
STATUTORY RULES OF NORTHERN IRELAND

2003 No. 144

INSOLVENCY

**The Insolvent Partnerships (Amendment)
Order (Northern Ireland) 2003**

Made - - - - 3rd March 2003

To be laid before Parliament

Coming into operation 1st April 2003

The Lord Chancellor, in exercise of the powers conferred upon him by Article 364(1) of the Insolvency (Northern Ireland) Order 1989⁽¹⁾, and of all other powers enabling him in that behalf, with the concurrence of the Department of Enterprise, Trade and Investment⁽²⁾, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Insolvent Partnerships (Amendment) Order (Northern Ireland) 2003 and shall come into operation 1st April 2003.

(2) In this Order –

“the Order” means the Insolvency (Northern Ireland) Order 1989, and

“the 1995 Order” means the Insolvent Partnerships Order (Northern Ireland) 1995⁽³⁾.

(3) In this Order a reference to a “modified Article” means an Article of the Order as modified by, and set out in, the 1995 Order.

Amendments to the Insolvent Partnerships Order (Northern Ireland) 1995

2.—(1) The 1995 Order is amended as provided in this Order.

(2) Anything done before 1st April 2003 under or for the purposes of any provision of the 1995 Order is not invalidated by the amendment of that provision by this Order, but it has effect as if done under or for the purposes of the provision as amended.

(1) S.I. 1989/2405 (N.I. 19) – to which the most recent relevant amendments were made by S.R. 2002 No. 223

(2) Formerly the Department of Economic Development; see S.I. 1999/283 (N.I. 1)

(3) S.R. 1995 No. 225 as amended by S.R. 1996 No. 472

Amendment to Article 7 of the Insolvent Partnerships Order (Northern Ireland) 1995

3. In Article 7(1) of the 1995 Order (winding up of insolvent partnership as unregistered company (no concurrent petition)) after “petition of a creditor,” insert –

“of a liquidator (within the meaning of Article 2(b) of the EC Regulation⁽⁴⁾) appointed in proceedings by virtue of Article 3(1) of the EC Regulation, of a temporary administrator (within the meaning of Article 38 of the EC Regulation),”.

Amendment to Article 8 of the Insolvent Partnerships Order (Northern Ireland) 1995

4.—(1) In Article 8(1) of the 1995 Order (winding up of insolvent partnership as unregistered company (concurrent petition)) for a “creditor’s petition” substitute –

“the petition of a creditor, of a liquidator (within the meaning of Article 2(b) of the EC Regulation) appointed in proceedings by virtue of Article 3(1) of the EC Regulation, or of a temporary administrator (within the meaning of Article 38 of the EC Regulation)”.

(2) For the heading of Article 8 of the 1995 Order substitute –

“Winding up of insolvent partnership as unregistered company on the petition of creditor etc., where concurrent petitions presented against one or more members”.

Amendments to Schedules 3, 4, 5 and 6 to the Insolvent Partnerships Order (Northern Ireland) 1995

5.—(1) In paragraph 3 of Schedule 3 to the 1995 Order (Article 185: Winding up of unregistered companies), paragraph 3 of Schedule 4 to the 1995 Order. Schedule 5 to the 1995 Order and paragraph 3 of Schedule 6 to the 1995 Order, in each case, after modified Article 185(3) and before Article 185(4) insert –

“(3A) The preceding paragraphs are subject to Article 3 of the EC Regulation (jurisdiction under the EC Regulation).”.

(2) In paragraph 8 of Schedule 4 to the 1995 Order (Articles 104 and 238: Applications to wind up insolvent partnership and to wind up or bankrupt member) in paragraph (2) of modified Articles 104 and 238 after the words “may be presented by” insert the following words –

“a liquidator (within the meanings of Article 2(b) of the EC Regulation) appointed in proceedings by virtue of Article 3(1) of the EC Regulation, a temporary administrator (within the meaning of Article 38 of the EC Regulation) or”.

Amendments to Schedule 9 to the Insolvent Partnerships Order (Northern Ireland) 1995

6. The forms contained in the Schedule to this Order are substituted for the forms identically numbered in Schedule 9 to the 1995 Order.

Dated 3rd March 2003

Irvine of Lairg, C.

(4) Council Regulation (EC) 1346/2000, (O.J. No. L160, 30.06.00. p. 1)

The Department of Enterprise, Trade and Investment hereby concurs with the foregoing Order.
Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 6th March 2003.

L.S.

