
STATUTORY RULES OF NORTHERN IRELAND

2006 No. 47

The Insolvency (Amendment) Rules (Northern Ireland) 2006

Citation and commencement

1. These Rules may be cited as the Insolvency (Amendment) Rules (Northern Ireland) 2006 and shall come into operation on 27th March 2006.

Interpretation

2.—(1) In these Rules—

“the commencement date” means the date referred to in Rule 1 of these Rules;

references to “the principal Rules” are to the Insolvency Rules (Northern Ireland) 1991(1) and a reference to a rule, Schedule or form by number alone means the rule, Schedule or form so numbered in the principal Rules;

“the Order” means the Insolvency (Northern Ireland) Order 1989.

(2) These Rules shall be construed as one with the principal Rules.

(3) A reference to a “pre commencement bankruptcy” is a reference to a bankruptcy where the bankruptcy order was made before the commencement date and the bankrupt does not receive his discharge before that date.

Amendments to Rule 0.2

3.—(1) In Rule 0.2 (interpretation) in paragraph (a) of the definition of “appropriate fee” after the words in brackets there shall be inserted “or Rule 6.190B(6) or Rule 6.190C(6) (payor under income payments agreement entitled to clerical etc costs)”.

(2) In the definition of “file in court” after the words “file in court” there shall be inserted “and file with the court”.

(3) After the definition of “prescribed order of priority” there shall be inserted the following definition—

““prescribed part” has the same meaning as it does in Article 150A(2)(a)”.

Amendments to Part 1 of the principal Rules

4. Part 1 of the principal Rules shall have effect subject to the amendments set out in Part 1 of Schedule 1 to these Rules.

(1) The Insolvency Rules (Northern Ireland) 1991 (S.R. 1991 No. 364), as amended by the Insolvency (Amendment) Rules (Northern Ireland) 1994 (S.R. 1994 No. 26), the Insolvency (Amendment) Rules (Northern Ireland) 1995 (S.R. 1995 No. 291), the Insolvency (Amendment) Rules (Northern Ireland) 2000 (S.R. 2000 No. 247), the Insolvency (Amendment) Rules (Northern Ireland) 2002 (S.R. 2002 No. 261), the Insolvency (Amendment) Rules (Northern Ireland) 2003 (S.R. 2003 No. 549) and the Financial Services and Markets Act 2000 (Consequential Amendments) Order 2004 (S.I. 2004/355)

Amendments to Part 2 of the principal Rules

5.—(1) Subject to paragraphs (2), (3) and (4), for Part 2 of the principal Rules there shall be substituted the provisions set out in Part 2 of Schedule 1 to these Rules.

(2) The provisions of Part 2 of Schedule 1 to these Rules shall not apply and Part 2 of the principal Rules as it stood before the coming into operation of these Rules shall continue to apply, where a petition for an administration order has been presented to the court before the commencement date.

(3) The former Rules shall continue to apply (with or without modification made by or under any statutory provision) where a provision made by or under any statutory provision preserves the continuing operation (with or without modification) after the commencement date of old Part III of the Order and in such a case the provisions of Part 2 of Schedule 1 to these Rules shall not apply.

(4) In paragraph (3) “the former Rules” means the Insolvency Rules (Northern Ireland) 1991 without the amendments made by these Rules and “old Part III” means Part III of the Order without the amendments made by the Insolvency (Northern Ireland) Order 2005(2).

Amendments to Part 3 of the principal Rules

6. Part 3 of the principal Rules shall have effect subject to the amendments set out in Part 3 of Schedule 1 to these Rules.

Amendments to Part 4 of the principal Rules

7.—(1) Subject to paragraphs (2) to (5), Part 4 of the principal Rules shall have effect subject to the amendments set out in Part 4 of Schedule 1 to these Rules.

