

1991 No. 365

INSOLVENCY

The Administration of Insolvent Estates of Deceased Persons Order (Northern Ireland) 1991

Made 5th August 1991

Coming into operation 1st October 1991

To be laid before Parliament

The Lord Chancellor, in exercise of the powers conferred on him by Article 365 of the Insolvency (Northern Ireland) Order 1989(a) and of all other powers enabling him in that behalf, with the concurrence of the Department of Economic Development, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Administration of Insolvent Estates of Deceased Persons Order (Northern Ireland) 1991 and shall come into operation on 1st October 1991.

Interpretation

2. In this Order—

“insolvency administration” means the administration in bankruptcy of the insolvent estate of a deceased person;

“insolvency administration order” means an order for the administration in bankruptcy of the insolvent estate of a deceased debtor (being an individual at the date of his death);

“insolvency administration petition” means a petition for an insolvency administration order;

“the Judgments Enforcement Order” means the Judgments Enforcement (Northern Ireland) Order 1981(b);

“the Land Registration Act” means the Land Registration Act (Northern Ireland) 1970(c);

“the Order” means the Insolvency (Northern Ireland) Order 1989;

“the Registration of Deeds Act” means the Registration of Deeds Act (Northern Ireland) 1970(d); and

“the Rules means the Insolvency Rules (Northern Ireland) 1991(e)

(a) S.I. 1989/2405 (N.I. 19)

(b) S.I. 1981/226 (N.I. 6)

(c) 1970 c. 18 (N.I.)

(d) 1970 c. 25 (N.I.)

(e) S.R. 1991 No. 364

Application of Insolvency and Judgments Enforcement Orders

3.—(1) The provisions of the Order, the Land Registration Act, the Registration of Deeds Act and the Judgments Enforcement Order specified in Parts II and III of Schedule 1 shall apply to the administration in bankruptcy of the insolvent estates of deceased persons dying before presentation of a bankruptcy petition with the modifications specified in those Parts and with any further such modifications as may be necessary to render them applicable to the estate of a deceased person and in particular with the modifications specified in Part I of the Schedule, and the provisions of the Rules, the Insolvency Regulations (Northern Ireland) 1991(a), the Land Registration Rules (Northern Ireland) 1977(b), the Insolvency (Registration of Deeds) Regulations (Northern Ireland) 1991(c) and any order made under Article 361 of the Order (fees and deposits) shall apply accordingly.

(2) In the case of any conflict between any provision of the Rules and any provision of this Order, the latter provision shall prevail.

Estate administered otherwise than in bankruptcy

4.—(1) Where the estate of a deceased person is insolvent and is being administered otherwise than in bankruptcy, subject to paragraphs (2) and (3), the same provisions as may be in operation for the time being under the law of bankruptcy with respect to the assets of individuals adjudged bankrupt shall apply to the administration of the estate with respect to the respective rights of secured and unsecured creditors, to debts and liabilities provable, to the valuation of future and contingent liabilities and to the priorities of debts and other payments.

(2) The reasonable funeral, testamentary and administration expenses have priority over the preferential debts listed in Schedule 4 to the Order.

(3) Article 265(2) of the Order shall not apply.

Debtor dying after bankruptcy petition presented

5.—(1) If a debtor by or against whom a bankruptcy petition has been presented dies, the proceedings in the matter shall, unless the High Court otherwise orders, be continued as if he were alive, with the modifications specified in Schedule 2.

(2) The reasonable funeral and testamentary expenses have priority over the preferential debts listed in Schedule 4 to the Order.

(3) If a debtor dies after presentation of a bankruptcy petition but before service, the High Court may order service to be effected on his personal representative or such other person as it thinks fit.

(4) In this Article “debtor” includes a solicitor against whom a bankruptcy petition has been presented by the Law Society of Northern Ireland under Article 238(1)(d) of the Order.

(a) S.R. 1991 No. 388

(b) S.R. 1977 No. 154 as amended by S.R. 1991 No. 381

(c) S.R. 1991 No. 382

Definitions to be added to Insolvency Order

6. The definitions in Article 2 other than the definition of “the Order” shall be added to those in Article 9 of the Order.

