
STATUTORY RULES OF NORTHERN IRELAND

1991 No. 364

The Insolvency Rules (Northern Ireland) 1991

PARTS 1 TO 4 COMPANY INSOLVENCY; COMPANIES WINDING UP

PART 4

COMPANIES WINDING UP

CHAPTER 4

PETITION BY CONTRIBUTORIES

(NO CVL APPLICATION)

Presentation and service of petition

4.024.—(1) The petition shall specify the grounds on which it is presented and shall be filed in court with one copy for service under this Rule.

(2) No petition shall be filed unless there is produced with it the receipt for the deposit payable on presentation.

(3) The court shall fix a hearing for a day (“the return day”) on which, unless the court otherwise directs, the petitioner and the company shall attend before the Master in chambers for directions to be given in relation to the procedure on the petition.

(4) On fixing the return day, the court shall return to the petitioner a sealed copy of the petition for service, endorsed with the return day and time of hearing.

(5) The petitioner shall, at least 14 days before the return day, serve a sealed copy of the petition on the company.

[E.R.4.22]

Return of petition

4.025.—(1) On the return day, or at any time after it, the court shall give such directions as it thinks appropriate with respect to the following matters—

- (a) service of the petition, whether in connection with the venue for a further hearing, or for any other purpose;
- (b) whether particulars of claim and defence are to be delivered, and generally as to the procedure on the petition;
- (c) whether, and if so by what means, the petition is to be advertised;
- (d) the manner in which any evidence is to be adduced at any hearing before the Judge and in particular (but without prejudice to the generality of sub-paragraphs (a) to (c)) as to—
 - (i) the taking of evidence wholly or in part by affidavit or orally;
 - (ii) the cross-examination of any deponents to affidavits;

- (iii) the matters to be dealt with in evidence;
 - (e) any other matter affecting the procedure on the petition or in connection with the hearing and disposal of the petition.
- (2) In giving directions under paragraph (1)(a), the court shall have regard to whether any of the persons specified in Rule 4.010 should be served with a copy of the petition.
- [E.R.4.23]

Application of Rules in Chapter 3

- 4.026.** The following Rules in Chapter 3 apply, with the necessary modifications—
- Rule 4.016 (notice of appearance);
 - Rule 4.017 (list of appearances);
 - Rule 4.020 (notice and settling of winding-up order);
 - Rule 4.021 (transmission and advertisement of order); and Rule 4.022 (expenses of voluntary arrangement).

[E.R.4.24]