

2013 No. 278

INSOLVENCY

INDIVIDUALS

The Insolvency (Amendment) Rules (Northern Ireland) 2013

Made - - - - - *27th November 2013*
Coming into operation - *24th December 2013*

The Department of Justice makes the following Rules in exercise of the powers conferred by Article 359 of the Insolvency (Northern Ireland) Order 1989(a), with the concurrence of the Department of Enterprise, Trade and Investment(b).

In accordance with Article 360 of that Order the Department of Justice has consulted the Committee appointed to review Rules.

Citation and commencement

1. These Rules may be cited as the Insolvency (Amendment) Rules (Northern Ireland) 2013 and come into operation on 24th December 2013.

Transitional Provisions

2.—(1) The amendment made by Rule 3(2) only applies where an application is made for a debt relief order on or after 24th December 2013.

(2) The amendments made by Rule 3(3) and (4) only apply in relation to petitions for bankruptcy where the petition is presented on or after 24th December 2013.

Amendments to the Insolvency Rules (Northern Ireland) 1991

3.—(1) The Insolvency Rules (Northern Ireland) 1991(c) are amended as follows.

(2) In Rule 5A.3 (excluded debts)—

- (a) at the end of sub-paragraph (1)(c) omit “and”;
- (b) after sub-paragraph (1)(d), add—

(a) S.I. 1989/2405 (N.I. 19), Article 359 of which was amended by the Insolvency (Northern Ireland) Order 1989 (Amendment) Regulations (Northern Ireland) 2002 (S.R. 2002 No. 223), section 15 of and paragraph 81 of Schedule 5 to the Constitutional Reform Act 2005 (c.4), and by Article 15(5) of and paragraph 142 of Schedule 18 to the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976).

(b) Formerly the Department of Economic Development, see the Departments (Northern Ireland) Order 1999 (S.I. 1999/283 (N.I. 1)), Article 3(5).

(c) The Insolvency Rules (Northern Ireland) 1991 (S.R. 1991 No. 364); relevant amendments are the Insolvency (Amendment) Rules (Northern Ireland) 2002 (S.R. 2002 No. 261), the Insolvency (Amendment) Rules (Northern Ireland) 2003 (S.R. 2003 No. 549), the Insolvency (Amendment) Rules (Northern Ireland) 2006 (S.R. 2006 No. 47), and the Insolvency (Amendment) Rules (Northern Ireland) 2011 (S.R. 2011 No. 151).

“; and

- (e) any obligation arising from a payment out of the social fund under section 134(1)(b) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992^(a) by way of crisis loan or budgeting loan.”.

(3) In Rule 6.221 (bankrupt’s debts surviving discharge), at the end add “or any obligation arising from a payment out of the social fund under section 134(1)(b) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 by way of crisis loan or budgeting loan”.

(4) In Rule 12.03 (provable debts), in sub-paragraph (2)(b), at the end add “or any obligation arising from a payment out of the social fund under section 134(1)(b) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 by way of crisis loan or budgeting loan”.

Sealed with the Official Seal of the Department of Justice on 27th November 2013



David Ford
Minister of Justice

The Department of Enterprise, Trade and Investment concurs with the foregoing Rules

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 27th November 2013



Jackie Kerr
A senior officer of the
Department of Enterprise, Trade and Investment

(a) 1992 c.7; section 134(1) was substituted by S.I. 1998/1506 (N.I. 10).

EXPLANATORY NOTE

(This note is not part of the Order)

These Rules amend the Insolvency Rules (Northern Ireland) 1991.

They amend the definition of “excluded debt” in Rule 5A.3 so as to exclude from the scope of a Debt Relief Order any obligation arising from a payment out of the social fund by way of crisis loan or budgeting loan.

They also amend Rule 6.221 so as to include such an obligation in the list of debts that survive an individual’s bankruptcy, and Rule 12.03 to prevent such an obligation being included as a “provable debt” in a bankruptcy.

Rule 2 makes transitional provisions.

An impact assessment of the effect that this rule will have on the costs of business and the voluntary sector is published with the Explanatory Memorandum alongside the rule on www.legislation.gov.uk.

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STATUTORY RULES OF NORTHERN IRELAND

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The Insolvency (Amendment) Rules (Northern Ireland) 2013

£4.00

N5993 12/2013 435993T 19585

ISBN 978-0-337-99225-4



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