M. Bohill
Senior Officer of the
Department of Enterprise, Trade and Investment

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

SCHEDULE

Article 6

AMENDED FORMS

FORM 1 **Petition for Administration Order** IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND CHANCERY DIVISION (BANKRUPTCY)

Schedule 2 para 3 Art. 22(1)

(a) Name of partnership	IN THE MATTER OF (a) _____ ("the partnership") AND IN THE MATTER OF THE INSOLVENT PARTNERSHIPS ORDER (NORTHERN IRELAND) 1995
	To the High Court of Justice in Northern Ireland
	The petitioner of
(b) Exact full name(s) and address(es) of petitioner(s)	(b) _____ _____
(c) Date of filing presented by the partnership members	presented (c) [by the members] under Article 22 of the Insolvency (Northern Ireland) Order 1989 as modified by the Insolvent Partnerships Order (Northern Ireland) 1995
(d) Type, address of principal place of business	1. The principal place of business of the partnership is (d) _____ _____
(e) Exact nature of partnership's business	2. The nature of the partnership's business is (e) _____
	3. The petitioner(s) believe(s) that the partnership is unable to pay its debts and that an administration order would be likely to achieve:
(f) Details as appropriate	(f) (i) the survival of the whole or any part of the undertaking of the partnership as a going concern (ii) the approval of a voluntary arrangement with its creditors under Part II of the Insolvency (Northern Ireland) Order 1989 as modified by the Insolvent Partnerships Order (Northern Ireland) 1995 (iii) a more advantageous realisation of the partnership property than would be effected on a winding up
	for the reasons stated in the affidavit of
(g) Exact name of person presenting affidavit	(g) _____ _____
	filed in support hereof
	4. The partnership (f) is/is not a credit institution; an insurance undertaking; an investment undertaking providing services involving the holding of funds or securities for third parties; or a collective investment undertaking referred to by Article 1.2 of the EC Regulation.
(h) Exact date the EC Regulation (I) will/will not apply and that these proceedings will be proceedings as defined in Article 3 of the EC Regulation	5. For the reasons stated in the affidavit of (g) _____ it is considered that the EC Regulation (I) will/will not apply and that these proceedings will be (h) _____ proceedings as defined in Article 3 of the EC Regulation

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6. The petitioner(s) propose(s) that during the period for which the order is in force the affairs, business and property of the partnership be managed by

(1) (insert full name(s) and address(es) of proposed administrator(s))

(1) _____

who is (are) to the best of the petitioner(s)'s knowledge and belief qualified to act as (an) insolvency practitioner(s) in relation to the partnership.

The petitioner(s) therefore pray(s) as follows.

(2) (insert full name of partnership)

(2) that the Court make an administration order in relation to (1)

(3) (insert name(s) of proposed administrator(s))

(3) that (1) _____

be appointed to be the administrator(s) of the said partnership

(4) (insert details of any ancillary orders sought)

(4) (1) _____

or

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

Note:

It is intended to serve this petition on _____

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

This petition was issued by (m) _____

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

ENDORSEMENT

This petition against the partnership having been presented to the Court on
will be heard at Royal Courts of Justice, Crichton Street, Belfast, BT1 3JL

on:

Date _____

Time _____

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

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

FORM 3 Petition to Wind up Partnership by Liquidator, Administrator, Trustee or Supervisor IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND CHANCERY DIVISION (BANKRUPTCY)

Schedule 3 para 3 Art. 185A(1)

(a) Title name of partnership IN THE MATTER OF (a) ("the partnership") AND IN THE MATTER OF THE INSOLVENT PARTNERSHIPS ORDER (NORTHERN IRELAND) 1995

To the High Court of Justice in Northern Ireland

(b) Name full name(s) and addresses of petitioner(s) The petitioner of (b) _____

(c) Details appropriate (d) Name of applicant 1. I am/We are the (e) [joint] liquidator(s)/administrator(s)/trustee(s)/supervisor(s) of (d) _____ who is/was a member of the partnership, the nature of whose business is/was

(e) _____ (e) _____ 2. (c) the centre of main interests, being the place where the partnership conducts the administration of its interests is at

(f) _____ (f) _____ (g) The centre of main interests is located outside the United Kingdom but within the European Union and the partnership has an establishment as defined by EC Regulation No. 1346/2000 within Northern Ireland at

OR

(c) the centre of main interests is located outside the European Union

OR

(c) the partnership, 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

3. 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 conducts the administration of his interests on a regular basis;
- (ii) establishment is defined as "any place of operations where the carries out a non-transitory economic activity with human means and goods."

