

Status: Point in time view as at 01/10/2009.

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SCHEDULES

SCHEDULE 7

Article 373.

PUNISHMENT OF OFFENCES UNDER THIS ORDER

Article of Order creating offence	General nature of offence	Mode of prosecution	Punishment	Daily default fine (where applicable)
[^{F1} 19A(1).]	[^{F1} False representation or fraud for purpose of obtaining members' or creditor's approval of proposed voluntary arrangement.]	[^{F1} 1. On indictment.] [^{F1} 2. Summary.]	[^{F1} 7 years or a fine, or both.] [^{F1} 6 months or the statutory maximum, or both.]	
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F2	F2	F2	F2	F2
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F2	F2	F2	F2	F2
...
F2	F2	F2	F2	F2
...
40	Body corporate acting as receiver.	1. On indictment. 2. Summary.	A fine. The statutory maximum.	
41(1)	^{F3}	1. On indictment. 2. Summary.	2 years or a fine, or both.	

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	. . . bankrupt acting as receiver or manager.		6 months or the statutory maximum, or both.	
48(4)	Receiver failing to deliver accounts to registrar.	Summary.	One#fifth of the statutory maximum.	One#fiftieth of the statutory maximum.
49(2)	Company and others failing to state in correspondence that receiver appointed.	Summary.	One#fifth of the statutory maximum.	
53(6)	Administrative receiver failing to file [^{F4} copy] of order permitting disposal or charged property.	Summary.	One#fifth of the statutory maximum.	One#fiftieth of the statutory maximum.
55(5)	Administrative receiver failing to file notice of vacation of office.	Summary.	One#fifth of the statutory maximum.	One#fiftieth of the statutory maximum.
56(4)	Administrative receiver failing to give notice of his appointment.	Summary.	One#fifth of the statutory maximum.	One#fiftieth of the statutory maximum.
57(6)	Failure to comply with provisions relating to statement of affairs, where administrative receiver appointed.	1. On indictment. 2. Summary.	A fine. The statutory maximum.	One#tenth of the statutory maximum.
58(8)	Administrative receiver failing to comply with requirements as to his report.	Summary.	One#fifth of the statutory maximum.	One#fiftieth of the statutory maximum.
71(2) ^{F5}	Company failing to give notice in Belfast Gazette of resolution for voluntary winding up.	Summary.	One#fifth of the statutory maximum.	One#fiftieth of the statutory maximum.

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75(4) F5	Director making statutory declaration of company's solvency without reasonable grounds for his opinion.	1. On indictment. 2. Summary.	2 years or a fine, or both. 6 months or the statutory maximum, or both.	
75(6)	Declaration under Article 75 not delivered to registrar within prescribed time.	Summary.	One#fifth of the statutory maximum.	One#fiftieth of the statutory maximum.
79(3) F5	Liquidator failing to summon general meeting of company at each year's end.	Summary.	One#fifth of the statutory maximum.	
80(4)	Liquidator failing to send to registrar a copy of account of winding up and return of final meeting.	Summary.	One#fifth of the statutory maximum.	One#fiftieth of the statutory maximum.
80(6)	Liquidator failing to call final meeting.	Summary.	One#fifth of the statutory maximum.	
81(6)	Liquidator failing to comply with Article 81 where company insolvent.	Summary.	The statutory maximum.	
84(4)	Company failing to comply with Article 84 in respect of summoning and giving notice of creditors' meeting.	1. On indictment. 2. Summary.	A fine. The statutory maximum.	
85(3) F5	Directors failing to attend and lay statement in prescribed form before creditors' meeting.	1. On indictment. 2. Summary.	A fine. The statutory maximum.	