Definitions to be added to Land Registration Act

7. The definitions in Article 2 other than the definition of “the Land Registration Act” shall be added to those in section 94 of the Land Registration Act.

Definitions to be added to Registration of Deeds Act

8. The definitions in Article 2 other than the definition of “the Registration of Deeds Act” shall be added to those in section 20 of the Registration of Deeds Act.

Definitions to be added to Judgments Enforcement Order

9. The definitions in Article 2 other than the definitions of “the Judgments Enforcement Order” and “the Rules” shall be added to those in Article 2 of the Judgments Enforcement Order.

Dated 5th August 1991.

Mackay of Clashfern, C.

The Department of Economic Development hereby concurs with the foregoing Order.

Sealed with the Official Seal of the Department of Economic Development on 12th August 1991.

(L.S.)

A. H. McAlister

Assistant Secretary

Provisions of the Order, the Land Registration Act, the Registration of Deeds Act and the Judgments Enforcement Order applying with relevant modifications to the Administration in Bankruptcy of Insolvent Estates of deceased persons dying before presentation of a bankruptcy Petition

PART I

GENERAL MODIFICATIONS OF PROVISIONS OF THE ORDER, THE LAND REGISTRATION ACT, THE REGISTRATION OF DEEDS ACT AND THE JUDGMENTS ENFORCEMENT ORDER

Except in so far as the context otherwise requires, for any such reference as is specified in column 1 of the Table there shall be substituted the reference specified in column 2.

Table

<i>Reference in provision of the Order, the Land Registration Act, the Registration of Deeds Act and the Judgments Enforcement Order specified in Part II</i>	<i>Substituted references</i>
(1)	(2)
bankrupt; debtor.	deceased debtor or his personal representative (or if there is no personal representative such person as the court may order) as the case may require.
bankruptcy.	insolvency administration.
the bankrupt's estate.	the deceased debtor's estate.
the commencement of the bankruptcy.	the date of the insolvency administration order.
a bankruptcy order.	an insolvency administration order.
a bankruptcy petition.	an insolvency administration petition.
an individual being adjudged bankrupt.	an insolvency administration order being made.
a debtor's petition.	a petition by the personal representative of a deceased debtor for an insolvency administration order.

PART II

(1) PROVISIONS OF THE ORDER NOT INCLUDED IN PART III

The following provisions of the Order shall apply—

1. Articles 2 to 4.

2. Article 9 with the modification that in the definition of "bankruptcy debt", for the words "commencement of the bankruptcy", wherever they occur, there shall be substituted the words "date of death of the deceased debtor" and the words "(including after his discharge from bankruptcy)" shall be omitted.

3. Article 10.

4. Article 11 with the modification that it shall have effect as if the petition had been presented and the insolvency administration order had been made on the date of death of the deceased debtor and with the following modifications—

- (a) paragraph 2(a) shall be omitted;
- (b) in paragraph 2(b), for the words “bankrupt and his family” there shall be substituted the words “family of the deceased debtor”; and
- (c) after paragraph (4) there shall be added the following paragraph—

“(4A) References in Parts VIII to X to property, in relation to a deceased debtor, include the capacity to exercise and take proceedings for exercising all such powers over or in respect of property as might have been exercised by his personal representative for the benefit of the estate on the date of the insolvency administration order and as are specified in paragraph (4).”

5. Article 238 with the following modifications—

- (a) the words “against an individual” shall be omitted;
- (b) at the end of paragraph 1(a) there shall be added the words “in Form 1 set out in Schedule 3 to the Administration of Insolvent Estates of Deceased Persons Order (Northern Ireland) 1991”;
- (c) paragraph 1(b) shall be omitted;
- (d) in paragraph 1(c) after the words “Part VIII” there shall be added the words “in Form 2 set out in the said Schedule 3”;
- (e) paragraph 1(d) shall be omitted; and
- (f) at the end of paragraph (2) there shall be added the words “in Form 3 set out in the said Schedule 3”.

6. Article 240 with the following modifications—

- (a) for paragraph (1) there shall be substituted the following—

“(1) An insolvency administration petition shall, unless the High Court otherwise directs, be served on the personal representative and shall be served on such other persons as the Court may direct.”; and
- (b) in paragraph (3) for the words “bankruptcy petition” there shall be substituted the words “petition to the High Court for an insolvency administration order with or without costs”.