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

(g) Delete as appropriate if this is not the principal or principal place of business in both Northern Ireland and in Scotland. The relevant period is 1 year or any other period of 3 years.

4. The partnership has carried on its business in Northern Ireland at some time during the period of (g) [3 years] [1 year] ending with the day on which this petition is presented.

5. The partnership (e) 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 referred to by Article 1.2 of the EC Regulation.

(h) Delete as appropriate if proceedings are not being taken.

6. For the reasons stated in the affidavit of (h) _____ filed in support hereof it is considered that the EC Regulation (e) will/will not apply and that these proceedings will be (i) _____ proceedings as defined in Article 3 of the EC Regulation.

(i) True or whether main proceedings or territorial proceedings.

(j) See court practice rules which a winding up order is sought.

7. (j) _____

8. In the circumstances the partnership should be wound up.

The petitioner(s) therefore pray(s) as follows: –

(1) that (a) may be wound up by the Court under the provisions of the Insolvency (Northern Ireland) Order 1989 as modified by the Insolvent Partnership Order (Northern Ireland) 1995

OR

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

Note:

It is intended to serve this petition on the partnership [and]

(k) Delete if unnecessary and address of any other person on whom it is intended to serve this petition.

(k) _____

ENDORSEMENT	
This petition against the partnership having been presented to the Court on _____ will be heard at Royal Courts of Justice, Chichester Street, Belfast, BT1 3JF	
on:	
Date	_____
Time	_____
(or as soon thereafter as the petition can be heard)	
The solicitor to the petitioner is:	
Name	_____
Address	_____ _____
Tel. No.	_____
Fax No. (if any)	_____
Reference	_____

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

(a) Insert name of partnership

IN THE MATTER OF (a) ("the partnership") AND IN THE MATTER OF THE INSOLVENT PARTNERSHIP'S ORDER (NORTHERN IRELAND) 1995

To the High Court of Justice in Northern Ireland

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

The petition of (b) _____

1. The nature of the partnership's business is/was

(c) Insert the nature of the partnership's business

(c) _____

(d) Delete as appropriate

2. (d) The centre of main interests being the place where the partnership conducts the administration of its interests is at (e) _____

(e) Insert nature of partnership's business

OR

(d) The centre of main interests is located outside the United Kingdom but within the European Union and the partnership have an establishment as defined by EC Regulation No. 1346/2000 within Northern Ireland at

OR

(d) The centre of main interests is located outside the European Union

OR

(d) The partnership 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.

3. 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".

(f) Delete as appropriate. If the rules apply as a principal place of business in both Northern Ireland and in Southern, the relevant period is 7 years for the former and 5 years for the latter.

4. The partnership has carried on its business in Northern Ireland at some time during the period of (i) [3 years] [1 year] ending with the day on which this petition is presented.

FORM 5 Creditor's Petition to Wind Up Partnership (Presented in Conjunction with Petitions against Members) IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND CHANCERY DIVISION (BANKRUPTCY)

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

Schedule 4 para 8 Art. 104(1)(a)

5. The partnership (d) 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 referred to by Article 1.2 of the EC Regulation.

(g) Name of person presenting affidavit: _____

6. For the reasons stated in the affidavit of (g) _____ filed in support hereof it is considered that the EC Regulation (d) will/will not apply and that these proceedings will be (h) _____ proceedings as defined in Article 3 of the EC Regulation.

(b) Name of member or secretary of partnership: _____

7. The partnership is justly and truly indebted to me [us] in the aggregate sum of £ _____ the above-mentioned debts for a liquidated sum payable immediately |

(c) Name of creditor: _____

On (i) _____ a demand was served upon the partnership by (j) _____

(d) Name of creditor: _____

(i) _____ in respect of the above-mentioned debt. To the best of my knowledge and belief the demand has not been complied with.

(e) Name of creditor of partnership: _____

On (k) _____ (a) demand(s) was/were served upon (k) _____ (a) member(s) of the partnership by (j) _____

in respect of the above-mentioned debt. To the best of my knowledge and belief the demand(s) (d) has/have not been complied with.

