



# **Insolvency (Amendment) Act (Northern Ireland) 2016**

## CHAPTER 2

### INSOLVENCY (AMENDMENT) ACT (NORTHERN IRELAND) 2016

#### *Provisions relating to communication*

1. Attendance at meetings and use of websites
2. References to things in writing

#### *Requirements relating to meetings*

3. Removal of requirement for annual meetings in a members' voluntary and a creditors' voluntary winding up
4. Requirements in relation to meetings under Articles 81 and 84 of the Insolvency Order

#### *Reports in individual voluntary arrangements*

5. Individual voluntary arrangements: removal of requirement to submit a nominee's report to the High Court
6. Fast-track voluntary arrangements: notification of the Department

**Changes to legislation:** There are currently no known outstanding effects for the Insolvency (Amendment) Act (Northern Ireland) 2016. (See end of Document for details)

*Powers of liquidator and trustee*

7. Powers of liquidator exercisable with or without sanction in a winding up
8. Powers of trustee exercisable with or without sanction in a bankruptcy

*Miscellaneous*

9. Definition of debt
10. Treatment of liabilities relating to contracts of employment
11. Deeds of arrangement
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14. Authorisation of insolvency practitioners
15. Regulatory objectives
16. Oversight of recognised professional bodies
17. Recognised professional bodies: revocation of recognition
18. Court sanction of insolvency practitioners in public interest cases
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*Power to establish single regulator of insolvency practitioners*

21. Power to establish single regulator of insolvency practitioners
22. Regulations under section 21: designation of existing body
23. Power to make regulations
24. Company arrangement or administration provision to apply to a credit union
25. Disqualification from office: duty to consult the Lord Chief Justice

*Supplementary*

26. Interpretation
27. Transitional provisions, minor and consequential amendments and repeals
28. Commencement
29. Short title

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SCHEDULES

SCHEDULE 1 — SINGLE REGULATOR OF INSOLVENCY  
PRACTITIONERS: SUPPLEMENTARY PROVISION

### *Operation of this Schedule*

1. (1) This Schedule has effect in relation to regulations under...

#### *Name, members and chair*

2. (1) The Regulations must prescribe the name by which the...

#### *Remuneration etc.*

3. (1) The Regulations must provide that the body must pay...

#### *Staff*

4. The Regulations must provide that— (a) the body may appoint...

#### *Proceedings*

5. (1) The Regulations may make provision about the proceedings of...

#### *Fees*

6. (1) The Regulations may make provision— (a) about the setting...

#### *Consultation*

7. The Regulations may make provision as to the circumstances and...

#### *Training and other services*

8. (1) The Regulations may make provision authorising the body to...

#### *Report and accounts*

9. (1) The Regulations must require the body, at least once...

#### *Funding*

10. The Regulations may provide that the Department may make grants...

#### *Financial penalties*

11. (1) This paragraph applies where the Regulations include provision enabling...

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*Status etc.*

12. The Regulations must provide that— (a) the body is not...

*Transfer schemes*

13. (1) This paragraph applies if the Regulations make provision designating...

*Additional provision where body is unincorporated association*

14. (1) This paragraph applies where the body is an unincorporated...

SCHEDULE 2 — TRANSITIONAL PROVISIONS

*Requirements relating to meetings*

1. The amendments made to Articles 79 and 91 of the...
2. The amendments made to Articles 81 and 84 of the...

*Reports in individual voluntary arrangements*

3. The amendments made to the Insolvency Order by section 5...

*Powers of liquidator*

4. The amendments made to Schedule 2 to the Insolvency Order...

*Powers of trustee*

5. The amendments made to Schedule 3 to the Insolvency Order...

*Definition of debt*

6. The amendments made to the Insolvency Order by section 9...
7. The amendments made to the Insolvency Order by section 9...
8. The amendments made to the Insolvency Order by section 9...
9. The amendments made to the Insolvency Order by section 9...
10. In paragraphs 6 to 9, “the relevant day” means the...

*Authorisation of insolvency practitioners*

11. For the purposes of this paragraph and paragraphs 12 to...
12. Where, immediately before the commencement date, a person holds an...
13. During the transitional period, a person to whom paragraph 12...
14. Where, immediately before the commencement date, a person has applied...

15. Where, during the transitional period, an authorisation is (by virtue...
16. For the purposes of paragraphs 12 and 14, Articles 353...

### SCHEDULE 3 — MINOR AND CONSEQUENTIAL AMENDMENTS

#### *The Solicitors (Northern Ireland) Order 1976 (NI 12)*

1. In Article 13(1)(k), for the words from “has entered” to...
2. In Article 14A(2)(b), for paragraph (b) substitute—
3. In Article 41(3)(a), for the words from “or enters” to...

#### *The Insolvency (Northern Ireland) Order 1989 (NI 19)*

4. In Article 14(2), omit “or authorised to act as nominee,”...
5. In Article 15(4), omit “, or authorised to act as...
6. In Article 17(2), omit “or authorised to act as nominee,”...
7. In Article 20(5), omit “or authorised to act as supervisor,”...
8. In Article 103(1)(a), for “a demand” substitute “ a written...
9. In Article 185, after paragraph (2) insert—
10. In Article 186(1)(a) after “written demand” insert “ (known as...
11. In Article 242(1)(a) for “a demand” substitute “ a written...
12. In Article 242(2)(a) for “a demand” substitute “ a written...
13. In Article 343(1), after “the interim receiver” insert “ or...
14. Omit Article 348(1A).
15. Omit Article 348A.
16. Omit Article 361A(2).
17. In Schedule A1— (a) in paragraph 38(1), omit “, or...
18. In Schedule B1, in paragraph 1A, for “outside Northern Ireland”...
19. In Schedule 1, in paragraph 3, at the beginning insert...

#### *The Pensions (Northern Ireland) Order 2005 (NI 1)*

20. In Article 105(2)(b), for “or 230A(3)” substitute “ of that...

#### *The Insolvency (Northern Ireland) Order 2005 (NI 10)*

21. Omit Article 26(3).

### SCHEDULE 4 — REPEALS

**Changes to legislation:**

There are currently no known outstanding effects for the Insolvency (Amendment) Act (Northern Ireland) 2016.