(2) In any case where before the commencement date a winding-up order is made or a resolution for the winding up of a company is passed and the liquidator is entitled to remuneration by virtue of Rule 4.134(6), Rule 4.135(1) or Rule 4.156(4), the liquidator shall continue to be entitled to remuneration on the basis that—

- (a) the amendments made to the principal Rules by these Rules do not apply; and
- (b) the amendments made to the Insolvency Regulations (Northern Ireland) 1996(3) by the Insolvency (Amendment) Regulations (Northern Ireland) 2006(4) had not been made.

(3) Paragraph 26 in Part 4 of Schedule 1 to these Rules shall not apply and Rule 4.096 of the principal Rules as it stood prior to the coming into operation of these Rules shall continue to apply, where a company has gone into liquidation before the commencement date.

(4) Paragraph 27(a) in Part 4 of Schedule 1 to these Rules shall not apply and paragraph (1) of Rule 4.097 of the principal Rules as it stood prior to the coming into operation of these Rules shall continue to apply where a company has gone into liquidation before the commencement date.

(5) Paragraphs 28, 29 and 30 in Part 4 of Schedule 1 to these Rules shall not apply and Rules 4.098, 4.099 and 4.100 of the principal Rules as they stood prior to this coming into operation of these Rules shall continue to apply where a company has gone into liquidation before the commencement date.

Amendments to Part 5 of the principal Rules

8. Part 5 of the principal Rules shall have effect subject to the amendments set out in Part 5 of Schedule 1 to these Rules.

(2) [S.I. 2005/1455 \(N.I. 10\)](#)
(3) [S.R. 1996 No. 574](#)
(4) [S.R. 2006 No. 23](#)

Amendments to Part 6 of the principal Rules

9.—(1) Subject to paragraphs (2) to (5), Part 6 of the principal Rules shall have effect subject to the amendments set out in Part 6 of Schedule 1 to these Rules.

(2) Rule 6.048 of the principal Rules shall continue to have effect and the revocation of Rule 6.048 by paragraph 58 of Part 6 of Schedule 1 to these Rules shall not have effect in relation to a pre-commencement bankruptcy where a certificate of summary administration has been issued under Article 249.

(3) In any case where before the commencement date a bankruptcy order is made and the trustee is entitled to remuneration by virtue of Rule 6.135(6) or Rule 6.136(1) the trustee shall continue to be entitled to remuneration on the basis that—

- (a) the amendments made to the principal Rules by these Rules do not apply; and
- (b) the amendments made to the Insolvency Regulations (Northern Ireland) 1996 by the Insolvency (Amendment) Regulations (Northern Ireland) 2006 had not been made.

(4) In relation to a pre-commencement bankruptcy—

- (a) Rule 6.210 shall continue to have effect except that—
 - (i) in the heading to that rule the words “or 256(3)(a)” shall be omitted;
 - (ii) in the body of that rule the words “or 256(3)” shall be omitted.
- (b) Rules 6.211 and 6.212 of the principal Rules shall continue to have effect without the amendments made by paragraphs 81 and 82 of Part 6 of Schedule 1 to these Rules;
- (c) Rule 6.212A as inserted by paragraph 83 of Part 6 of Schedule 1 to these Rules shall not apply.

(5) Rules 6.213 and 6.214 as set out in paragraphs 84 and 85 of Part 6 of Schedule 1 to these Rules shall have effect in relation to pre-commencement bankruptcies in the same way as they apply to post-commencement bankruptcies.

New Part 6A of the principal Rules

10. After Rule 6.244 of the principal Rules there shall be inserted the provisions set out in Part 7 of Schedule 1 to these Rules.

Amendments to Part 7 of the principal Rules

11. Part 7 of the principal Rules shall have effect subject to the amendments set out in Part 8 of Schedule 1 to these Rules.

Amendments to Part 11 of the principal Rules

12.—(1) Subject to paragraph (2), Part 11 of the principal Rules shall have effect subject to the amendments set out in Part 9 of Schedule 1 to these Rules.

