Number (if any) \_\_\_\_\_

Reference \_\_\_\_\_

Rule 6.006 Creditor's Bankruptcy Petition on Failure to Comply with a Statutory Demand for a Liquidated Sum Payable at a Future Date

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Form 6.08

**WARNING TO DEBTOR**

- This is an application to the court to have you made **bankrupt**
- Your attention is particularly directed to the endorsement overlaid
- If you are in any doubt about your position, you should seek advice **immediately** from a solicitor or your nearest Citizens Advice Bureau

No. \_\_\_\_\_

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

\* Insert title Re\*

(a) Insert full name(s) and address(es) of petitioner(s) I/We (a) \_\_\_\_\_

(b) Insert full name, place of residence and occupation (if any) of debtor petition the court that a bankruptcy order may be made against (b)

(c) Insert in full any other name(s) by which the debtor is or has been known [also known as (c) \_\_\_\_\_ ]

(d) Insert trading name (adding "with another or others", if this is so), business address and nature of business [and carrying on business as (d) \_\_\_\_\_ ]

(e) Insert any other address or addresses at which the debtor has resided at or after the time the petition debt was incurred [and lately residing at (e) \_\_\_\_\_ ]

(f) Give the same details as specified in note (d) for any other businesses which have been carried on at or after the time the petition debt was incurred [and lately carrying on business as (f) \_\_\_\_\_ ]

(g) Delete as applicable and say as follows: -

1. (g) The debtor's centre of main interests, being the place where he conducts the administration of his interests, is located within the United Kingdom, at

**OR**

The debtor's centre of main interests is located outside the United Kingdom but within the European Union and he has an establishment as defined by EC Regulation No. 1346/2000 within Northern Ireland at

**OR**

The debtor's centre of main interests is located outside the European Union.

**OR**

The debtor carries on business as an insurance undertaking; a credit institution; an investment undertaking providing services involving the holding of funds or securities

for third parties; or a collective investment undertaking as referred to in Article 1.2 of the EC Regulation.

2. (g) The proceedings will be main OR secondary OR territorial proceedings for the purposes of the EC Regulation.

**OR**

The proceedings do not fall within the EC Regulation

Under the EC Regulation:

- (i) The centre of main interests should correspond to the place where the debtor conducts the administration of his interests on a regular basis.
- (ii) Establishment is defined as "any place of operations where the debtor carries out a non-transitory economic activity with human means and goods".

(h) State in respect of the debt or each debt

(i) the amount, (ii) the consideration for the debt (or, if there is no consideration, the way in which it arises), and (iii) when the debt was incurred

The amount or rate of any interest, or other charge not previously notified to the debtor and the reasons why you are claiming it must be shown separately. Such amount must be limited to that claimed in the statutory demand

(j) Insert date or dates when the debt becomes payable

(k) Insert date (and in the case of personal service, time) of service of statutory demand as set out in affidavit of service

(l) State manner of service in demand

(m) If 3 weeks have not elapsed since service of statutory demand give reasons for earlier presentation of petition

3. The debtor is justly and truly indebted to me [us] in the aggregate sum of £(h) \_\_\_\_\_

4. The above-mentioned debt is for a liquidated sum payable on (j) \_\_\_\_\_ and the debtor appears to have no reasonable prospect of being able to pay it.

5. On (k) \_\_\_\_\_ a statutory demand was served upon the debtor by

(l) \_\_\_\_\_ in respect of the above-mentioned debt. To the best of my knowledge and belief the demand has neither been complied with nor set aside in accordance with the Rules and no application to set it aside is outstanding.

(m) \_\_\_\_\_

6. I/We do not, nor does any person on my/our behalf, hold any security on the debtor's estate, or any part thereof, for the payment of the above-mentioned sum.

**OR**

I/We hold security for the payment of (g) [part of] the above-mentioned sum.

I/We will give up such security for the benefit of all the creditors in the event of a bankruptcy order being made.

