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STATUTORY RULES OF NORTHERN IRELAND

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**1991 No. 364**

**The Insolvency Rules (Northern Ireland) 1991**

PARTS 7 TO 12

**PART 7**

**COURT PROCEDURE AND PRACTICE**

**CHAPTER 1**

**GENERAL PROCEDURE**

**Heading and title of proceedings**

**7.01.**—(1) Every proceeding under Parts II to VII of the Order shall be headed and, with any necessary additions, be intitled—

“IN THE HIGH COURT OF JUSTICE IN NORTHERN  
IRELAND CHANCERY DIVISION (COMPANY INSOLVENCY)

*or in respect of proceedings in the winding up of companies*

(COMPANIES WINDING UP)

IN THE MATTER OF (*name of company to which the proceedings relate*)

AND IN THE MATTER OF THE INSOLVENCY (NORTHERN IRELAND) ORDER 1989”.

(2) Every proceeding under Parts VIII to X of the Order shall be headed and, with any necessary additions, intitled—

“IN THE HIGH COURT OF JUSTICE IN NORTHERN  
IRELAND CHANCERY DIVISION (BANKRUPTCY)

*Re (name and short description, including any current trading name, of debtor or bankrupt to which the proceedings relate)”.*

[E.R.7.26]

**Court and chambers**

**7.02.**—(1) The following matters and applications shall be heard in open court—

- (a) matters and applications heard by the Judge, except those referred by the Master to be heard by the Judge in chambers or directed by the Judge to be so heard;
- (b) petitions to wind up companies;
- (c) applications by bankrupts for leave to be a director of or directly or indirectly to take part or be concerned in the promotion, formation or management of a company;
- (d) public examinations of bankrupts or officers of a company; and
- (e) opposed applications for discharge of bankrupts or for the suspension or the lifting of the suspension of discharge.

(2) Every other matter or application before the Master shall be heard in chambers.

[E.R.7.6]

### **Judge and Master**

**7.03.**—(1) The following applications shall be made direct to the Judge—

- (a) applications for the committal of any person to prison for contempt;
- (b) applications for injunctions or for the modification or discharge of injunctions;
- (c) applications for interlocutory relief or directions after a matter has been referred to the Judge;
- (d) appeals from an order or decision of the Master;
- (e) applications pursuant to Article 107 (sanctioning dispositions made after commencement of winding up of company);
- (f) petitions for administration orders;
- (g) applications after an administration order has been made, pursuant to Article 27(3) (for directions) or Article 30(3) (to discharge or vary the order, etc.); and
- (h) applications pursuant to Article 18(3) (to stay a winding up or discharge an administration order or for directions where a company voluntary arrangement has been approved).

(2) Subject to paragraph (1), unless the Judge has given a general or special direction to the contrary, the jurisdiction of the court to hear and determine an application may be exercised by the Master, and the application shall be made to the Master in the first instance.

(3) Where the application is made to the Master he may, after giving any necessary directions, refer to the Judge any matter which he thinks should properly be decided by the Judge, and the Judge may either dispose of the matter or refer it back to the Master with such directions as he thinks fit.

(4) Nothing in this Rule precludes an application being made directly to the Judge in a proper case.

(5) Subject to this Rule, anything to be done under or by virtue of the Order or the Rules by, to or before the court may be done by, to or before the Judge or the Master.

(6) Order 32, rules 11 and 12 of the Supreme Court Rules do not apply in insolvency proceedings.

### **Transfer of certain proceedings**

**7.04.**—(1) This Rule applies where—

- (a) an order for the winding up of a company, or a bankruptcy order in the case of an individual, has been made by the court, or
- (b) in either such case, a provisional liquidator or (as the case may be) an interim receiver has been appointed.

(2) The Judge may, of his own motion, order the transfer to the Chancery Division of any such proceedings as are mentioned in paragraph (3) and are pending against the company or individual concerned (“the insolvent”) in another Division of the High Court.

(3) Proceedings which may be so transferred are those brought by or against the insolvent for the purpose of enforcing a claim against the insolvent estate, or brought by a person other than the insolvent for the purpose of enforcing any such claim (including in either case proceedings of any description by a debenture-holder or mortgagee).

(4) Where proceedings are transferred under this Rule, the Master may (subject to general or special directions of the Judge) dispose of any matter arising in the proceedings which would, but for the transfer, have been disposed of in chambers.

[E.R.7.15]