7. Article 241 with the following modifications to paragraph (2)—

- (a) for the words “Subject to Articles 242 to 244” there shall be substituted the words “Subject to Article 243”;
- (b) before the words “at the time” there shall be inserted the words “had the debtor been alive”; and
- (c) for sub-paragraphs (a) to (d) there shall be substituted the following—
 - “(a) the amount of the debt, or the aggregate amount of the debts, owed by the debtor would have been equal to or exceeded the bankruptcy level, or
 - (b) the debt, or each of the debts, owed by the debtor would have been for a liquidated sum payable to the petitioning creditor, or one or more of the petitioning creditors, either immediately or at some certain future time, and would have been unsecured.”.

8. Article 243 with the modification that in paragraph (2) for the words “Articles 241 to 244” there shall be substituted the words “Article 241 and this Article”.

9. Article 245 as if for that Article there were substituted the following—

“245.—(1) The High Court may make an insolvency administration order on a petition for such an order under Article 238(1) if it is satisfied—

(a) that the debt, or one of the debts, in respect of which the petition was presented is a debt which,

(i) having been payable at the date of the petition or having since become payable, has neither been paid nor secured or compounded for; or

(ii) has no reasonable prospect of being able to be paid when it falls due; and

(b) that there is a reasonable probability that the estate will be insolvent.

(2) A petition for an insolvency administration order shall not be presented to the High Court exercising its jurisdiction under Parts VIII to X of the Order after proceedings have been commenced in any court of justice for the administration of the deceased debtor’s estate.

(3) Where proceedings have been commenced in any such court for the administration of the deceased debtor’s estate, that court may, if satisfied that the estate is insolvent, transfer the proceedings to the High Court exercising jurisdiction under Parts VIII to X of the Order.

(4) Where proceedings have been transferred to the High Court under this Article, that court may make an insolvency administration order in Form 4 set out in Schedule 3 to the Administration of Insolvent Estates of Deceased Persons Order (Northern Ireland) 1991 as if a petition for such an order had been presented under Article 238.

(5) Nothing in Articles 238, 240, 241, 243 or 245 to 247 shall invalidate any payment made or any act or thing done in good faith by the personal representative before the date of the insolvency administration order.”.

10. Article 246(1) with the following modifications—

(a) after the word “petition” there shall be inserted the words “in Form 5 set out in Schedule 3 to the Administration of Insolvent Estates of Deceased Persons Order (Northern Ireland) 1991”; and

(b) for the words “debtor is unable to pay his debts” there shall be substituted the words “estate of a deceased debtor is insolvent”.

11. Article 247 as if for that Article there were substituted the following—

“247. The High Court shall make an insolvency administration order in Form 3 set out in Schedule 3 to the Administration of Insolvent Estates of Deceased Persons Order (Northern Ireland) 1991 on the hearing of a petition presented under Article 246 if it is satisfied that the deceased debtor’s estate is insolvent.”.

12. Article 250(2).

13. Article 252 as if for that Article there were substituted the following—

“252. The insolvency administration of a deceased debtor’s estate commences with the day on which the insolvency administration order in respect of his estate is made.”.

14. Article 256(1) and (4).

15. Articles 257 and 258 with the modification that they shall have effect as if the petition had been presented and the insolvency administration order had been made on the date of death of the deceased debtor.

16. Article 259(1) and (3) to (8).

17. Article 260.

18. Article 261 with the modification that for paragraphs (1) and (2) there shall be substituted the following—

“(1) Where an insolvency administration order has been made, the personal representative, or if there is no personal representative such person as the High Court may on the application of the official receiver direct, shall submit to the official receiver a statement of the deceased debtor’s affairs containing particulars of the assets and liabilities of the estate as at the date of the insolvency administration order together with other particulars of the affairs of the deceased debtor in Form 6 set out in Schedule 3 to the Administration of Insolvent Estates of Deceased Persons Order (Northern Ireland) 1991 or as the official receiver may require.

(2) The statement shall be submitted before the end of the period of 56 days beginning with the date of a request by the official receiver for the statement or such longer period as he or the High Court may allow.”.

