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STATUTORY RULES OF NORTHERN IRELAND

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**1996 No. 574**

**The Insolvency Regulations (Northern Ireland) 1996**

STATEMENTS, ACCOUNTS AND RECORDS

**Financial records**

**44.**—(1) The trustee shall prepare and keep—

- (a) separate financial records in respect of each deed of arrangement; and
- (b) such other financial records as are required to explain the receipts and payments entered in the records described in sub-paragraph (a) or regulation 45 including an explanation of the source of any receipts and the destination of any payments;

and shall, subject to regulation 45 as to trading accounts, from day to day enter in those records all the receipts and payments made by him.

(2) The trustee shall submit the financial records to be kept under paragraph (1) to any creditor when required.

**Trustee carrying on business**

**45.** Where the trustee carries on any business of the debtor, he shall—

- (a) keep a separate and distinct account of the trading, including, where appropriate, particulars of all bank account transactions; and
- (b) incorporate in the financial records required to be kept under regulation 44 the total weekly amounts of the receipts and payments made by him in relation to the account kept under paragraph (a).

**Audit of trustee's accounts**

**46.** Any account sent to the Department under regulation 4(1) or (4) of the Deeds of Arrangement Regulations (Northern Ireland) 1996(1) shall, if the Department so requires, be audited and where, after the account has been sent to it, the Department requires the account to be audited, the trustee shall send to the Department on demand any documents (including vouchers and bank statements) and any information relating to the account.

**Dividends**

**47.**—(1) Where the trustee distributes dividends or instalments of composition under a deed of arrangement, he must enter the total amount of each dividend or instalment of composition in the records to be kept under regulation 44 in one sum, and he shall forward to the Department—

- (a) with each account in which a charge in respect of dividend or composition appears a statement showing the amount of the claim of each creditor, and the amount of dividend or composition payable to each creditor, distinguishing in such statement the dividends or instalments of composition paid and those remaining unpaid; and

- (b) with his final account a complete statement in similar form showing the amount of the claim and the full amount of dividend or composition paid to or reserved for each creditor.

(2) In this regulation a reference to an account is to an account sent to the Department under regulation 4(1) or (4) of the Deeds of Arrangement Regulations (Northern Ireland) 1996.

[D.A.R. 36]

#### **Production and inspection of records**

**48.** The trustee shall produce on demand to the Department, and allow it to inspect, any accounts, books and other records kept by him, and this duty to produce and allow inspection shall extend—

- (a) to producing and allowing inspection at the premises of the trustee; and
- (b) to producing and allowing inspection of any financial records of the kind described in regulation 44(1)(b) prepared by the trustee and kept by him;

and any such demand may require the trustee to produce any such accounts, books or other records to the Department, and allow it to inspect them—

- (i) at the same time as any account is sent to the Department under regulation 4(1) or (4) of the Deeds of Arrangement Regulations (Northern Ireland) 1996, or any certificate under regulation 4(5) of those Regulations is sent to the Department; or
- (ii) at any time after such an account or certificate is sent to the Department;

whether or not the Department requires any account to be audited.