8. The partnership is unable to pay its debts and in the circumstances the partnership should be wound up.

The petitioner(s) therefore pray(s) as follows: –

(1) that (a) _____ may be wound up by the Court under the provisions of the Insolvency (Northern Ireland) Order 1985 as modified by the Insolvent Partnerships Order (Northern Ireland) 1995

OR

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

NOTE 1:

Petitions are also being presented against the following members of the partnership:

NAME	ADDRESS	TYPE OF PETITION (WINDING-UP OR BANKRUPTCY)	DATE DEMAND SERVED

NOTE 2:

It is intended to serve this petition on the partnership

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 against the partnership having been presented to the Court on _____ will be heard at Royal Courts of Justice, Chichester Street, Belfast, BT1 3JF
on:
Date _____
Time _____ (or as soon thereafter as the petition can be heard)
The solicitor to the petitioner is:
Name _____
Address _____ _____
Tel No _____
Fax No. (if any) _____
Reference _____

FORM 6Creditor’s Petition to Wind Up Corporate Member (Presented in Conjunction with Petition against Partnership)IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND CHANCERY DIVISION (BANKRUPTCY)

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

Schedule 4 para 8 Art. 104(1)(a)

(a) Exact name of
company member
subject of winding-up
petition

IN THE MATTER OF (a)
("the company")
AND IN THE MATTER OF THE INSOLVENT PARTNERSHIPS ORDER
(NORTHERN IRELAND) 1995

To the High Court of Justice in Northern Ireland

(b) Exact full name of
creditor(s) of
company (c)

The petition of (b) _____

(c) Exact date of
incorporation
(d) Exact title of
Companies Act or
other law under which
the company was
incorporated
(e) Exact address of
registered office

1. The company was incorporated on (c) _____
under (d) _____
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 £ _____
4. The principal objects for which the company was established are as follows:

and other objects in the memorandum of association of the company.

(f) Delete as appropriate

5. The company (f) 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 referred to in Article 1.2 of the I.C. Regulation.

(g) Exact name of person
serving affidavit

6. For the reasons stated in the affidavit of (g) _____ filed
in support hereof it is considered that the I.C. Regulation (f) will/will not apply and
that these proceedings will be (h) _____ proceedings as defined in
Article 3 of the I.C. Regulation

(h) Exact name of the main
creditor or
creditors

(i) Exact full name of
partnership against
which winding-up
petition has been
presented to this
Court

7. The subject of this petition is a member of (i) _____
_____ which has carried on business in Northern Ireland at some time during the period of
(j) [3 years] [1 year] ending with (k) _____, the day on which
a winding-up petition was presented to this Court against the partnership.

(j) Delete as appropriate.
If the partnership has
a principal place of
business in both
Northern Ireland and
in Scotland, the
period shall be 1
year. In any other case
it is 3 years.

8. The partnership is justly and truly indebted to me (as in the aggregate sum of
£ _____). The above-mentioned debt is for a liquidated sum payable
immediately. On (k) _____ a demand was served
upon the company and the partnership by (l) _____

(k) Exact appropriate
date

(l) State manner of
service of demand

in respect of the above-mentioned debt. To the best of my knowledge and belief the
demand has not been complied with.

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

9. The partnership is unable to pay its debts and in the circumstances the corporate member should be wound up.

The petitioner(s) therefore pray(s) as follows: –

(1) that (a) _____ may be wound up by the Court under the provisions of the Insolvency (Northern Ireland) Order 1995

OR

(2) that such other order may as the Court thinks fit.

NOTE 1:

Petitions are also being presented against the following members of the partnership:

NAME	ADDRESS	TYPE OF PETITION (WINDING-UP OR BANKRUPTCY)	DATE DEMAND SERVED

NOTE 2:

It is intended to serve this petition on (a) _____

ENDORSEMENT
This petition having been presented to the Court on _____ will be heard at Royal Courts of Justice, Chichester Street, Belfast, BT1 3JF on:
Date _____
Time _____ (or as soon thereafter as the petition can be heard)
The solicitor to the petitioner is: –
Name _____
Address _____ _____
Tel. No. _____
Fax No. (if any) _____
Reference _____

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

FORM 7Creditor’s Bankruptcy Petition against Individual Member (Presented in Conjunction with Petition against Partnership)IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND CHANCERY DIVISION (BANKRUPTCY)

Schedule 4 para 8 Art. 104(1)(c)

(a) Insert name of individual member subject to section IN THE MATTER OF (a) AND IN THE MATTER OF THE INSOLVENT PARTNERSHIP'S ORDER (NORTHERN IRELAND) 1995

To the High Court of Justice in Northern Ireland

(b) Insert full name and address of petitioner /Wis (b) petition the Court that a bankruptcy order may be made against