**OR**

I/We hold security for the payment of part of the above-mentioned sum and I/we estimate the value of such security to be £ \_\_\_\_\_. This petition is not made in respect of the secured part of my/our debt.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

**Endorsement**

This petition having been presented to the court on \_\_\_\_\_ it is ordered that this petition shall be heard as follows: -

Date

Time                      hours

Place

(n) Insert name of debtor

and you, the above-named (n) \_\_\_\_\_, are to take notice that if you intend to oppose the petition you must do so later than 7 days before the date fixed for the hearing:

- (i) file in court a notice (in Form 6.20) specifying the grounds on which you object to the making of a bankruptcy order; and
- (ii) send a copy of the notice to the petitioner or his solicitor.

(o) Only to be completed where the petitioning creditor is represented by a solicitor

The solicitor to the petitioning creditor is: (o)

Name

Address

Telephone Number

Fax Number (if any)

Reference

Rule 6.006 Creditor's Bankruptcy Petition on Certificate of Unenforceability of a Judgment

**WARNING TO DEBTOR**

- This is an application to the court to have you made **bankrupt**
- Your attention is particularly directed to the endorsement overleaf
- If you are in any doubt about your position, you should seek advice **immediately** from a solicitor or your nearest Citizens Advice Bureau

No. \_\_\_\_\_

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

† Insert title

Re\*

(a) Insert full name(s) and address(es) of petitioner(s)

I/We (a)

(b) Insert full name, place of residence and occupation (if any) of debtor

petition the court that a bankruptcy order may be made against (b) \_\_\_\_\_

[also known as (c) \_\_\_\_\_]

[and carrying on business as (d) \_\_\_\_\_]

(e) Insert in full any other name(s) by which the debtor has or has been known

[and lately residing at (e) \_\_\_\_\_]

[and lately carrying on business as (f) \_\_\_\_\_]

(d) Insert trading name (adding "with another or others", if this is so), business address and nature of business

and say as follows: –

1. (g) The debtor's centre of main interests, being the place where he conducts the administration of his interests, is located within the United Kingdom, at

**OR**

The debtor's centre of main interests is located outside the United Kingdom but within the European Union and he has an establishment as defined by EC Regulation No. 1346/2000 within Northern Ireland at

(e) Insert any other address or addresses at which the debtor has resided at or after the time the petition was incurred

**OR**

The debtor's centre of main interests is located outside the European Union

(f) Give the same details as specified in note (d) for any other businesses which have been carried on at or after the time the petition was incurred

**OR**

The debtor carries on business as an insurance undertaking; a credit institution; an investment undertaking providing services involving the holding of funds or securities for third parties; or a collective investment undertaking as referred to in Article 1.2 of the EC Regulation.

2. (g) The proceedings will be main OR secondary OR territorial proceedings for the purposes of the EC Regulation.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

**OR**

The proceedings do not fall within the I.C. Regulation.

(g) Delete as applicable

Under the I.C. Regulation:

- (i) The centre of main interests should correspond to the place where the debtor conducts the administration of his interests on a regular basis.
- (ii) Establishment is defined as "any place of operations where the debtor carries out a non-transitory economic activity with human means and goods".

(h) State in respect of the debt or each debt – (i) the amount, (ii) the consideration for the debt (or, if there is no consideration, the way in which it arises), and (iii) when the debt was incurred

3. The debtor is justly and truly indebted to me [us] in the aggregate sum of

£(i)

The amount or rate of any interest or other charge not previously notified to the debtor and the reasons why you are claiming it must be shown separately

4. The above-mentioned debt is for a liquidated sum payable immediately and the debtor appears to be unable to pay it

5. On (j) \_\_\_\_\_ a judgment/decree was obtained in (z) \_\_\_\_\_ in an action entitled (l) \_\_\_\_\_, (m) [Record No. \_\_\_\_\_] in the sum of £ \_\_\_\_\_. On (n) \_\_\_\_\_ an application was made to the Enforcement of Judgments Office for enforcement of the said judgment/decree and on (o) \_\_\_\_\_ a certificate of unenforceability was granted in respect of (p) [the said sum] [£ \_\_\_\_\_ part of the said sum]. The above-mentioned debt represents the amount remaining due on the said judgment/decree.

6. I/We do not, nor does any person on my/our behalf, hold any security on the debtor's estate, or any part thereof, for the payment of the above mentioned sum.

(i) Insert date on which judgment or decree was obtained

**OR**

I/We hold security for the payment of (q) [part of] the above-mentioned sum

(k) Insert name of court and in the case of the High Court, Division

I/We will give up such security for the benefit of all the creditors in the event of a bankruptcy order being made.