19. Article 262 as if for that Article there were substituted the following—

“262. The official receiver is not under any duty to investigate the conduct and affairs of the deceased debtor unless he thinks fit but may make such report (if any) to the High Court as he thinks fit.”.

20. Article 264.

21. Articles 265 to 275, except Article 270(3), with the modification that, where a meeting of creditors is summoned for the purposes of any provision in those Articles, the rules regarding the trustee in bankruptcy and the creditors’ committee shall apply accordingly.

22. Articles 276 and 277.

23. Article 278 with the modification that after paragraph (4) there shall be added the following paragraph—

“(5) In the exercise of his functions under this Article where an insolvency administration order has been made, the trustee shall have regard to any claim by the personal representative to payment of reasonable funeral, testamentary and administration expenses incurred by him in respect of the deceased debtor’s estate or, if there is no such personal representative, to any claim by any other person to payment of any such expenses incurred by him in respect of the estate provided that the trustee has sufficient funds in hand for the purpose, and such claims shall have priority over the preferential debts listed in Schedule 4.”.

24. Article 279.

25. Article 280 with the modification that in paragraph (1) for the words “commencement of the bankruptcy” there shall be substituted the words “date of death of the deceased debtor”.

26. Articles 281 to 299.

27. Article 300 with the modification that for the words “commencement of the bankruptcy”, wherever they occur, there shall be substituted the words “date of death of the deceased debtor”.

28. Article 301.

29. Article 302 with the modification that for the words “commencement of the bankruptcy”, wherever they occur, there shall be substituted the words “date of death of the deceased debtor”.

30. Article 303 with the modification that in paragraph (5) for the words “the bankrupt is entitled to the surplus” there shall be substituted the words “the surplus shall be paid to the personal representative unless the court otherwise orders”.

31. Articles 304 to 313.

32. Article 314 with the modification that in paragraph (1)(a) for the words “day of the presentation of the bankruptcy petition” onwards there shall be substituted the words “date of death of the deceased debtor”.

33. Articles 315 to 320, 321(1), (2), (4) and (5) and 322 except sub-paragraphs (a) and (b).

34. Article 330 with the following modifications—

(a) paragraph (1), and the reference to that paragraph in paragraph (4), shall be omitted; and

(b) in paragraph (3), for the words “petition or in the initial period” there shall be substituted the words “the date of death of the deceased debtor”.

35. Articles 334 and 336 to 345.

36. Article 346.

37. Article 347(1), (5) and (6) with the modification that in paragraph (6)(a) and (b) for the reference to the making of the bankruptcy order there shall be substituted a reference to the date of death of the deceased debtor.

38. Articles 348 to 364, 367 to 369, 371 to 375, 377, 378 and 379 so far as it relates to Parts II, except paragraph 11, and III, except paragraphs 17 and 20, of Schedule 8 to the Order.

(2) PROVISIONS OF THE LAND REGISTRATION ACT

The following provisions of the Land Registration Act shall apply—

39. Section 59 with the modification that in paragraph (1) for the word “bankruptcy” where it first appears there shall be substituted the words “the making of an insolvency administration order in respect”.

40. Sections 59A, 67A, 85(3) and 94; Schedule 6, Part I, paragraphs 7 and 8A and Schedule 6, Part II, paragraph 6A.

(3) PROVISIONS OF THE REGISTRATION OF DEEDS ACT

The following provisions of the Registration of Deeds Act shall apply—

41. Sections 3A, 3B, 19(3) and (4) and 20(1).

(4) PROVISIONS OF THE JUDGMENTS ENFORCEMENT ORDER

The following provisions of the Judgments Enforcement Order shall apply—

42. Articles 88 and 89.

43. Article 90 with the following modifications—

(a) in paragraph (1)(i), for the words “by or against the debtor” there shall be substituted the words “in respect of the deceased debtor”; and

(b) in paragraph (3B) the words “has been acquired by or” shall be omitted.

44. Articles 91 to 94.

PART III

PROVISIONS OF PART VIII OR THE ORDER RELATING TO INDIVIDUAL VOLUNTARY ARRANGEMENTS

The following provisions of the Order shall apply where the High Court has made an interim order under Article 226 of the Order in respect of an individual who subsequently dies—

1. Article 230 with the modification that where the individual dies before he has submitted the document and statement referred to in paragraph (2), after paragraph (1), there shall be added the following paragraphs—

“(1A) The nominee shall after the death of the individual comes to his knowledge give notice to the High Court that the individual has died.

