
STATUTORY RULES OF NORTHERN IRELAND

1991 No. 364

The Insolvency Rules (Northern Ireland) 1991

PARTS 1 TO 4 COMPANY INSOLVENCY; COMPANIES WINDING UP

PART 3

RECEIVERSHIP PROCEDURE

CHAPTER 7

VAT BAD DEBT RELIEF

Issue of certificate of insolvency

3.37.—(1) This Rule shall apply only where the administrative receiver becomes aware that unsecured creditors of the company have made supplies to the company, with a charge to value added tax at any time both before his appointment and before 26th July 1990, and Rule 3.38 shall only require notices to be given to such creditors.

(2) In accordance with this Rule, it is the duty of the administrative receiver to issue a certificate in the terms of paragraph (b) of section 22(3) of the Value Added Tax Act 1983⁽¹⁾ (which specifies the circumstances in which a company is deemed insolvent for the purposes of that section) forthwith upon his forming the opinion described in that paragraph.

(3) There shall in the certificate be specified—

- (a) the name of the company and its registered number;
- (b) the name of the administrative receiver and the date of his appointment; and
- (c) the date on which the certificate is issued.

(4) The certificate shall be intitled “CERTIFICATE OF INSOLVENCY FOR THE PURPOSES OF SECTION 22(3)(b) OF THE VALUE ADDED TAX ACT 1983”.

[E.R.3.36]

Notice to creditors

3.38.—(1) Notice of the issue of the certificate shall be given by the administrative receiver within 3 months of his appointment or within 2 months of issuing the certificate, whichever is the later, to all of the company's unsecured creditors of whose address he is then aware and who have, to his knowledge, made supplies to the company, with a charge to value added tax, at any time before his appointment.

(2) Thereafter, he shall give the notice to any such creditor of whose address and supplies to the company he becomes aware.

(3) He is not under obligation to provide any creditor with a copy of the certificate.

(1) 1983 c.55, as amended by 1985 c.54, section 32 and S.I. 1989/2405 (N.I. 19), Article 381(2) and Schedule 9, paragraph 39

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

[E.R.3.37]

Preservation of certificate with company's records

3.39.—(1) The certificate shall be retained with the company's accounting records, and Article 230 of the Companies Order (where and for how long records are to be kept) shall apply to the certificate as it applies to those records.

(2) It is the duty of the administrative receiver, on vacating office, to bring this Rule to the attention of the directors or (as the case may be) any successor of his as administrative receiver.

[E.R.3.38]