(l) Insert short title of action and record number

**OR**

(m) Delete if county court decree

I/We hold security for the payment of part of the above mentioned sum and I/we estimate the value of such security to be £ \_\_\_\_\_. This petition is not made in respect of the secured part of my/our debt.

(n) Insert date of application to Enforcement of Judgments Office

(o) Insert date certificate of unenforceability granted

(p) Delete as applicable

**Endorsement**

This petition having been presented to the court on \_\_\_\_\_ it is ordered that this petition shall be heard as follows:-

Date

Time            Hours

Place

(q) Insert name of debtor

And you, the above-named (q) \_\_\_\_\_, are to take notice that if you intend to oppose the petition you must not later than 7 days before the date fixed for the hearing:

- (i) file in court a notice (in Form 6.20) specifying the grounds on which you object to the making of a bankruptcy order; and
- (ii) send a copy of the notice to the petitioner or his solicitor.

(r) Only to be completed where the petitioning creditor is represented by a solicitor

The solicitor to the petitioning creditor is: (r)

Name

Address

Telephone Number

Fax Number (if any)

Reference

Rule 6.006 Bankruptcy Petition for Default in Connection with Voluntary Arrangement

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Form 6.10

**WARNING TO DEBTOR**

- This is an application to the court to have you made **bankrupt**
- Your attention is particularly directed to the endorsement overleaf
- If you are in any doubt about your position, you should seek advice **immediately** from a solicitor or your nearest Citizens Advice Bureau

No. \_\_\_\_\_

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

<p>• Insert title</p>	<p>Re*</p>
<p>(a) Insert full name(s) and address(es) of petitioner(s)</p>	<p>I/We (a) petition the court that a bankruptcy order may be made against (b)</p>
<p>(b) Insert full name, place of residence and occupation (if any) of debtor</p>	<p>[also known as (c) _____   [and carrying on business as (d) _____   [and lately residing at (e) _____  </p>
<p>(c) Insert in full any other name(s) by which the debtor is or has been known</p>	<p>[and lately carrying on business as (f) _____  </p>
<p>(d) Insert trading name (adding "with another or others", if this is so), business address and name of business</p>	<p>and say as follows—  1. (g) The debtor's centre of main interests, being the place where he conducts the administration of his interests, is located within the United Kingdom, at</p>
<p>(e) Insert any other address or addresses at which the debtor has resided at or after the time the petition debt was incurred</p>	<p><b>OR</b>  The debtor's centre of main interests is located outside the United Kingdom but within the European Union and he has an establishment as defined by EC Regulation No. 1346/2000 within Northern Ireland at</p>
<p>(f) Give the same details as specified in note (d) for any other businesses which have been carried on at or after the time the petition debt was incurred</p>	<p><b>OR</b>  The debtor's centre of main interests is located outside the European Union.</p>
<p>(g) Delete as applicable</p>	<p><b>OR</b>  The debtor carries on business as an insurance undertaking; a credit institution; an investment undertaking providing services involving the holding of funds or securities for third parties; or a collective investment undertaking as referred to in Article 1.2 of the EC Regulation.</p>
	<p>2. (g) The proceedings will be main OR secondary OR territorial proceedings for the purposes of the EC Regulation.</p>
	<p><b>OR</b>  The proceedings do not fall within the EC Regulation.</p>

Under the EC Regulation:

- (i) The centre of main interests should correspond to the place where the debtor conducts the administration of his interests on a regular basis.
- (ii) Establishment is defined as "any place of operations where the debtor carries out a non-transitory economic activity with human means and goods".

