

2006 No. 461

INSOLVENCY

Insolvency Regulations (Northern Ireland) 1996 (Electronic Communications) Order (Northern Ireland) 2006

Made - - - - - *20th November 2006*

Coming into operation - - - - - *29th December 2006*

Whereas the Department of Enterprise, Trade and Investment^(a) considers that the authorisation of the use of electronic communications by this Order for any purpose is such that the extent (if any) to which records of things done for that purpose will be available will be no less satisfactory in cases where use is made of electronic communications than in other cases;

Now therefore the Department of Enterprise, Trade and Investment, in exercise of the powers conferred on it by sections 1 and 2 of the Electronic Communications Act (Northern Ireland) 2001^(b), makes the following Order:

Citation, interpretation and commencement

1.—(1) This Order may be cited as the Insolvency Regulations (Northern Ireland) 1996 (Electronic Communications) Order (Northern Ireland) 2006 and shall come into operation on 29 December 2006.

(2) In this Order, the “1996 Regulations” mean the Insolvency Regulations (Northern Ireland) 1996^(c)

Amendments to the 1996 Regulations

2.—(1) The 1996 Regulations shall be amended as follows.

(2) After regulation 49, insert the following—

“**49A**(1) The requirements under these Regulations as set out in paragraphs 2, 3 and 4 may be met by means of an electronic communication.

(2) (a) the giving of particulars or notice, sending or forwarding accounts or making application to the Department by,

- (i) an administrator or former administrator
- (ii) a liquidator or former liquidator or;
- (iii) a trustee

(b) Where the Department requires that such accounts be certified, there may be delivered to the Department using electronic communications, a statement made by

(a) Formerly the Department of Economic Development; S.I.1999/283 (N.I. 1), Article 3(5)

(b) 2001 c.9 (N.I.)

(c) S.R. 1996 No. 574

the liquidator or trustee, as the case may be, complying with the requirements of regulations 14(1) and 29(1).

(c) Where the Department requires the use of a form with regard to making payment or application, giving notice or sending a statement or account to it, the Department shall make available such a form by electronic means.

(3) the authorisation by the Department of the liquidator or trustee to make payments in or out of a specified bank, subject to a limit, instead of the Insolvency Account.

(4) the authorisation by the Official Receiver that the liquidator or trustee may at any time sell, destroy or otherwise dispose of the books, papers and other records of the company or bankrupt.

(5) in this Regulation “electronic communication”, has the meaning given in section 4 of the Electronic Communications Act (Northern Ireland) 2001.”

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 20 November 2006



Michael J Bohill
A senior officer of the
Department of Enterprise, Trade and Investment

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under sections 1 and 2 of the Electronic Communications Act (Northern Ireland) 2001. It inserts a new Regulation 49A into the Insolvency Regulations (Northern Ireland) 1996 (S.R. 1996 No.574) for the purpose of authorising or facilitating electronic communications between the Department of Enterprise, Trade and Investment (“The Department”) or the Official Receiver and administrators, liquidators or trustees.

2. New Regulation 49A(2) permits administrators, liquidators or trustees to give particulars or notice, send or forward accounts or make application to the Department electronically. Where there is a requirement by the Department that accounts be certified, the Order provides that an electronic statement may be made instead.

3. New Regulation 49A(3) allows the Department to authorise a liquidator or trustee by electronic means to make payments in and out of a specified bank, subject to a limit, instead of the Insolvency Account.

4. New Regulation 49A(4) allows the Official to authorise the liquidator or trustee to sell, destroy or otherwise dispose of the books, papers and records of the company or bankrupt.

5. New Regulation 49A(5) states that “electronic communications” has the meaning given in section 4 of the Electronic Communications Act (Northern Ireland) 2001.