(2) The provisions of Part 9 of Schedule 1 to these Rules shall not apply and Part 11 of the principal Rules as it stood before the coming into operation of these Rules shall continue to apply, where a company has gone into liquidation, or a bankruptcy order has been made, before the commencement date.

Amendments to Part 12 of the principal Rules

13.—(1) Subject to paragraph (2), Part 12 of the principal Rules shall have effect subject to the amendments set out in Part 10 of Schedule 1 to these Rules.

(2) Paragraph 104(b) in Part 10 of Schedule 1 to these Rules shall not apply and paragraph (2) (a) of Rule 12.03 of the principal Rules as they stood prior to the coming into operation of these Rules shall continue to apply where a bankruptcy order has been made before the commencement date.

Amendments to Schedule 2 to the principal Rules

14.—(1) In the index to forms in Schedule 2 to the principal Rules—

(a) for the entries (including the form number) set out under the heading “Part 2: ADMINISTRATION PROCEDURE” there shall be substituted the following entries—

“2.01B	Administration application
2.02B	Statement of proposed administrator
2.03B	Affidavit of service of administration application
2.04B	Administration order
2.05B	Notice of intention to appoint an administrator by holder of qualifying floating charge
2.06B	Notice of appointment of an administrator by holder of qualifying floating charge
2.07B	Notice of appointment of an administrator by holder of qualifying floating charge (for use in pursuance of Rule 2.020 of the Insolvency Rules (Northern Ireland) 1991)
2.08B	Notice of intention to appoint an administrator by company or director(s)
2.09B	Notice of appointment of an administrator by company or director(s) (where a notice of intention to appoint has been issued)
2.10B	Notice of appointment of an administrator by company or director(s) (where a notice of intention to appoint has not been issued)
2.11B	Notification of appointment of administrator (for newspaper and Belfast Gazette)
2.12B	Notice of administrator’s appointment
2.13B	Notice requiring submission of a statement of affairs
2.14B	Statement of affairs — administration
2.15B	Statement of affairs for company in administration — affidavit of concurrence
2.16B	Notice of statement of affairs
2.17B	Statement of administrator’s proposals
2.18B	Notice of extension of time period
2.19B	Notice to attend meeting of creditors

2.20B	Notice of a meeting of creditors
2.21B	Creditor's request for a meeting
2.22B	Statement of administrator's revised proposals
2.23B	Notice of result of meeting of creditors
2.24B	Administrator's progress report
2.25B	Notice of conduct of business by correspondence
2.26B	[Amended] Certificate of constitution of creditors' committee
2.27B	Notice by administrator of a change in committee membership
2.28B	Notice of order to deal with charged property
2.29B	Affidavit of debt
2.30B	Notice of automatic end of administration
2.31B	Notice of extension of period of administration
2.32B	Notice of end of administration
2.33B	Notice of court order ending administration
2.34B	Notice of move from administration to creditors' voluntary liquidation
2.35B	Notice of move from administration to dissolution
2.36B	Notice to registrar of companies in respect of date of dissolution
2.37B	Notice of intention to resign as administrator
2.38B	Notice of resignation by administrator
2.39B	Notice of vacation of office by administrator
2.40B	Notice of appointment of replacement/ additional administrator";

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- (b) for the entry relating to Form 4.12 there shall be substituted "Order for Winding Up by the Court following upon the cessation of the appointment of an administrator";
- (c) omit the entry for Form 4.03;
- (d) after the entry for Form 4.16 there shall be inserted the following entry—

"4.16A	Notice of appointment of provisional liquidator in winding up by the court".
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- (e) after the entry for Form 5.5 there shall be inserted the following entries—

"5.6	Voting form in relation to a proposal for a voluntary arrangement under Article 237A of the Insolvency (Northern Ireland) Order 1989
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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.