3. On (h) \_\_\_\_\_ a voluntary arrangement proposed by the debtor was approved by his creditors and I am (g) [a person who is for the time being bound by the said voluntary arrangement and (i) \_\_\_\_\_ is the supervisor|(j) \_\_\_\_\_ the supervisor of the said voluntary arrangement]

(h) Insert date the debtor entered into voluntary arrangement

(j) Insert name of supervisor

(k) Give details of the default in connection with the composition or scheme being the grounds under Article 250(1) of the Insolvency (Northern Ireland) Order 1989 upon which the bankruptcy order is sought

(l) Insert name of debtor

(m) Only to be completed where the petitioning creditor is represented by a solicitor

(g)

<b>Endorsement</b>	
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:-	
Date	
Time	hours
Place	
and you, the above-named (l) _____, are to give notice that if you intend to oppose the petition you must not later than 7 days before the date fixed for the hearing:	
(i) file in court a notice (in Form 6.20) specifying the grounds on which you object to the making of a bankruptcy order; and	
(ii) send a copy of the notice to the petitioner or his solicitor.	
The solicitor to the petitioning creditor is: (m)	
Name	
Address	
Telephone Number	
Fax Number (if any)	
Reference	

Rule 6.030 Bankruptcy Order on Petition other than Debtor's

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Form 6.29

No.

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

\*Insert title

Re<sup>9</sup>

(a) Insert name and address of petitioner  
(b) Delete as appropriate

Upon the petition of (a)  
(b) [a creditor], which was presented on  
And upon hearing

(c) Insert full description of debtor as set out in the petition

And upon reading the evidence

It is ordered that (c)  
be adjudged bankrupt.

(d) Delete as applicable

(e) Insert whether main, secondary or territorial proceedings

(d) And the Court being satisfied that the EC Regulation does apply and that these proceedings are (e) proceedings as defined in Article 3 of the EC Regulation.

(d) The court is satisfied that the EC Regulation does not apply in relation to these proceedings

Dated

Time            hours

**Important Notice to Bankrupt**

(f) Insert address of Official Receiver's office

The Official Receiver is by virtue of this order receiver and manager of the bankrupt's estate. You are required to attend upon the Official Receiver at (f)

immediately after you have received this order.

The Official Receiver's offices are open Monday to Friday (except on Holidays) from 10.00 to 16.00 hours.

(g) Order to be endorsed where petitioning creditor is represented by a solicitor

**Endorsement on Order (g)**

The solicitor to the petitioning creditor is:

Name

Address

Telephone Number

Fax Number (if any)

Reference

Rule 6.034 Bankruptcy Order on Petition other than Debtor's

No \_\_\_\_\_

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

+ Insert title  
(a) Insert full name, address and occupation (if any) of debtor  
(b) Insert in full any other name(s) by which the debtor is or has been known  
(c) Insert former address or addresses at which the debtor may have incurred debts or liabilities still unpaid or unsatisfied

Re<sup>9</sup>

I (a)

also known as (b)

[lately residing at (c) \_\_\_\_\_ ]

[and carrying on business as (d) \_\_\_\_\_ ]

[and lately carrying on business as (e) \_\_\_\_\_ ]

request the court that a bankruptcy order be made against me and say as follows:

1. (i) My centre of main interests, being the place where I conduct the administration of my interests, is located within the United Kingdom, at:

**OR**

My centre of main interests is located outside the United Kingdom but within the European Union, and I have an establishment as defined by EC Regulation No. 1346/2000 within Northern Ireland at

**OR**

My centre of main interests is located outside the European Union.

**OR**

I carry on business as an insurance undertaking; a credit institution; investment undertaking providing services involving the holding of funds or securities for third parties; or a collective investment undertaking as referred to in Article 1.2 of the EC Regulation.

2. (i) The proceedings will be main OR secondary OR territorial proceedings for the purposes of the EC Regulation.

**OR**

The proceedings do not fall within the EC Regulation.

Under the EC Regulation

- (i) Centre of main interests should correspond to the place where the debtor conducts the administration of his interests on a regular basis.
- (ii) Establishment is defined in the Council Regulation (No. 1346/2000) on insolvency proceedings as "any place of operations where the debtor carries out a non-transitory economic activity with human means and goods"

3. I am unable to pay my debts.

4. (i) That within the period of five years ending with date of this petition: –

- 1. I have not been adjudged bankrupt

(d) Insert trading name (adding "with another or others", if this is so), business address and nature of the business

(e) Insert any former trading names (adding "with another or others", if this is so), business address and nature of the business in respect of which the debtor may have incurred debts or liabilities still unpaid or unsatisfied

(f) Delete as applicable

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

**OR**

(g) Invert date I was adjudged bankrupt on (g) \_\_\_\_\_ in the High Court of Justice in Northern Ireland

Record No.

