

## SCHEDULES

### [<sup>F1</sup>SCHEDULE B1

#### ADMINISTRATION

**F1** Sch. B1 inserted (27.3.2006) by *Insolvency (Northern Ireland) Order 2005* (S.I. 2005/1455 (N.I. 10)), arts. 1(3), 3(2), Sch. 1 (with art. 4); S.R. 2006/21, **art. 2** (with S.R. 2006/22, **arts. 2-7**)

#### **Modifications etc. (not altering text)**

**C1** Sch. B1 applied (with modifications) (1.10.2011) by *Postal Services Act 2011* (c. 5), ss. 73, 87(1)(2), 93(3), **Sch. 10 Pt. 1, Sch. 10 Pt. 2**

**C1** Sch. B1 applied (with modifications) by S.R. 1995/225, Sch. 2 (as amended (19.12.2018) by *The Banks and Building Societies (Priorities on Insolvency) Order 2018* (S.I. 2018/1244), arts. 1(2), **36** (with art. 3))

**C1** Sch. B1 modified (28.12.2020 until IP completion day when the amending provision ceases to have effect in accordance with reg. 1(4) of the amending S.I.) by *The Bank Recovery and Resolution (Amendment) (EU Exit) Regulations 2020* (S.I. 2020/1350), regs. 1(4), **120** (with reg. 108)

**C1** Sch. B1 modified by S.R. 1995/225, art. 6, **Sch. 2** (as modified (28.12.2020 until IP completion day when the amending provision ceases to have effect in accordance with reg. 1(4) of the amending S.I.) by *The Bank Recovery and Resolution (Amendment) (EU Exit) Regulations 2020* (S.I. 2020/1350), regs. 1(4), **122(3)** (with reg. 108))

**C1** Sch. B1 applied (with modifications) (4.1.2024) by S.I. 2021/716, **Sch. 2A para. 6** (as inserted by *The Payment and Electronic Money Institution Insolvency (Amendment) Regulations 2023* (S.I. 2023/1399), reg. 1(2), **Sch. 2**)

#### ENDING ADMINISTRATION

##### *Moving from administration to dissolution*

**85.**—(1) If the administrator of a company thinks that the company has no property which might permit a distribution to its creditors, he shall send a notice to that effect to the registrar.

<sup>F2</sup>(1A) .....

<sup>F2</sup>(1B) .....

(2) The High Court may on the application of the administrator of a company disapply sub-paragraph (1) in respect of the company.

(3) On receipt of a notice under sub-paragraph (1) <sup>F3</sup>... the registrar shall register it <sup>F3</sup>....

(4) On the registration of a notice in respect of a company under sub-paragraph (1) the appointment of an administrator of the company shall cease to have effect.

(5) If an administrator sends a notice under sub-paragraph (1) he shall as soon as is reasonably practicable—

(a) file a copy of the notice with the Court, and

(b) send a copy of the notice to each creditor of whose claim and address he is aware.

**Changes to legislation:** *The Insolvency (Northern Ireland) Order 1989, Paragraph 85 is up to date with all changes known to be in force on or before 10 April 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. (See end of Document for details) View outstanding changes*

(6) At the end of the period of 3 months beginning with the date of registration of a notice in respect of a company under sub-paragraph (1) the company is deemed to be dissolved <sup>F4</sup>....

<sup>F5</sup>(6A) .....

<sup>F5</sup>(6B) .....

(7) On an application in respect of a company by the administrator or another interested person the Court may—

(a) extend the period specified in sub-paragraph (6) <sup>F6</sup>...,

(b) suspend that period, or

(c) disapply sub-paragraph (6) <sup>F7</sup>....

(8) Where an order is made under sub-paragraph (7) in respect of a company the administrator shall as soon as is reasonably practicable notify the registrar.

(9) An administrator commits an offence if he fails without reasonable excuse to comply with sub-paragraph (5).]

**F2** Sch. B1 para. 85(1A)(1B) omitted (31.12.2020) by virtue of [The Insolvency \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/146), reg. 1(3), **Sch. para. 185(b)(i)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)

**F3** Words in Sch. B1 para. 85(3) omitted (31.12.2020) by virtue of [The Insolvency \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/146), reg. 1(3), **Sch. para. 185(b)(ii)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)

**F4** Words in Sch. B1 para. 85(6) omitted (31.12.2020) by virtue of [The Insolvency \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/146), reg. 1(3), **Sch. para. 185(b)(iii)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)

**F5** Sch. B1 para. 85(6A)(6B) omitted (31.12.2020) by virtue of [The Insolvency \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/146), reg. 1(3), **Sch. para. 185(b)(iv)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)

**F6** Words in Sch. B1 para. 85(7)(a) omitted (31.12.2020) by virtue of [The Insolvency \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/146), reg. 1(3), **Sch. para. 185(b)(v)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)

**F7** Words in Sch. B1 para. 85(7)(c) omitted (31.12.2020) by virtue of [The Insolvency \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/146), reg. 1(3), **Sch. para. 185(b)(v)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)

**Modifications etc. (not altering text)**

**C2** Sch. B1 para. 85 applied (with modifications) (4.1.2024) by [S.I. 2021/716](#), **reg. 37A** (as inserted by [The Payment and Electronic Money Institution Insolvency \(Amendment\) Regulations 2023](#) (S.I. 2023/1399), reg. 1(2), **12**)

**C3** Sch. B1 para. 85 applied (with modifications) (4.1.2024) by [S.I. 2021/716](#), **Sch. 2A para. 6** (as inserted by [The Payment and Electronic Money Institution Insolvency \(Amendment\) Regulations 2023](#) (S.I. 2023/1399), reg. 1(2), **Sch. 2**)

**Changes to legislation:**

The Insolvency (Northern Ireland) Order 1989, Paragraph 85 is up to date with all changes known to be in force on or before 10 April 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.

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**Changes and effects yet to be applied to :**

- Instrument amended by [1998 c. 11 s. 23 Sch. 5 Pt.1 Ch. 3 para. 40](#)
- Instrument amended (prosp) by [S.I. 1994/279 \(N.I.\) art. 26\(1\)Sch. 2 para. 15](#)

**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch. 9 Pt. 2 para. 66 revoked by [1996 c. 23 s. 107\(2\)Sch. 4](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov.uk](#))
- art. 2B inserted by [2016 c. 2 \(N.I.\) s. 2\(1\)](#)
- art. 208ZA applied (with modifications) by S.I. 2021/716, reg. 37A (as inserted) by [S.I. 2023/1399 reg. 12](#) (This amendment not applied to [Legislation.gov.uk](#). S. 208ZA is inserted by the Insolvency (Amendment) Act (Northern Ireland) 2016 (c. 2), s. 1(1) which is currently prospective.)
- art. 208ZA-208ZB inserted by [2016 c. 2 \(N.I.\) s. 1\(1\)](#)
- art. 208ZB applied (with modifications) by S.I. 2021/716, reg. 37A (as inserted) by [S.I. 2023/1399 reg. 12](#) (This amendment not applied to [Legislation.gov.uk](#). S. 208ZB is inserted by the Insolvency (Amendment) Act (Northern Ireland) 2016 (c. 2), s. 1(1) which is currently prospective.)
- art. 345A-345B inserted by [2016 c. 2 \(N.I.\) s. 1\(2\)](#)