(1B) After receiving such a notice the High Court shall discharge the order mentioned in paragraph (1).”

2. Article 231 with the modification that where the individual dies before a creditor’s meeting has been held then no such meeting shall be held and, if the individual was at the date of his death an undischarged bankrupt, the personal representative shall give notice of the death to the trustee of his estate and the official receiver.

3. Articles 232 and 233.

4. Articles 234 to 236.

5. Article 237 with the modification that where the individual dies after a voluntary arrangement has been approved, then—

(a) in paragraph (3), for the words “debtor, any of his” there shall be substituted the words “personal representative of the deceased debtor, any of the deceased debtor’s”; and

(b) the supervisor shall give notice to the High Court that the individual has died.

Death of debtor after presentation of a bankruptcy petition*Modifications*

1. For paragraphs (1) and (2) of Article 261 of the Order there shall be substituted the following—

“(1) Where a bankruptcy order has been made otherwise than on a debtor’s petition and the debtor has subsequently died without submitting a statement of his affairs to the official receiver, the personal representative, or such other person as the High Court on the application of the official receiver may direct, shall submit to the official receiver a statement of the deceased debtor’s affairs containing particulars of the assets and liabilities of the estate as at the date of the order together with other particulars of the affairs of the deceased debtor in Form 6 set out in Schedule 3 to the Administration of Insolvent Estates of Deceased Persons Order (Northern Ireland) 1991 or as the official receiver may require, and the Rules shall apply to such a statement as they apply to an ordinary statement of affairs of a debtor.

(2) The statement shall be submitted before the end of the period of 56 days beginning with the date of a request by the official receiver for the statement or such longer period as he or the High Court may allow.”

2. At the end of Article 303(4)(b) of the Order there shall be added the words “and of the personal representative of a debtor dying after the presentation of a bankruptcy petition in respect of reasonable funeral and testamentary expenses of which notice has not already been given to the trustee”.

FORMS RELATING TO ADMINISTRATION IN BANKRUPTCY OF INSOLVENT
ESTATES OF DECEASED DEBTORS

**The Administration of Insolvent Estates of Deceased Persons
Order (Northern Ireland) 1991**

Form 1

Creditor's Petition for Insolvency Administration Order

In the High Court of Justice in Northern Ireland Chancery
Division (Bankruptcy)

* Insert name and short description, including any recent trading name, of deceased debtor

Re*

- (a) Insert full name(s) and address(es) of petitioner(s)
- (b) Insert full name, and former occupation of deceased debtor.

I/We (a) _____
petition the court that an order be made for the
administration of the insolvent estate in bankruptcy
of the late (b) _____

- (c) Insert in full any other name(s) by which the deceased debtor was known

[also known as (c) _____]

- (d) Insert any address(es) at which the deceased debtor has resided at or after the time the petition debt was incurred.

[and lately residing at (d) _____]
_____]

- (e) Insert trading name (adding "with another or others" if this was so), business address(es) and nature of business(es) carried on by the deceased debtor at or after the time the petition debt was incurred.

[and lately carrying on business as (e) _____]
_____]

- (f) Insert date of death
- (g) Give the amount of debt(s), what they relate to and when they were incurred. Show separately the amount or rate of any interest or other charge not previously notified to the deceased debtor and the reason why you are claiming it.
- (h) State date payable or "immediately" if this is so.
- (i) Delete appropriate
- (j) Insert date will proved
- (k) Insert full names and addresses of parties proving will
- (l) Insert date letters of administration granted
- (m) Insert full names and addresses of parties letters of administration granted to

who died on (f) _____
and say as follows—

1. The estate of the deceased debtor is justly and truly indebted to me/us in the aggregate sum of £ (g) _____

2. The above-mentioned debt is for a liquidated sum payable (h) _____ and the estate of the deceased debtor is according to my/our information and belief insufficient to pay his debts.

3. I/We do not, nor does any person on my/our behalf, hold any security on the deceased debtor's estate, or any part thereof, for the payment of the above-mentioned sum.