(ii) I have not (f) [made a composition with my creditors in satisfaction of my debts] or (f) [entered into a scheme of arrangement with creditors]

**OR**

On (g) \_\_\_\_\_ I (f) [made a composition] [entered into a scheme of arrangement] with my creditors.

(ii) I have not entered into a voluntary arrangement.

**OR**

On (g) \_\_\_\_\_ I entered into a voluntary arrangement.

(v) I have not been subject to an administration order under Article 80 of the Judgments Enforcement (Northern Ireland) Order 1981

**OR**

On (g) \_\_\_\_\_ an administration order was made against me in the Enforcement of Judgments Office.

5. A statement of my affairs is filed with this petition.

Date

Signature

Complete only if petition not heard immediately

<b>Endorsement</b>	
This petition having been presented to the court on _____ it is ordered that the petition shall be heard as follows:-	
Date	
Time	hours
Place	

Rule 6.042, 6.046 Bankruptcy Order on Debtor's Petition

No.

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

<p>*Insert title</p> <p>(a) Insert date</p> <p>(b) Delete words in square brackets if no appointment made under Article 247(2)</p> <p>(c) Insert name of insolvency practitioner appointed under Article 247(2)</p> <p>(d) Insert full description of debtor as set out in petition</p> <p>(e) Delete if no certificate for summary administration is issued under Article 249 of the Insolvency (Northern Ireland) Order 1989</p> <p>(f) Only to be completed where a trustee is appointed on the making of the bankruptcy order under Article 270(3)</p> <p>(g) Delete as appropriate</p> <p>(h) Insert whether main, secondary or territorial proceedings</p> <p>(i) Insert address of Official Receiver's office</p>	<p>Re*</p> <p>Upon the petition of the above named debtor, which was presented on (a)</p> <p>And upon hearing</p> <p>(b) [and upon considering the report of (c)] appointed under Article 247(2) of the Insolvency (Northern Ireland) Order 1989]</p> <p>And upon the petition and statement of affairs</p> <p>It is ordered that (d) be adjudged bankrupt.</p> <p>(e) [And it is certified that the estate of the bankrupt be administered in a summary manner]</p> <p>[And it is ordered that (f) _____ be appointed trustee of the bankrupt's estate]</p> <p>[And it is also ordered that _____ ]</p> <p>(g) And the court being satisfied that the EC Regulation does apply and that these proceedings are (h) _____ proceedings as defined in Article 3 of the Regulation.</p> <p><b>OR</b></p> <p>(i) And the court is satisfied that the EC Regulation does not apply in relation to these proceedings.</p> <p>Dated _____</p> <p>Time _____ hours</p> <p><b>Important Notice to Bankrupt</b> The Official Receiver is by virtue of this order receiver and manager of the bankrupt's estate. You are required to attend upon the Official Receiver at (j) immediately after you have received this order.</p> <p>The Official Receiver's offices are open Monday to Friday (except on Holidays) from 10.00 to 16.00 hours.</p>
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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(k) Order to be endorsed where debtor is represented by a solicitor

**Endorsement on Order (k)**

The solicitor to the debtor is:-

Name

Address

Telephone Number

Tax Number (if any)

Reference

Rule 6.050 Order of Appointment of Interim Receiver

No

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

+Insert title

Re<sup>9</sup>

Master in chambers

(c) Give full name and address of applicants

Upon the application of (a)

And upon hearing

And upon reading the evidence

(b) Delete as applicable

(b) And the court being satisfied that the debtor is unable to pay his debts

(c) Insert whether main, secondary or territorial proceedings

And the court being satisfied that the EC Regulation (b) does/does not apply (b) and that these proceedings are (c) \_\_\_\_\_ proceedings as defined in Article 3 of the EC Regulation

(d) If a person other than the Official Receiver is to be appointed delete the words in [ ] otherwise insert the amount to be deposited

It is ordered that (d) [upon the sum of £\_\_\_\_\_ being deposited by the applicant with the Official Receiver] the following person is appointed interim receiver of the property of the above-named debtor.