(c) Insert full name, date of residence and occupation of individual member (c)

(d) Insert or fill any other names by which the member is or has been known [also known as (e)]

(e) Insert trading name adding "not a member of the firm" if it is not business address and nature of the firm [and carrying on business as (e)]

(f) Insert any former addresses at which the member has resided for the time in which the petition debt of the partnership (c) was incurred [and lately residing at (f)]

(g) Give such details as appear of any other business or businesses which have been carried on since the date at which the petition debt of the partnership (c) was incurred or at which the member may have incurred debts or liabilities still unpaid or unsatisfied [and lately carrying on business as (g)]

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

(c) If relevant and appropriate

(h) 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.

The proceeding 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".

Or the grounds that:

(i) If relevant, full names of partnership and not wound winding up petition has been presented to this Court

he is a member of (i) _____ which has carried on business in Northern Ireland at some time during the period of (j) [3 years] [1 year] ending with (k) _____, the day on which a winding-up petition was presented to this Court against the partnership.

(ii) Delete as appropriate. If the partnership has a principal place of business in Great Britain, Ireland and Northern Ireland and in each of the relevant periods of 1 year, in any other case in a 3 year

The partnership is justly and truly indebted to me [us] in the aggregate sum of £ _____.

The above-mentioned debt is for a liquidated sum payable immediately.

Or: (k) _____

(c) Insert appropriate date

a demand was served upon the member and the partnership by (l) _____

(d) State reasons of service of demand

in respect of the above-mentioned debt

To the best of my knowledge and belief the demand has not been complied with nor set aside in accordance with the Rules and no application made to set it aside is outstanding.

The partnership is unable to pay its debts and in the circumstances a bankruptcy order should be made against (a) _____

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

NOTE 1:

Petitions are also being presented against the following members of the partnership:

NAME	ADDRESS	TYPE OF PETITION (WINDING-UP OR BANKRUPTCY)	DATE DEMAND SERVED

NOTE 2:

It is intended to serve this petition on: (a) _____

ENDORSEMENT

This petition having been presented to the Court on _____
 it is ordered that the petition shall be heard as follows:

Date _____

Time _____

Place Royal Courts of Justice, Chichester Street, Belfast, BT1 3JF

and you, the above-named (in) _____

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 in Schedule 2 to the Insolvency Rules (Northern Ireland) 1991 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 petitioner is (in) –

Name _____

Address _____

Tel. No. _____

Fax No. (if any) _____

Reference _____

(b) (used name of member)

(c) (only to be completed where the petitioning creditor is represented by a solicitor)

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FORM 11 Members' Petition to Wind up Partnership (Presented in Conjunction with Petitions against Members) IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND CHANCERY DIVISION (BANKRUPTCY)

Schedule 6 para 2 Art. 104(1)(a)

<p>(a) Insert name of partnership subject to petition</p>	<p>IN THE MATTER OF (a) _____ ("the partnership") AND IN THE MATTER OF THE INSOLVENT PARTNERSHIPS ORDER (NORTHERN IRELAND) 1995</p> <p>To the High Court of Justice in Northern Ireland</p>
<p>(b) Insert full names and addresses of petitioner(s)</p>	<p>The petition of (b) _____ _____</p>
<p>(c) Insert the nature of the partnership's business</p>	<p>1. The nature of the partnership's business is/was (c) _____ _____</p>
<p>(d) Insert address of principal place of business</p>	<p>2. The principal place of business of the partnership is at (d) _____</p>
<p>(e) Delete as appropriate. If the partnership has a principal place of business in (i) Northern Ireland and in Scotland, the relevant period is 1 year, or any other number of years.</p>	<p>3. The partnership has carried on its business in Northern Ireland at some time during the period of (e) [3 years] [1 year] ending with the day on which this petition is presented.</p> <p>This petition is presented by the members of the partnership.</p>
<p>(f) The petition should be presented by all members unless the Court has otherwise directed under Article 104(3) of the Insolvency (Northern Ireland) Order 1989 as modified by the Insolvent Partnerships Order (Northern Ireland) 1995.</p>	<p>4. The partnership (f) 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 referred to in Article 1.2 of the EC Regulation.</p>
<p>(g) Delete as appropriate</p>	<p>5. For the reasons stated in the affidavit of (g) _____ filed in support hereof it is considered that the EC Regulation (f) will/will not apply and that these proceedings will be (h) _____ proceedings as defined in Article 3 of the EC Regulation</p>
<p>(i) Insert name of person executing affidavit</p>	<p>5. The partnership is unable to pay its debts and in the circumstances the partnership should be wound up</p> <p>The petitioner(s) therefore pray(s) as follows:</p> <p>(1) that (a) _____ may be wound up by the Court under the provisions of the Insolvency (Northern Ireland) Order 1989 as modified by the Insolvent Partnerships Order (Northern Ireland) 1995</p> <p>OR</p> <p>(2) that such other order may be made as the Court thinks fit.</p>
<p>(j) Insert whether main secondary or tertiary proceedings</p>	

