
STATUTORY INSTRUMENTS

2002 No. 3152

The Insolvency (Northern Ireland) Order 2002

Miscellaneous

Investigation and prosecution of malpractice

8.—(1) Article 182 of the Insolvency Order (prosecution of delinquent officers and members of company) shall be amended as follows.

(2) In paragraph (1), for the words from “the Director” to the end there shall be substituted “the Department”.

(3) In paragraph (3), for sub-paragraphs (a) and (b) there shall be substituted—

“(a) forthwith report the matter to the Department, and

(b) furnish to the Department such information and give to it such access to and facilities for inspecting and taking copies of documents (being information or documents in the possession or under the control of the liquidator and relating to the matter in question) as the Department requires.”

(4) For paragraph (4) there shall be substituted—

“(4) Where a report is made to the Department under paragraph (3), the Department may, for the purpose of investigating the matter reported to it and such other matters relating to the affairs of the company as appear to it to require investigation, exercise any of the powers which are exercisable by inspectors appointed under Article 424 or 425 of the Companies Order to investigate a company's affairs.”

(5) In paragraph (5)(b), “to the prosecuting authority” shall be omitted.

(6) In Article 183 of that Order (obligations arising under Article 182)—

(a) in paragraph (1), for “under Article 182(4)” there shall be substituted “in consequence of a report made to it under Article 182(3)” and for “that paragraph” there shall be substituted “Article 182(4)”;

(b) in paragraph (3), for “the prosecuting authority” and “that authority” there shall be substituted “the Director of Public Prosecutions for Northern Ireland”;

(c) in paragraph (5), for “prosecuting authority” there shall be substituted “Director of Public Prosecutions for Northern Ireland”.

Changes to legislation:

There are currently no known outstanding effects for the The Insolvency (Northern Ireland) Order 2002, Section 8.