

# INSOLVENCY (NORTHERN IRELAND) ORDER 2005

S.I. 2005 1455

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## EXPLANATORY MEMORANDUM

### COMMENTARY ON PROVISIONS

#### *Article 17: Bankrupt's Home*

Paragraph (1) of Article 17 inserts new Article 256A into the Insolvency (NI) Order 1989 thereby providing that where a bankrupt's estate includes an interest in a bankrupt's or their spouse's or former spouse's sole or principal residence the interest reverts to the bankrupt unless within three years from the date of bankruptcy the trustee takes one of five specified actions, including realising the interest.

Paragraph (3) of Article 17 inserts new Article 286A into the Insolvency (NI) Order 1989 to provide for the dismissal of applications for orders for sale, possession or a charging order in respect of a bankrupt's residence where the value of the bankrupt's interest is below a level prescribed in secondary legislation.