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

NOTE 1:

Petitions are also being presented against the following members of the partnership:

NAME	ADDRESS	TYPE OF PETITION (WINDING-UP OR BANKRUPTCY)

NOTE 2:

It is intended to serve this petition on the partnership.

ENDORSEMENT
This petition been presented to the Court on _____ will be heard at Royal Courts of Justice, Chichester Street, Belfast, BT1 3JF on:
Date _____
Time _____ (or as soon thereafter as the petition can be heard)
The solicitor to the petitioner is:
Name _____
Address _____ _____ _____
Tel. No. _____
Fax No. (if any) _____
Reference _____

FORM 12Members' Petition to Wind Up Corporate Member (Presented in Conjunction with Petition against Partnership)IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND CHANCERY DIVISION (BANKRUPTCY)

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

Schedule 6 para 2 Art. 104(1)(b)

(a) Insert name of corporate member whose winding-up is petitioned	IN THE MATTER OF (a) _____ (the company) AND IN THE MATTER OF THE INSOLVENT PARTNERSHIPS ORDER (NORTHERN IRELAND) 1995
	To the High Court of Justice in Northern Ireland
(b) Insert full name(s) and address(es) of petitioner(s)	The petitioner of (b) _____ _____
(c) Insert date of incorporation	1. The company was incorporated on (c) _____
(d) Insert title of Companies Act in Northern Ireland which the 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 £ _____
	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.
(f) Delete as appropriate	5. The company (f) 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 referred to in Article 1.2 of the I.C. Regulation.
(g) Insert name of person swearing affidavit	6. For the reasons stated in the affidavit of (g) _____ filed in support hereof it is considered that the I.C. Regulation (f) will/will not apply and that these proceedings will be (h) _____ proceedings as defined in Article 3 of the I.C. Regulation.
(h) Insert winding-up number assigned to these proceedings	
(i) The I.C. Regulation of partnership against which winding-up petition has been presented to this Court	7. The subject of this petition is a member of (i) _____ which has carried on business in Northern Ireland at some time during the period of (j) [3 years] [1 year] ending with (k) _____, the day on which a winding-up petition was presented to this Court against the partnership.
(j) Delete as appropriate. If the partnership is a firm in place of business in Great Northern Ireland or Scotland the relevant period is 1 year; in any other case it is 3 years.	8. A petition has been presented against the partnership by its members and this petition is presented in conjunction with that petition.
(k) Insert appropriate date.	

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

Note: The petition should be presented by all members unless the Court is satisfied that directed under Article 10(2) of the Insolvency (Northern Ireland) Order 1989 as modified by the Insolvent Partnerships Order (Northern Ireland) 1995. If the Court has so directed, then each member appearing in a petition is being presented, should state that he is willing for an insolvency order to be made against him.

9. The partnership is unable to pay its debts, each member is willing for an insolvency order to be made against that member and in the circumstances the corporate member should be wound up

The petitioner(s) therefore pray(s) as follows: –

(1) that (s.) may be wound up by the Court under the provisions of the Insolvency (Northern Ireland) Order 1989 as modified by the Insolvent Partnerships Order (Northern Ireland) 1995

OR

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

NOTE 1:

Petitions are also being presented against the following members of the partnership:

NAME	ADDRESS	TYPE OF PETITION (WINDING-UP OR BANKRUPTCY)

NOTE 2:

It is intended to serve this petition on (a) _____

ENDORSEMENT

This petition having been presented to the Court on _____ will be heard at Royal Courts of Justice, Chichester Street, Belfast, BT1 3JF on:

Date _____

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

The solicitor to the petitioner is: –

Name _____

Address _____

Tel. No. _____

Fax No. (if any) _____

Reference _____

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

FORM 13 Member's Bankruptcy Petition against Individual Member (Presented in Conjunction with Petition against Partnership) IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND CHANCERY DIVISION (BANKRUPTCY)

