
STATUTORY RULES OF NORTHERN IRELAND

1991 No. 364

The Insolvency Rules (Northern Ireland) 1991

INTRODUCTORY PROVISIONS

Citation and commencement

0.1. These Rules may be cited as the Insolvency Rules (Northern Ireland) 1991 and shall come into operation on 1st October 1991.

[E.R.0.1]

Interpretation

0.2. In the Rules, unless the context otherwise requires —

“the appropriate fee” means—

- (a) in Rule 6.189(2) (Pay or under income payments order entitled to clerical, etc. costs), 50 pence; and
- (b) in other cases, 15 pence per A4 or A5 page, and 30 pence per A3 page;

“business day” has the same meaning as in Article 5 of the Order except in Rules 1.07, 4.020 and 5.13, where it means any day on which the offices of the Supreme Court are open in accordance with Order 64, rule 5(1) of the Supreme Court Rules;

“the court” means the High Court of Justice in Northern Ireland (Chancery Division) exercising its jurisdiction under the Order and in respect of administrative functions includes the Bankruptcy and Companies Office;

“execution” includes enforcement of a judgment or order under the Judgments Enforcement (Northern Ireland) Order 1981 (1);

“file in court” means deliver to the court for filing;

“the Gazette” means the Belfast Gazette;

“general regulations” means regulations made by the Department under Rule 12.01;

“the hearing date” means the date fixed for the hearing;

“insolvency proceedings” means any proceedings under the Order or the Rules;

“the insolvent estate” means—

- (a) in relation to a company insolvency, the company's assets; and
- (b) in relation to an individual insolvency, the bankrupt's estate or (as the case may be) the debtor's property;

“the Judge” means the Chancery Judge or any judge of the High Court or of the Court of Appeal for the time being acting as Chancery Judge;

“Master” means the Master (Bankruptcy);

“the Order” means the Insolvency (Northern Ireland) Order 1989 (any reference to a numbered Article being to an Article of that Order);

“Part XXIII company” has the same meaning as in the Companies Order;

references to “the petitioner” or “the petitioning creditor” in winding up and bankruptcy include any person who has been substituted as such, or been given carriage of the petition;

“prescribed order of priority” means the order of priority of payments laid down by Chapter 20 of Part 4 of the Rules, or Chapter 23 of Part 6;

“the Rules” means the Insolvency Rules (Northern Ireland) 1991 (2);

“sealed” means sealed with the official seal of the Bankruptcy and Companies Office;

“Supreme Court Rules” means the Rules of the Supreme Court (Northern Ireland) 1980 (3);

“Taxing Master” means the Master (Taxing Office); and

references to the “venue” for any proceeding or attendance before the court, or for a meeting, are to the time, date and place for the proceeding, attendance or meeting.

[E.R.'s 0.2(1), 13.6, 13.7, 13.8, 13.10, 13.11 and 13.13]

“Give notice”, etc.

0.3.—(1) A reference in the Rules to giving notice, or to delivering, sending or serving any document, means that the notice or document may be sent by post, unless under a particular Rule personal service is expressly required.

(2) Any form of post may be used, unless under a particular Rule a specified form is expressly required.

(3) Personal service of a document is permissible in all cases.

(4) Notice of the venue fixed for an application may be given by service of the sealed copy of the application under Rule 7.08(3).

[E.R.13.3]

Notice, etc. to solicitors

0.4. Where under the Order or the Rules a notice or other document is required or authorised to be given to a person, it may, if he has indicated that his solicitor is authorised to accept service on his behalf, be given instead to the solicitor.

[E.R.13.4]

Notice to joint liquidators, joint trustees, etc.

0.5. Where two or more persons are acting jointly as the responsible insolvency practitioner in any proceedings, delivery of a document to one of them is to be treated as delivery to them all.

[E.R.13.5]

“Responsible insolvency practitioner”, etc.

0.6.—(1) In relation to any insolvency proceedings, “the responsible insolvency practitioner” means—

(2) [S.R. 1991 No. 364](#)

(3) [S.R. 1980 No. 346](#)

- (a) the person acting in a company insolvency, as supervisor of a voluntary arrangement under Part II of the Order, or as administrator, administrative receiver, liquidator or provisional liquidator;
- (b) the person acting in an individual insolvency, as the supervisor of a voluntary arrangement under Part VIII of the Order, or as trustee or interim receiver;
- (c) the official receiver acting as receiver and manager of a bankrupt's estate.

(2) Any reference to the liquidator, provisional liquidator, trustee or interim receiver includes the official receiver when acting in the relevant capacity.

[E.R.13.9]

Application

0.7.—(1) Subject to paragraph (2), and save where otherwise expressly provided, the Rules apply—

- (a) to receivers appointed on or after the day on which the Rules come into operation;
- (b) to bankruptcy proceedings where the bankruptcy petition is presented on or after the day on which the Rules come into operation; and
- (c) to all other insolvency proceedings commenced on or after that day.

(2) The Rules also apply to winding-up and bankruptcy proceedings commenced before that day to which provisions of the Order are applied by Schedule 8 to the Order, to the extent necessary to give effect to those provisions.

[E.R.13.14]