

DRAFT STATUTORY INSTRUMENTS

2005 No.

The Insolvency (Northern Ireland) Order 2005

Individuals

Duration of, and discharge from, bankruptcy

12.—(1) The following shall be substituted for Article 253 of the 1989 Order (duration of bankruptcy)—

“Duration

253.—(1) A bankrupt is discharged from bankruptcy at the end of the period of one year beginning with the date on which the bankruptcy commences.

(2) If before the end of that period the official receiver files with the High Court a notice stating that investigation of the conduct and affairs of the bankrupt under Article 262 is unnecessary or concluded, the bankrupt is discharged when the notice is filed.

(3) On the application of the official receiver or the trustee of a bankrupt’s estate, the High Court may order that the period specified in paragraph (1) shall cease to run until—

- (a) the end of a specified period, or
- (b) the fulfilment of a specified condition.

(4) The High Court may make an order under paragraph (3) only if satisfied that the bankrupt has failed or is failing to comply with an obligation under this Part.

(5) In paragraph (3)(b) “condition” includes a condition requiring that the High Court be satisfied of something.

(6) This Article is without prejudice to any power of the High Court to annul a bankruptcy order.

(7) Nothing in this Article applies to a bankrupt who is a solicitor.”.

(2) In Article 254 of the 1989 Order (discharge by order of the High Court)—

(a) the following shall be substituted for the heading of the Article—

“Discharge where bankrupt is a solicitor”; and

(b) the following shall be substituted for paragraph (1)—

“(1) A bankrupt who is a solicitor is discharged from bankruptcy by an order of the High Court under this Article.

(1A) An application for an order under this Article may be made at any time.”.

(3) Schedule 4 (which makes transitional provision in relation to this Article)—

- (a) shall have effect, and
- (b) is without prejudice to the generality of Article 250.