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91(3) F5	Liquidator failing to summon company general meeting and creditors' meeting at each year's end.	Summary.	One#fifth of the statutory maximum.	
92(4)	Liquidator failing to send to registrar account of winding up and return of final meetings.	Summary.	One#fifth of the statutory maximum.	One#fiftieth of the statutory maximum.
92(6) F5	Liquidator failing to call final meeting of company or creditors.	Summary.	One#fifth of the statutory maximum.	
95(2)	Liquidator failing to publish, or deliver to the registrar, notice of his appointment.	Summary.	One#fifth of the statutory maximum.	One#fiftieth of the statutory maximum.
99(4)	Directors exercising powers in breach of Article 99, where no liquidator.	Summary.	The statutory maximum.	
111(7)	Failing to comply with requirements as to statement of affairs, where liquidator appointed.	1. On indictment. 2. Summary.	A fine. The statutory maximum.	One#tenth of the statutory maximum.
139	Giving, offering, etc., corrupt inducement affecting appointment of liquidator.	1. On indictment. 2. Summary.	A fine. The statutory maximum.	
141(7)	Liquidator failing to comply with requirements of Article 141 in creditors' voluntary winding up.	Summary.	The statutory maximum.	
159(2)	Default in compliance with Article 159 as to	Summary.	One#fifth of the statutory maximum.	

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	notification that company being wound up.			
162(2)	Liquidator failing to notify registrar as to progress of winding up.	Summary.	One#fifth of the statutory maximum.	One#fiftieth of the statutory maximum.
166(4)	Failing to deliver to registrar [F ⁶ copy] of High Court order deferring dissolution.	Summary.	One#fifth of the statutory maximum.	One#fiftieth of the statutory maximum.
168(6)	Failing to deliver to registrar copy of directions or result of appeal under Article 168.	Summary.	One#fifth of the statutory maximum.	One#fiftieth of the statutory maximum.
169(5)	Failing to deliver to registrar copy of Department's directions or High Court order deferring dissolution.	Summary.	One#fifth of the statutory maximum.	One#fiftieth of the statutory maximum.
170(1)	Fraud, etc., in anticipation of winding up.	1. On indictment. 2. Summary.	7 years or a fine, or both. 6 months or the statutory maximum, or both.	
170(2)	Privity to fraud in anticipation of winding up; fraud, or privity to fraud, after commencement of winding up.	1. On indictment. 2. Summary.	7 years or a fine, or both. 6 months or the statutory maximum, or both.	
171(1)	Officer of company entering into transaction in fraud of company's creditors.	1. On indictment. 2. Summary.	2 years or a fine, or both. 6 months or the statutory maximum, or both.	
172(1)	Officer of company misconducting himself in course of winding up.	1. On indictment. 2. Summary.	7 years or a fine, or both. 6 months or the statutory maximum, or both.	

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			maximum, or both.	
173	Officer or contributory destroying, falsifying, etc., company's books.	1. On indictment. 2. Summary.	7 years or a fine, or both. 6 months or the statutory maximum, or both.	
174(1)	Officer of company making material omission from statement relating to company's affairs.	1. On indictment. 2. Summary.	7 years or a fine, or both. 6 months or the statutory maximum, or both.	
175(1)	False representation or fraud for purpose of obtaining creditors' consent to an agreement in connection with winding up.	1. On indictment. 2. Summary.	7 years or a fine, or both. 6 months or the statutory maximum, or both.	
180(4)	Contravening restrictions on re#use of name of company in insolvent liquidation.	1. On indictment. 2. Summary.	2 years or a fine, or both. 6 months or the statutory maximum, or both.	
199(5)	Failing to co# operate with office#holder.	1. On indictment. 2. Summary.	A fine. The statutory maximum.	One#tenth of the statutory maximum.
217(2)	Default in compliance with Article 374 as to notification that deed is void.	Summary.	One#fifth of the statutory maximum.	
218(1)	Trustee acting when deed of arrangement void.	Summary.	One#fifth of the statutory maximum.	One#fiftieth of the statutory maximum.
222(3)	Failing to transmit accounts.	Summary.	One#fifth of the statutory maximum.	One#fiftieth of the statutory maximum.
223	Preferential payment to creditor.	1. On indictment. 2. Summary.	A fine. The statutory maximum.	
[^{F1} 236A(1).]	[^{F1} False representation or	[^{F1} 1. On indictment.]	[^{F1} 7 years or a fine, or both.]	