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

Schedule 6 para 2 Art. 104(1)(c)

(a) Name of individual member of insolvent partnership: IN THE MATTER OF (a)
AND IN THE MATTER OF THE INSOLVENT PARTNERSHIPS ORDER
(NORTHERN IRELAND) 1995

To the High Court of Justice in Northern Ireland

(b) Name of firm; and administrative partnership: L/Ws (b)

(c) Description of piece of real estate or acquisition of individual member: petition the Court that a bankruptcy order may be made against (c)

(d) Trade in which person carrying on the business or has been known: [also known as (d)]

(e) Trade trading name (if not "with annual returns", if this is so, business address and nature of business: [and carrying on business as (e)]

(f) Last or former address of at which the member has resided after the time at which the petition (b) of the (a) was made: [and lately residing at (f)]

(g) Give same details as specified in (f) above for any other businesses which have been carried on after the petition (b) of the (a) was made: [and lately carrying on business as (g)]

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

(i) Delete as appropriate 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 Article 1.2 of the EC Regulation

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.

(c) Direct full use of partnership agreement or winding-up petition has been presented to this Court.

OR

The proceedings do not fall within the EC Regulation.

(c) Delete as appropriate. If the partnership has a company presence in Northern Ireland and in Scotland, the relevant period is 1 year. In any other case it is 3 years.

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".

(d) Insert an appropriate date.

On the grounds that:

Note: The petition should be presented by all partners in case the court has otherwise directed under Rule 10.1(3) of the Insolvency (Northern Ireland) Order 1989 as modified by the Insolvency (Northern Ireland) Order (Amendment) 2020. If the court has so directed, the court must be satisfied that a petition is being presented should arise that it is willing to make an insolvency order to be made against him.

he is a member of (j) _____ which has carried on business in Northern Ireland at some time during the period of (j) [3 years] [1 year] ending with (k) _____, the day on which a winding-up petition was presented to this Court against the partnership.

A petition has been presented against the partnership by its members and this petition is presented in conjunction with that petition.

The partnership is unable to pay its debts, each member is willing for an insolvency order to be made against that member and in the circumstances a bankruptcy order should be made against (a) _____

NOTE 1:

Petitions are also being presented against the following members of the partnership:

NAME	ADDRESS	TYPE OF PETITION (WINDING UP OR BANKRUPTCY)

NOTE 2:

It is intended to serve this petition on (a) _____

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 the petition shall be heard as follows:
	Date _____
	Time _____
	Place Royal Courts of Justice, Chichester Street, Belfast, BT1 3JF
(1) Court name of member	and you, the above-named (i) _____ 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 in Schedule 2 to the Insolvency Rules (Northern Ireland) 1991 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.
(2) Only to be completed where the petitioning creditor is represented by a solicitor	The solicitor to the petitioner is (my):
	Name _____
	Address _____ _____
	Tel. No. _____
	Fax No. (if any) _____
	Reference _____

FORM 14 Joint Bankruptcy Petition against Individual Members IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND CHANCERY DIVISION (BANKRUPTCY)

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

Schedule 7 para 3 Art. 238(3)(a)

(a) Exact name of partnership subject to section 10(1) (the partnership)
 IN THE MATTER OF (a)
 ("the partnership")
 AND IN THE MATTER OF THE INSOLVENT PARTNERSHIPS ORDER (NORTHERN IRELAND) 1995

Details of members

(b) Insert separately for each member the full name, any of its names by which they is/are known and their description
 (1) (2) _____
 (3) _____

(c) Insert separately for each member their residential address _____

(d) Use only the partners up, listed separately for each member, to the name, business address, including a, the business carries on, or other, the time the partnership data were in force:
 [and carrying on/lately carrying on business as
 (d) _____]

(e) Delete as appropriate: 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.

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".

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

AND

(a) Insert separately for each member their full name, initials, name by which they are or have been known and their occupation

*(2) 1.(b)

(c)

(b) Insert separately for each member their residential address

(c) Beside each of the parentheses, insert separately for each member the trading name, business address and nature of any business carried out at that address, during the partnership debt was incurred

and carrying on/lately carrying on business as

(d)

(e) Delete as appropriate

(e) The debtor's centre of main interest 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 Article 1.2 of the EC Regulation.

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.