OR

I/We hold security for the payment of (i) [part of] the above-mentioned sum.
I/We will give up such security for the benefit of all the creditors in the event of an insolvency administration order being made.

OR

I/We hold security for the payment of part of the above-mentioned sum and I/we estimate the value of such security to be £ _____. This petition is not made in respect of the secured part of my/our debt.

4. The will of the deceased debtor was on (j) _____

proved by (k) _____

OR

The letters of administration of his estate were on (l) _____

granted to (m) _____

Endorsement

This petition having been presented to the High Court on _____ and filed on _____

at _____ am/pm it is ordered that the petition shall be heard as follows—

Date _____

Time _____ Hours

Place _____

(n) Insert full names and addresses of parties given notice

and you (n) _____

_____ are to take notice that if you intend to oppose the petition you must not later than 7 days before the day fixed for the hearing—

(i) file in the High Court a notice specifying the grounds on which you object to the making of an insolvency administration order

(ii) send a copy of the notice to the petitioner or his solicitor.

(o) Only to be completed where the petitioning creditor is represented by a solicitor

The solicitor to the petitioning credit is _____ (o).

Name _____

Address _____

Telephone Number _____

Fax Number (if any) _____

Reference _____

**The Administration of Insolvent Estates of Deceased Persons
Order (Northern Ireland) 1991**

Form 2

Petition for Insolvency Administration Order by
Supervisor of Voluntary Arrangement or Person Bound
by it

In the High Court of Justice in Northern Ireland Chancery
Division (Bankruptcy)

* Insert name and short description, including any recent trading name, of deceased debtor

Re*

- (a) Insert full name(s) and address(es) of petitioner(s)
- (b) Insert full name, and former occupation of deceased debtor

I/We (a) _____
petition the court that an order be made for the
administration of the insolvent estate in bankruptcy
of the late (b) _____

(c) Insert in full any other name(s) by which the deceased debtor was known

[also known as (c) _____]

(d) Insert any address(es) at which the deceased debtor has resided at or after the time the petition debt was incurred

[and lately residing at (d) _____
_____]

(e) Insert trading name (adding "with another or others" if this was so), business address(es) and nature of business(es) carried on by the deceased debtor at or after the time the petition debt was incurred

[and lately carrying on business as (e) _____
_____]
and say as follows—

(f) Insert date the deceased entered into voluntary arrangement

1. On (f) _____
a voluntary arrangement proposed by the deceased debtor was approved by his creditors and I am (g) [a person who is for the time being bound by the said voluntary arrangement and (h) _____

(g) Delete as applicable.

- (h) Insert name of supervisor
- (i) Insert date of death
- (j) Insert date will proved
- (k) Insert full name and addresses of parties proving will

is the supervisor] [(h) _____
the supervisor of the said voluntary arrangement].

2. The deceased debtor died on (i) _____

3. The will of the deceased debtor was on (j) _____

proved by (k) _____

OR

The letters of administration of his estate were on

- (l) Insert letters of administration granted
- (m) Insert full names and addresses of parties letters of administration granted to

(l) _____ granted to (m) _____

4. The estate of the deceased debtor is according to my/our information and belief insufficient to pay his debts.

Endorsement

This petition having been presented to the High Court on _____ and filed on _____ at _____ am/pm it is ordered that the petition shall be heard as follows—

Date _____

Time _____ Hours

Place _____

- (n) Insert full names and addresses of parties given notice

and you (n) _____ are to take notice that if you intend to oppose the petition you must not later than 7 days before the day fixed for the hearing—

(i) file in the High Court a notice specifying the grounds on which you object to the making of an insolvency administration order;

(ii) send a copy of the notice to the petitioner or his solicitor.