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	fraud for purpose of obtaining creditor's approval of proposed voluntary arrangement.]	[^{F1} 2. Summary.]	[^{F1} 6 months or the statutory maximum, or both.]
324(1) ^{F5}	Bankrupt failing to disclose property or disposals to official receiver or trustee.	1. On indictment. 2. Summary.	7 years or a fine, or both. 6 months or the statutory maximum, or both.
325(1) ^{F5}	Bankrupt failing to deliver property to, or concealing property from, official receiver or trustee.	1. On indictment. 2. Summary.	7 years or a fine, or both. 6 months or the statutory maximum, or both.
325(3) ^{F5}	Bankrupt removing property which he is required to deliver to official receiver or trustee.	1. On indictment. 2. Summary.	7 years or a fine, or both. 6 months or the statutory maximum, or both.
325(5) ^{F5}	Bankrupt failing to account for loss of substantial part of property.	1. On indictment. 2. Summary.	2 years or a fine, or both. 6 months or the statutory maximum, or both.
326(1) ^{F5}	Bankrupt failing to deliver books, papers and records to official receiver or trustee.	1. On indictment. 2. Summary.	7 years or a fine, or both. 6 months or the statutory maximum, or both.
326(2) ^{F5}	Bankrupt concealing, destroying etc., books, papers or records, or making false entries in them.	1. On indictment. 2. Summary.	7 years or a fine, or both. 6 months or the statutory maximum, or both.
326(3) ^{F5}	Bankrupt disposing of, or altering, books,	1. On indictment. 2. Summary.	7 years or a fine, or both.

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	papers or records relating to his estate or affairs.		6 months or the statutory maximum, or both.
327(1) F5	Bankrupt making material omission in statement relating to his affairs.	1. On indictment. 2. Summary.	7 years or a fine, or both. 6 months or the statutory maximum, or both.
327(3) F5	Bankrupt making false statement, or failing to inform trustee, where false debt proved.	1. On indictment. 2. Summary.	7 years or a fine, or both. 6 months or the statutory maximum, or both.
328(1) F5	Bankrupt fraudulently disposing of property.	1. On indictment. 2. Summary.	2 years or a fine, or both. 6 months or the statutory maximum, or both.
328(3) F5	Bankrupt conceals or removes property.	1. On indictment. 2. Summary.	2 years or a fine, or both. 6 months or the statutory maximum, or both.
329(1) F5	Bankrupt absconding with property he is required to deliver to official receiver or trustee.	1. On indictment. 2. Summary.	2 years or a fine, or both. 6 months or the statutory maximum, or both.
330(1) F5	Bankrupt disposing of property obtained on credit and not paid for.	1. On indictment. 2. Summary.	7 years or a fine, or both. 6 months or the statutory maximum, or both.
330(3) F5	Obtaining property in respect of which money is owed by a bankrupt.	1. On indictment. 2. Summary.	7 years or a fine, or both. 6 months or the statutory maximum, or both.
331(1) F5	Bankrupt obtaining credit	1. On indictment. 2. Summary.	2 years or a fine, or both.

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	or engaging in business without disclosing his status or name in which he was made bankrupt.		6 months or the statutory maximum, or both.
331(3) F5	Person made bankrupt in England, Wales or Scotland obtaining credit, etc., in Northern Ireland.	1. On indictment. 2. Summary.	2 years or a fine, or both. 6 months or the statutory maximum, or both.
F7 ...	F7 ...	F7 ...	F7 ...
F7 ...	F7 ...	F7 ...	F7 ...
348(1)	Acting as insolvency practitioner when not qualified.	1. On indictment. 2. Summary.	2 years or a fine, or both. 6 months or the statutory maximum, or both.
[^{F1} Sch. A1, para. 20(2).]	[^{F1} Directors failing to notify nominee of beginning of moratorium.]	[^{F1} 1. On indictment.] [^{F1} 2. Summary.]	[^{F1} 2 years or a fine, or both.] [^{F1} 6 months or the statutory maximum, or both.]
[^{F1} Sch. A1, para. 21(3).]	[^{F1} Nominee failing to advertise or notify beginning of moratorium.]	[^{F1} Summary.]	[^{F1} One-fifth of the statutory maximum.]
[^{F1} Sch. A1, para. 22(2).]	[^{F1} Nominee failing to advertise or notify end of moratorium.]	[^{F1} Summary.]	[^{F1} One-fifth of the statutory maximum.]
[^{F1} Sch. A1, para. 27(2).]	[^{F1} Company and officers failing to state in correspondence etc. that moratorium in force.]	[^{F1} Summary.]	[^{F1} One-fifth of the statutory maximum.]