AND

(a) Insert separately for each member their full name, initials, name by which they are or have been known and their occupation

*(3) 1. (b)

(c)

(b) Insert separately for each member their residential address

(c) Beside each of the parentheses, insert separately for each member the trading name, business address and nature of any business carried out at that address, during the partnership debt was incurred.

and carrying on/lately carrying on business as

(d)

(e) Delete as appropriate

(e) 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 _____

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 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 Article 1.2 of the EC Regulation.

The proceedings will be main OR secondary OR territorial proceedings for the purposes of 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".

(f) Court (including name, address and contact details) of the court of the partnership business the subject of this petition

We, being all the members of (f)

Notes
1. If this petition should be presented by all members under the Court has otherwise created under Article 244(1) of the Insolvency (Northern Ireland) Order 1989 as modified by the Insolvency (Northern Ireland) Order 1995.
2. If this petition is not signed by all the partners presenting it, it must be accompanied by a statutory declaration made by the partner or one of the partners who signs the petition, stating that all the partners are individual, unsecured and not limited partners and that all the partners presenting the petition consent to its presentation (s. 238(4)).

and all of us being individual members and none of us being limited partners and being unable to pay the debts of the partnership

and the members of the partnership having carried on its business in Northern Ireland at some time during the period of 3 years ending with the day on which this petition is presented.

Petition the Court that bankruptcy orders be made against us and that the trustee of our estates wind up the partnership business and administer the partnership property.

Signature(s)
(member(s) of partnership)

Date

FORM 16 Bankruptcy Orders on Joint Bankruptcy Petition Presented by Individual Members
IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND CHANCERY DIVISION (BANKRUPTCY)

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

Schedule 7 para 3 Art. 238(5)

(a) Insert names of individual members IN THE MATTER OF (a) AND IN THE MATTER OF THE INSOLVENT PARTNERSHIPS ORDER (NORTHERN IRELAND) 1995

(b) Insert date Upon the petition of the above-named individual members of a partnership ("the partnership") which was presented on (b) _____ And upon hearing _____

(c) Insert full names of all individual members as set out in the petition And upon reading the petition and statements of affairs It is ordered that (c) _____

and (c) _____

_____ (unc) (c) _____

(d) Insert name of any bankruptcy order in respect of which a certificate of summary administration is issued under Art. 238 of the Insolvency (Northern Ireland) Order 1995 as modified by the Insolvency Order (Northern Ireland) 2016 be adjudged bankrupt. [And it is certified that the estate(s) of (d) _____ the bankrupt(s) be administered in a summary manner]. And the Court being satisfied that the EC Regulation (e) does/does not apply and it is ordered that the proceedings in relation to (f) _____

(e) Delete as appropriate are (g) _____ proceedings as defined in Article 3 of the EC Regulation.

(f) Insert name of trustee. And it is also ordered that the trustee of the bankrupts' estates be trustee of the partnership estate and that he wind up the affairs of the partnership and administer the partnership property.

Date _____
Time _____ hours

Important Notice to Bankrupts

The Official Receiver is by virtue of this order trustee of the bankrupts' estates and trustee of the partnership. You are requested to attend upon the Official Receiver at

(h) Insert address of Official Receiver's office. (h) _____
_____ immediately after you have received this order.

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

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

11. Copies to be endorsed
of the individual
members
represented by a
solicitor

ENDORSEMENT (i)	
The solicitor(s) to the individual members is/are: –	
Name of individual members: _____	
Name of solicitor: _____	
Address _____	
Telephone No. _____	
Fax No. _____	
Reference _____	
Name of individual member: _____	
Name of solicitor: _____	
Address _____	
Telephone No. _____	
Fax No. _____	
Reference _____	
Name of individual member: _____	
Name of solicitor: _____	
Address _____	
Telephone No. _____	
Fax No. _____	
Reference _____	

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order amends the Insolvent Partnerships Order (Northern Ireland) 1995 ([S.R.1995 No. 225](#)) (“the 1995 Order”) 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 amendments made by this Order are –

- to provide in the 1995 Order that a liquidator appointed in proceedings by virtue of Article 3(1) of the EC Regulation and a temporary administrator (within the meaning of Article 38 of the EC Regulation) are included among those entitled to present a petition or petitions under the Order (Articles, 3, 4 and 5(2)) (“main proceedings” and “temporary administrator” are defined in the EC Regulation);
- to clarify the scope of the jurisdiction of the High Court in Northern Ireland where the EC Regulation applies (Article 5(1));
- to substitute the forms of the 1995 Order with forms which require consideration of whether the EC Regulation applies to the proceedings in question (Article 6).