

---

STATUTORY INSTRUMENTS

---

**1990 No. 1504**

**The Companies (No. 2) (Northern Ireland) Order 1990**

**PART V**

**FINANCIAL MARKETS AND INSOLVENCY**

*Recognised investment exchanges and clearing houses*

**Modifications of the law of insolvency**

**81.**—(1) The general law of insolvency has effect in relation to market contracts, and action taken under the rules of a recognised investment exchange or recognised clearing house with respect to such contracts, subject to the provisions of Articles 82 to 88.

(2) So far as those provisions relate to insolvency proceedings in respect of a person other than a defaulter, they apply in relation to—

- (a) proceedings in respect of a member or designated non-member of a recognised investment exchange or a member of a recognised clearing house, and
- (b) proceedings in respect of a party to a market contract begun after a recognised investment exchange or recognised clearing house has taken action under its default rules in relation to a person party to the contract as principal,

but not in relation to any other insolvency proceedings, notwithstanding that rights or liabilities arising from market contracts fall to be dealt with in the proceedings.

(3) The reference in paragraph (2)(b) to the beginning of insolvency proceedings is to—

- (a) the presentation of a bankruptcy petition, or
- [<sup>F1</sup>(b) the application for an administration order or the presentation of a winding-up petition or the passing of a resolution for voluntary winding up,]
- (c) the appointment of an administrative receiver.

[<sup>F2</sup>(3A) In paragraph (3)(b) the reference to an application for an administration order shall be taken to include a reference to—

- (a) in a case where an administrator is appointed under paragraph 15 or 23 of Schedule B1 to the Insolvency Order (appointment by floating charge holder, company or directors) following filing with the Court of a copy of a notice of intention to appoint under that paragraph, the filing of the copy of the notice, and
- (b) in a case where an administrator is appointed under either of those paragraphs without a copy of a notice of intention to appoint having been filed with the Court, the appointment of the administrator.]

(4) The Department may make further provision by regulations modifying the law of insolvency in relation to the matters mentioned in paragraph (1).

(5) The regulations may add to, amend or repeal the provisions mentioned in paragraph (1), and any other provision of this Part as it applies for the purposes of those provisions, or provide that

---

**Changes to legislation:** There are currently no known outstanding effects for the The Companies (No. 2) (Northern Ireland) Order 1990, Section 81. (See end of Document for details)

---

those provisions have effect subject to such additions, exceptions or adaptations as are specified in the regulations.

- |  |
|--|
| <p><b>F1</b> Art. 81(3)(b) substituted (27.3.2006) by <a href="#">Insolvency (Northern Ireland) Order 2005 (S.I. 2005/1455 (N.I. 10))</a>, arts. 1(3), 3(3), Sch. 2 para. 49(a); S.R. 2006/21, <a href="#">art. 2</a> (with transitional provisions and savings in S.R. 2006/22, <a href="#">arts. 2-7</a>)</p> <p><b>F2</b> Art. 81(3A) inserted (27.3.2006) by <a href="#">Insolvency (Northern Ireland) Order 2005 (S.I. 2005/1455 (N.I. 10))</a>, arts. 1(3), 3(3), Sch. 2 para. 49(b); S.R. 2006/21, <a href="#">art. 2</a> (with transitional provisions and savings in S.R. 2006/22, <a href="#">arts. 2-7</a>)</p> |
|--|

**Changes to legislation:**

There are currently no known outstanding effects for the The Companies (No. 2) (Northern Ireland) Order 1990, Section 81.