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[^{F1} Sch. A1, para. 28(3)(a).]	[^{F1} Company obtaining credit without disclosing existence of moratorium.]	[^{F1} 1. On indictment.] [^{F1} 2. Summary.]	[^{F1} A fine.] [^{F1} The statutory maximum.]
[^{F1} Sch. A1, para. 28(3)(b).]	[^{F1} Obtaining credit for company without disclosing existence of moratorium.]	[^{F1} 1. On indictment.] [^{F1} 2. Summary.]	[^{F1} 2 years or a fine, or both.] [^{F1} 6 months or the statutory maximum, or both.]
[^{F1} Sch. A1, para. 29(3)(a).]	[^{F1} Company disposing of property otherwise than in ordinary way of business.]	[^{F1} 1. On indictment.] [^{F1} 2. Summary.]	[^{F1} A fine.] [^{F1} The statutory maximum.]
[^{F1} Sch. A1, para. 29(3)(b).]	[^{F1} Authorising or permitting disposal of company property.]	[^{F1} 1. On indictment.] [^{F1} 2. Summary.]	[^{F1} 2 years or a fine, or both.] [^{F1} 6 months or the statutory maximum, or both.]
[^{F1} Sch. A1, para. 30(3)(a).]	[^{F1} Company making payments in respect of liabilities existing before beginning of moratorium.]	[^{F1} 1. On indictment.] [^{F1} 2. Summary.]	[^{F1} A fine.] [^{F1} The statutory maximum.]
[^{F1} Sch. A1, para. 30(3)(b).]	[^{F1} Authorising or permitting such a payment.]	[^{F1} 1. On indictment.] [^{F1} 2. Summary.]	[^{F1} 2 years or a fine, or both.] [^{F1} 6 months or the statutory maximum, or both.]
[^{F1} Sch. A1, para. 31(9).]	[^{F1} Directors failing to send to registrar [^{F8} copy] of court order permitting disposal of charged property.]	[^{F1} Summary.]	[^{F1} One-fifth of the statutory maximum.]
[^{F1} Sch. A1, para. 32(1).]	[^{F1} Company disposing of charged property.]	[^{F1} 1. On indictment.] [^{F1} 2. Summary.]	[^{F1} A fine.] [^{F1} The statutory maximum.]

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[^{F1} Sch. A1, para. 32(2).]	[^{F1} Authorising or permitting such a disposal.]	[^{F1} 1. On indictment.] [^{F1} 2. Summary.]	[^{F1} 2 years or a fine, or both.] [^{F1} 6 months or the statutory maximum, or both.]
[^{F1} Sch. A1, para. 33(1)(a).]	[^{F1} Company entering into market contract, etc.]	[^{F1} 1. On indictment.] [^{F1} 2. Summary.]	[^{F1} A fine.] [^{F1} The statutory maximum.]
[^{F1} Sch. A1, para. 33(1)(b).]	[^{F1} Authorising or permitting company to do so.]	[^{F1} 1. On indictment.] [^{F1} 2. Summary.]	[^{F1} 2 years or a fine, or both.] [^{F1} 6 months or the statutory maximum, or both.]
[^{F1} Sch. A1, para. 35(6).]	[^{F1} Nominee failing to give notice of withdrawal of consent to act.]	[^{F1} Summary.]	[^{F1} One-fifth of the statutory maximum.]
[^{F1} Sch. A1, para. 44(3).]	[^{F1} Nominee failing to give notice of extension of moratorium.]	[^{F1} Summary.]	[^{F1} One-fifth of the statutory maximum.]
[^{F1} Sch. A1, para. 51(2).]	[^{F1} Fraud or privity to fraud in anticipation of moratorium.]	[^{F1} 1. On indictment.] [^{F1} 2. Summary.]	[^{F1} 7 years or a fine, or both.] [^{F1} 6 months or the statutory maximum, or both.]
[^{F1} Sch. A1, para. 51(3).]	[^{F1} Fraud or privity to fraud during moratorium.]	[^{F1} 1. On indictment.] [^{F1} 2. Summary.]	[^{F1} 7 years or a fine, or both.] [^{F1} 6 months or the statutory maximum, or both.]
[^{F1} Sch. A1, para. 51(7).]	[^{F1} Knowingly taking in pawn or pledge, or otherwise receiving, company property.]	[^{F1} 1. On indictment.] [^{F1} 2. Summary.]	[^{F1} 7 years or a fine, or both.] [^{F1} 6 months or the statutory maximum, or both.]
[^{F1} Sch. A1, para. 52(1).]	[^{F1} False representation or	[^{F1} 1. On indictment.]	[^{F1} 7 years or a fine, or both.]