(e) Insert either "the official receiver" or if an insolvency practitioner is to be appointed, his full name and address

Name of interim receiver (e)

Address (if applicable)

And it is ordered that:-

(i)

(f) Insert name and short description of property of which the interim receiver is to take possession and the duties to be performed by him in relation to the debtor's affairs

Dated:

**NOTICE TO DEBTOR**

**You must give the interim receiver all the information he may require relating to your property and affairs in order for him to carry out the functions imposed on him by the terms of the above order.**

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Form 6.40

No

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

\*Insert title

Re\*

**Date of Bankruptcy Order**

1	Name of Creditor	
2	Address of Creditor	
3	Total amount of claim, including any Value Added Tax and outstanding uncapitalised interest as at the date of the bankruptcy order	£
4	Details of any document by reference to which the debt can be substantiated. [Note: the Official Receiver or Trustee may call for any document or evidence to substantiate the claim at his discretion.]	
5	If the total amount shown above includes Value Added Tax, please show: – (a) amount of Value Added Tax (b) amount of claim NET of Value Added Tax	£ £
6	If total amount above includes outstanding uncapitalised interest, please state amount	£
7	If you have filled in both box 3 and box 5, please state whether you are claiming the amount shown in box 3 or the amount shown in box 5(b)	
8	Give details of whether the whole or any part of the debt falls within any (and if so which) of the categories of preferential debts under Article 346 of, and Schedule 4 to, the Insolvency (Northern Ireland) Order 1989 (as read with Schedule 4 to the Social Security Pensions (Northern Ireland) Order 1975)	Category  Amount(s) claimed as preferential
9	Particulars of how and when debt incurred	
10	Particulars of any security held, the value of the security, and the date it was given	£
11	Particulars of any reservation of title claimed, including details of goods supplied, their value and when supplied	

12 Signature of creditor or person authorised to act on his behalf

Name in BLOCK LETTERS

Position with or relation to creditor

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Admitted to vote for

£

Date

Official Receiver/Trustee

Admitted preferentially for

£

Date

Trustee

Admitted non-preferentially for

£

Date

Trustee

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## EXPLANATORY NOTE

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

These Rules amend the Insolvency Rules (Northern Ireland) 1991 ([S.R. 1991 No. 364](#)) (“the 1991 Rules”) in the light of Council Regulation ([EC](#)) [No. 1346/2000](#) of 29th May 2000 on insolvency proceedings, O.J. No. L160, 30.06.00. p. 1 (the “EC Regulation”) which came into force on 31st May 2002.

The EC Regulation aims to provide for the efficient and effective functioning of cross-border insolvency proceedings in the European Union.

The main amendments to the 1991 Rules are –

to provide procedures for the conversion of company and individual voluntary arrangements and administration into winding up for companies and bankruptcy for individuals on the application of a liquidator appointed in another EU member State (“a member State liquidator”) in main proceedings (“member state liquidator” and “main proceedings” are defined by new definitions by reference to the EC Regulation inserted into the 1991 Rules);

- to note particular rules in the 1991 Rules to which the right of a member State liquidator to participate in proceedings on the same basis as a creditor is relevant, for example, entitlement to vote under Rules 2.25 (administration), 4.073 (winding up) and 6.090 (bankruptcy);
- to provide, under the 1991 Rules, for giving notice of insolvency proceedings, and to give notice of various steps taken in such proceedings, to member State liquidators;
- to provide, under the 1991 Rules, for the right of a member State liquidator appointed in main proceedings or a temporary liquidator to be able to apply for the appointment of a provisional liquidator of a company or an interim receiver of an individual (“temporary administrator” is defined by a new definition by reference to the EC Regulation inserted into the 1991 Rules);
- to provide a procedure allowing a liquidator of a company being wound up voluntarily under Part V of the Insolvency (Northern Ireland) Order 1989 to apply to court (using a newly prescribed form) for the confirmation of the proceedings, such confirmation being a prerequisite for recognition of a voluntary winding up in other member States under the EC Regulation;
- to remove conflicts between the EC Regulation and the Rules, for example, in new Rule 6.113(3) in relation to the rights in rem (secured rights) of creditors where the secured assets are in other member States;
- to make provision with regard to voting at creditors' meeting and proving for dividends in insolvency proceedings where the EC Regulation applies; and
- to provide revised forms, among others forms, for petitions and orders which require petitioners and the court to consider the applicability of the EC Regulation to the proceedings in question.