- (o) Only to be completed where the petitioning creditor is represented by a solicitor

The solicitor to the petitioning creditor is — (o)

Name _____

Address _____

Telephone Number _____

Fax Number (if any) _____

Reference _____

**The Administration of Insolvent Estates of Deceased Persons
Order (Northern Ireland) 1991**

Form 3

Insolvency Administration Order

In the High Court of Justice in Northern Ireland Chancery
Division (Bankruptcy)

(TITLE)

- (a) Insert full name of petitioner Upon the petition of (a) _____
- (b) Insert date of petition Dated (b) _____
and upon hearing _____
and upon reading the evidence _____

- (c) Insert full name of deceased debtor It is ordered that the estate of (c) _____

- (d) Insert residential address of deceased debtor at date of death formerly of (d) _____
- (e) Terms of any order as to payment of costs of application who died insolvent, be administered in bankruptcy and that the costs of this application be (e)

**The Administration of Insolvent Estates of Deceased Persons
Order (Northern Ireland) 1991**

Form 4

Insolvency Administration Order on Transfer of
Proceedings

In the High Court of Justice in Northern Ireland Chancery
Division (Bankruptcy)

Re*

* Insert name and short
description, including
any recent trading
name, of deceased
debtor

(a) Insert full name of
deceased debtor

Proceedings for the administration of the estate of the late
(a) _____

(b) Insert name of court
in which
proceedings
commenced

_____ having been commenced in

(b) _____ Court

(c) Insert date

on (c) _____

And whereas the Court did on (c) _____
transfer such proceedings to this Court.

It is ordered that the estate of

(a) _____
who died insolvent, be administered in bankruptcy.

**The Administration of Insolvent Estates of Deceased Persons
Order (Northern Ireland) 1991**

Form 5

Petition by Personal Representative for Insolvency
Administration Order

In the High Court of Justice in Northern Ireland Chancery
Division (Bankruptcy)

- * Insert name and short description, including any recent trading name, of deceased debtor Re* _____
- (a) Insert full name(s) and address(es) of petitioner(s) I/We (a) _____
petition the court that an order be made for the
administration of the insolvent estate in bankruptcy
- (b) Insert full name, and former occupation of deceased debtor of the late (b) _____

- (c) Insert in full any other name(s) by which the deceased debtor was known [also known as (c) _____]
- (d) Insert any address(es) at which the deceased debtor has resided at or after the time in which the outstanding liabilities were incurred [and lately residing at (d) _____]

- (e) Insert trading name (adding "with another or others" if this was so), business address(es) and nature of business(es) carried on by deceased debtor [and lately carrying on business as (e) _____]

- (f) Insert date of death who died on (f) _____
and say as follows—
- (g) Delete as appropriate 1. (g) I am/We are the personal representative(s) of the deceased debtor and his will was on
- (h) Insert date will proved (h) _____

(i) Insert full names and addresses of parties proving will

proved by (i) _____

OR

(j) Insert date letters of administration granted

that the letters of administration of his estate were on (j) _____

(k) Insert names and addresses of parties letters of administration granted to

granted to (k) _____

2. The estate of the deceased debtor is according to my/our information and belief insufficient to pay his debts.

The Administration of Insolvent Estates of Deceased Persons
Order (Northern Ireland) 1991

Form 6

Note:

These details will be the same as those shown at the top of the petition

Statement of Affairs (Deceased Insolvent)

No.

In the High Court of Justice in Northern Ireland Chancery Division (Bankruptcy)

* Insert name of deceased

Re*

THE 'GUIDANCE NOTES' BOOKLET TELLS YOU HOW TO COMPLETE THIS FORM EASILY AND CORRECTLY

Show the financial position of the deceased debtor by completing all the pages of this form which will then be the Statement of Affairs.

Affidavit

THIS AFFIDAVIT MUST BE SWORN BEFORE A SOLICITOR OR COMMISSIONER OF OATHS OR AN OFFICER OF THE COURT DULY AUTHORISED TO ADMINISTER OATHS WHEN YOU HAVE COMPLETED THE REST OF THIS FORM

(a) Insert your full name and occupation

I(a) _____

(b) Insert your full address

of (b) _____

make oath and say that the several pages marked _____ are to the best of my knowledge and belief a full, true and complete statement of the affairs of the deceased debtor as at _____ the date of the insolvency administration/bankruptcy order.

Sworn at _____

Date _____ Signature(s) _____

Before me _____

A Solicitor or Commissioner of Oaths or duly authorised officer

Before swearing the affidavit, the Solicitor, Commissioner or duly authorised officer is particularly requested to make sure that the full name, address and description of the deponent are stated, and to initial any crossings-out or other alterations in the printed form. A defect in the affidavit in any of the above respects will mean that it will be refused by the court, and will need to be re-sworn.