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	fraud for purpose of obtaining or extending moratorium.]	[^{F1} 2. Summary.]	[^{F1} 6 months or the statutory maximum, or both.]	
[^{F9} Sch. B1, para. 19(7).	Making false statement in statutory declaration where administrator appointed by holder of floating charge.	1. On indictment. 2. Summary.	2 years, or a fine or both. 6 months, or the statutory maximum or both.]	
[^{F9} Sch. B1, para. 21.	Holder of floating charge failing to notify administrator or others of commencement of appointment.	1. On indictment. 2. Summary.	2 years, or a fine or both. 6 months, or the statutory maximum or both.	One-tenth of the statutory maximum.]
[^{F9} Sch. B1, para. 28(4).	Making false statement in statutory declaration where appointment of administrator proposed by company or directors.	1. On indictment. 2. Summary.	2 years, or a fine or both. 6 months, or the statutory maximum or both.]	
[^{F9} Sch. B1, para. 30(7).	Making false statement in statutory declaration where administrator appointed by company or directors.	1. On indictment. 2. Summary.	2 years, or a fine or both. 6 months, or the statutory maximum or both.]	
[^{F9} Sch. B1, para. 33.	Company or directors failing to notify administrator or others of commencement of appointment.	1. On indictment. 2. Summary.	2 years, or a fine or both. 6 months, or the statutory maximum or both.	One-tenth of the statutory maximum.]
[^{F9} Sch. B1, para. 46(2).	Administrator, company or officer failing to state in business document that	Summary.	One-fifth of the statutory maximum.]	

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	administrator appointed.			
[^{F9} Sch. B1, para. 47(9).	Administrator failing to give notice of his appointment.	Summary.	One-fifth of the statutory maximum.	One-fiftieth of the statutory maximum.]
[^{F9} Sch. B1, para. 49(4).	Failing to comply with provisions about statement of affairs where administrator appointed.	1. On indictment. 2. Summary.	A fine. The statutory maximum.	One-tenth of the statutory maximum.]
[^{F9} Sch. B1, para. 50(7).	Administrator failing to send out statement of his proposals.	Summary.	One-fifth of the statutory maximum.	One-fiftieth of the statutory maximum.]
[^{F9} Sch. B1, para. 52(5).	Administrator failing to arrange initial creditors' meeting.	Summary.	One-fifth of the statutory maximum.	One-fiftieth of the statutory maximum.]
[^{F9} Sch. B1, para. 54(3).	Administrator failing to report decision taken at initial creditors' meeting.	Summary.	One-fifth of the statutory maximum.	One-fiftieth of the statutory maximum.]
[^{F9} Sch. B1, para. 55(7).	Administrator failing to report decision taken at creditors' meeting summoned to consider revised proposal.	Summary.	One-fifth of the statutory maximum.	One-fiftieth of the statutory maximum.]
[^{F9} Sch. B1, para. 57(2).	Administrator failing to summon creditors' meeting.	Summary.	One-fifth of the statutory maximum.	One-fiftieth of the statutory maximum.]
[^{F9} Sch. B1, para. 72(6).	Administrator failing to file Court order enabling disposal of charged property.	Summary.	One-fifth of the statutory maximum.	One-fiftieth of the statutory maximum.]
[^{F9} Sch. B1, para. 73(5).	Administrator failing to file Court order enabling disposal of hire-purchase property.	Summary.	One-fifth of the statutory maximum.	One-fiftieth of the statutory maximum.]

