
STATUTORY RULES OF NORTHERN IRELAND

1991 No. 364

The Insolvency Rules (Northern Ireland) 1991

PARTS 7 TO 12

PART 7

COURT PROCEDURE AND PRACTICE

CHAPTER 4

ENFORCEMENT PROCEDURES

Meaning of “property”

7.18. In this Chapter references to property include books, papers and records.

[E.R.7.21(3)]

Enforcement of court orders

7.19. In any insolvency proceedings, orders of the court may be enforced in the same manner as a judgment to the same effect.

[E.R.7.19(1)]

Orders enforcing compliance with the Order

7.20.—(1) The court may, on application by the competent person, make such orders as it thinks necessary for the enforcement of obligations falling on any person in accordance with—

- (a) Article 34, 57 or 111 (duty to submit statement of affairs in administration, administrative receivership or winding up),
- (b) Article 121(2) (liquidator to furnish information, books, papers, etc.), or
- (c) Article 199 (duty of various persons to co-operate with office-holder).

(2) The competent person for this purpose is—

- (a) under Article 34, the administrator,
- (b) under Article 57, the administrative receiver,
- (c) under Article 111 or 121(2), the official receiver, and
- (d) under Article 199, the official receiver, the administrator, the administrative receiver, the liquidator or the provisional liquidator, as the case may be.

(3) An order of the court under this Rule may provide that all costs of and incidental to the application for it shall be borne by the person against whom the order is made.

[E.R.7.20]

Warrants under Article 114 or 335

7.21. When a person is arrested under a warrant issued by the court under Article 114 (officer of company failing to attend for public examination), or Article 335 (arrest of debtor or bankrupt)—

- (a) the constable apprehending him shall give him into the custody of the governor of the prison named in the warrant, who shall keep him in custody until such time as the court otherwise orders and shall produce him before the court as it may from time to time direct; and
- (b) any property in the arrested person's possession which may be seized shall be—
 - (i) lodged with, or otherwise dealt with as instructed by, whoever is specified in the warrant as authorised to receive it, or
 - (ii) kept by the constable seizing it pending the receipt of written orders from the court as to its disposal,

as may be directed by the court in the warrant.

[E.R.7.22]

Warrants under Article 200 or 337

7.22.—(1) When a person is arrested under a warrant issued under Article 200 (inquiry into insolvent company's dealings) or 337 (the equivalent in bankruptcy), the constable arresting him shall forthwith bring him before the court in order that he may be examined.

(2) If he cannot immediately be brought up for examination, the constable shall deliver him into the custody of the governor of the prison named in the warrant, who shall keep him in custody and produce him before the court as it may from time to time direct.

(3) After arresting the person named in the warrant, the constable shall forthwith report to the court the arrest or delivery into custody (as the case may be) and apply to the court to fix a venue for the person's examination.

- (4) The court shall appoint the earliest practicable time for the examination, and shall—
 - (a) direct the governor of the prison to produce the person for examination at the time and place appointed, and
 - (b) forthwith give notice of the venue to the person who applied for the warrant.
- (5) Any property in the arrested person's possession which may be seized shall be—
 - (a) lodged with, or otherwise dealt with as instructed by, whoever is specified in the warrant as authorised to receive it, or
 - (b) kept by the constable seizing it pending the receipt of written orders from the court as to its disposal,

as may be directed by the court.

[E.R.7.23]

Warrants under Article 336

7.23.—(1) A warrant issued under Article 336(3) (search of premises not belonging to the bankrupt) shall authorise any person executing it to seize any property of the bankrupt found as a result of the execution of the warrant.

- (2) Any property seized under a warrant issued under Article 336(2) or (3) shall be—
 - (a) lodged with, or otherwise dealt with as instructed by, whoever is specified in the warrant as authorised to receive it, or

(b) kept by the person seizing it pending the receipt of written orders from the court as to its disposal,
as may be directed by the warrant.

[E.R.7.25]