A

IS ANYONE CLAIMING SOMETHING OF THE DECEASED DEBTOR'S TO CLEAR OR REDUCE THEIR CLAIM?

Tick Box

YES NO

1636

If 'YES' give details below: _____

	Name of creditor	Address (with postcode)	Amount owed to creditor £	What property is claimed and what is it worth?
1.	_____	_____	_____	_____
	_____	_____	_____	_____
2.	_____	_____	_____	_____
	_____	_____	_____	_____
	_____	_____	_____	_____
3.	_____	_____	_____	_____
	_____	_____	_____	_____
	_____	_____	_____	_____
4.	_____	_____	_____	_____
	_____	_____	_____	_____
	_____	_____	_____	_____

Insolvency

No. 365

Signature _____

Date _____

B

1. Has the deceased debtor any creditors under hire-purchase or conditional sale agreements?
 If 'YES' name the creditors and give a description of the goods subject to each agreement and the amount owed

Tick Box

<u>YES</u>	<u>NO</u>
_____	_____

2. Has the deceased debtor any liability under leasing agreements?
 If 'YES' name the creditors and give details of the property leased

<u>YES</u>	<u>NO</u>
_____	_____

Signature _____ Date _____

D

1. Did the deceased have any personal bank accounts, including joint accounts?
 If 'YES' state where they are and how much is in them now.

Tick Box

YES

NO

2. Did the deceased have any business bank accounts, including joint accounts? If 'YES' state the name of the accounts, where they are and how much is in them now.

YES

NO

3. Did the deceased have any building society accounts, or an interest in one? If 'YES' state where they are and how much is in them now.

YES

NO

Signature _____ Date _____

4. Are there any other savings?
If 'YES' state the amounts and where they are.

YES

NO

5. Did the deceased debtor have any interest in any life policies?
If 'YES' state with whom they were effected, the policy numbers, and any value to the estate.

YES

NO

6. Did the deceased debtor have an interest, of value, in any other policies or agreements?
If 'YES' state with whom they were effected, the policy or agreement numbers and the value to the estate.

<u>YES</u>	<u>NO</u>
_____	_____

Signature _____ Date _____

F

Property

NOW SHOW ANYTHING OF THE DECEASED DEBTOR'S WHICH MAY BE OF VALUE AND IS NOT SHOWN ON ANOTHER PAGE: £

- (a) Cash deposited with solicitor at _____
- (b) Cash in hand _____
- (c) Stock in trade at _____
- (d) Machinery at _____
- (e) Trade fixtures, fittings, utensils, etc. at _____
- (f) Farming stock at _____
- (g) Growing crops and tenant rights at _____
- (h) Household furniture and effects at _____
- (i) Stocks and shares in _____
- (j) Any interests under wills, etc. _____
- (k) Motor vehicles (give details) _____

(l) Bills of exchange, promissory notes, etc. available as assets _____

(m) Other property viz- _____

£

Signature _____ Date _____

G

1. Is there any claim against the estate for funeral, testamentary and administration expenses?
If 'YES' give details below.

Tick Box

YES

NO

2. Did the deceased debtor have any assets when he died which are not now shown in this statement of affairs?
If 'YES' list them below and state what has happened to them.

YES

NO

Signature _____ Date _____

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order specifies the provisions of the Land Registration Act (Northern Ireland) 1970, the Registration of Deeds Act (Northern Ireland) 1970, the Judgments Enforcement (Northern Ireland) Order 1981 and the Insolvency (Northern Ireland) Order 1989 which apply to the administration in bankruptcy of the insolvent estates of deceased persons and the modifications to those provisions.

It also specifies the provisions which apply where the estate of a deceased person is insolvent and is administered otherwise than in bankruptcy and which replace the provisions of section 30(1) of, and Part I of the First Schedule to, the Administration of Estates Act (Northern Ireland) 1955 (c. 24), which were repealed by the Insolvency (Northern Ireland) Order 1989 (N.I. 19).

Where a debtor by or against whom a bankruptcy petition has been presented dies, the proceedings in the matter are, unless the court otherwise orders, continued as if he were alive but with the modifications in Schedule 2.