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[^{F9} Sch. B1, para. 78(3).	Administrator failing to notify registrar of automatic end of administration.	Summary.	One-fifth of the statutory maximum.	One-fiftieth of the statutory maximum.]
[^{F9} Sch. B1, para. 79(6).	Administrator failing to give notice of extension by consent of term of office.	Summary.	One-fifth of the statutory maximum.	One-fiftieth of the statutory maximum.]
[^{F9} Sch. B1, para. 81(6).	Administrator failing to give notice of termination of administration where objective achieved.	Summary.	One-fifth of the statutory maximum.	One-fiftieth of the statutory maximum.]
[^{F9} Sch. B1, para. 85(9).	Administrator failing to comply with provisions where company moves to dissolution.	Summary.	One-fifth of the statutory maximum.	One-fiftieth of the statutory maximum.]
[^{F9} Sch. B1, para. 87(3).	Administrator failing to notify registrar where court terminates administration.	Summary.	One-fifth of the statutory maximum.	One-fiftieth of the statutory maximum.]
[^{F9} Sch. B1, para. 90(3).	Administrator failing to give notice on ceasing to be qualified.	Summary.	One-fifth of the statutory maximum.	One-fiftieth of the statutory maximum.]

F1 2002 NI 6

F2 Entries in Sch. 7 repealed (27.3.2006) by Insolvency (Northern Ireland) Order 2005 (S.I. 2005/1455 (N.I. 10)), arts. 1(3), 3(3), 31, Sch. 2 para. 47(3), Sch. 9 (with art. 4); S.R. 2006/21, **art. 2** (with S.R. 2006/22, **arts. 27**) ; Sch. 7 entries relating to arts. 28(8), 30(5) continue to apply for certain purposes and are amended (1.10.2009) by S.I. 2009/1941, arts. 2(1), 8, **Sch. 1 para. 114(2)** (with art. 10)

F3 Word in entry in Sch. 7 repealed (27.3.2006) by Insolvency (Northern Ireland) Order 2005 (S.I. 2005/1455 (N.I. 10)), arts. 1(3), 25, 31, Sch. 8 para. 17(a), Sch. 9 (with art. 4); S.R. 2006/21, **art. 2** (with S.R. 2006/22, **arts. 2-7**)

F4 Word in Sch. 7 in entry relating to "Article 53(6)" substituted (1.10.2009) by Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), arts. 2(1), 8, **Sch. 1 para. 114(2)** (with art. 10)

F5 mod. by SR 2004/307

F6 Word in Sch. 7 in entry relating to "Article 166(4)" substituted (1.10.2009) by Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), arts. 2(1), 8, **Sch. 1 para. 114(2)** (with art. 10)

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- F7** Entries in Sch. 7 repealed (27.3.2006) by Insolvency (Northern Ireland) Order 2005 (S.I. 2005/1455 (N.I. 10)), arts. 1(3), 25, 31, Sch. 8 para. 17(b), Sch. 9 (with art. 4); S.R. 2006/21, **art. 2** (with S.R. 2006/22, **arts. 2-7**)
- F8** Word in Sch. 7 in entry relating to "Sch. A1 para. 31(9)" substituted (1.10.2009) by Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), arts. 2(1), 8, **Sch. 1 para. 114(2)** (with art. 10)
- F9** Entries in Sch. 7 inserted (27.3.2006) by Insolvency (Northern Ireland) Order 2005 (S.I. 2005/1455 (N.I. 10)), arts. 1(3), 3(3), Sch. 2 para. 47(2) (with art. 4); S.R. 2006/21, **art. 2** (with S.R. 2006/22, **arts. 2-7**)

Status:

Point in time view as at 01/10/2009.

Changes to legislation:

The Insolvency (Northern Ireland) Order 1989, SCHEDULE 7 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.