5.7	Order of annulment under Article 235 of the Insolvency (Northern Ireland) Order 1989
5.8	Order of annulment under Article 237D of the Insolvency (Northern Ireland) Order 1989”;
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	(f) omit the entry for Form 6.11;
	(g) after the entry for Form 6.83 there shall be inserted the following form numbers and titles—
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“6.84	Variation of income payments agreement under Article 283A of the Insolvency (Northern Ireland) Order 1989
6.85	Notice under Article 253(2) of the Insolvency (Northern Ireland) Order 1989
6.86	Notice to interested parties of a dwelling-house falling within Article 256A of the Insolvency (Northern Ireland) Order 1989
6.87	Certificate issued pursuant to Rule 6.229B(1) of the Insolvency Rules (Northern Ireland) 1991”;
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	(h) after the entries relating to Part 9 there shall be inserted the following heading and entry—

“PART 12

MISCELLANEOUS AND GENERAL

12.1 Notice to the Registrar in respect of order under Article 150A”.

- (2) Subject to paragraphs (3) and (4), in Schedule 2 to the principal Rules—
- (a) for Forms 2.01 to 2.24 there shall be substituted the Forms 2.01B to 2.40B as set out in Part A of Schedule 2 to these Rules;
 - (b) the Forms set out in Part B of Schedule 2 to these Rules shall be inserted as Forms 4.16A, 5.6, 5.7, 5.8, 6.84, 6.85, 6.86, 6.87 and 12.1;
 - (c) for Forms—
 - (i) 3.02, 3.04, 4.06, 4.11, 4.12, 4.13, 4.14, 4.18, 4.19, 4.20, 4.26, 4.53, 4.69, 5.2, 6.01, 6.02, 6.03, 6.09, 6.27, 6.29, 6.31, 6.40, and
 - (ii) 5.4, 6.33, 6.74, 6.75, 6.76, 6.80, 6.82 and 6.83

there shall be substituted the forms so numbered as set out in Part C of Schedule 2 to these Rules; and

- (d) Forms 4.03, 6.11 and 6.34 shall be omitted.

(3) In any case to which paragraphs (2), (3) or (4) of Rule 5 of these Rules applies, paragraph (2) (a) and paragraph (2)(c)(i) (but only insofar as it relates to Form 4.12) of this Rule shall not apply and the forms prescribed for use by the principal Rules as they stood before the coming into operation of these Rules shall continue to be used.

(4) In any case to which Rule 9(2) of these Rules applies, paragraph (2)(d) of this Rule shall not apply and the forms prescribed for use by the principal Rules as they stood before the coming into operation of these Rules shall continue to be used.

Amendments to Schedule 3 to the principal Rules

15.—(1) In Schedule 3 to the principal Rules—

(a) for the entry in column 1 relating to “Rule 2.056(4)” there shall be substituted “Rule 2.048(6)”;

(b) after that entry there shall be inserted the following entries—

“Rule 2.112(3): Administrator failing to file a notice of automatic end of administration; summary; one-fifth of the statutory maximum; one-fiftieth of the statutory maximum”;

“Rule 2.130(2): Administrator’s duties on vacating office; summary; one-fifth of the statutory maximum; one-fiftieth of the statutory maximum”.

(2) The provisions of this Rule shall not apply and Schedule 3 to the principal Rules as it stood before the coming into operation of these Rules shall continue to apply in any case to which paragraphs (2), (4) or (5) of Rule 5 of these Rules applies.

Signed by authority of the Lord Chancellor

Bridget Prentice
Parliamentary Under Secretary of State,
Department for Constitutional Affairs

Dated 9th February 2006

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 14th February 2006.

L.S.

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

The Department of Finance and Personnel hereby concurs with the foregoing Rules.
Sealed with the Official Seal of the Department of Finance and Personnel on 15th February 2006.

L.S.

Mary McIvor
A senior officer of the
Department of Finance and Personnel