
STATUTORY RULES OF NORTHERN IRELAND

2003 No. 549

The Insolvency (Amendment) Rules (Northern Ireland) 2003

Citation and commencement

1. These Rules may be cited as the Insolvency (Amendment) Rules (Northern Ireland) 2003 and shall come into operation on 2nd February 2004.

Interpretation

2. In these Rules –

“the commencement date” means the date referred to in Rule 1 of these Rules;

“the principal Rules” means the Insolvency Rules (Northern Ireland) 1991(1) and a reference to a rule, Schedule or form by number is a reference to the rule, Schedule or form so numbered in the principal Rules; and

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

Amendment to Rule 0.6

3. In Rule 0.6 after paragraph (2), there shall be inserted the following paragraph –

“(3) A reference to an “authorised person” is a reference to a person who is authorised pursuant to Article 348A(2) of the Order to act as nominee or supervisor of a voluntary arrangement proposed or approved under Part II or Part VIII of the Order.”.

Amendment to Rule 1.26

4. In paragraph (2)(d) of Rule 1.26 (supervisor’s accounts and reports) there shall be substituted for the words “paragraph (5)” the words “paragraph (6)”.

Amendments to Part 1 of the principal Rules

5.—(1) Subject to paragraph (2), Part 1 of the principal Rules shall have effect subject to the amendments set out in Part 1 of Schedule 1 to these Rules.

(2) The amendments to Part 1 of the principal Rules set out in Part 1 of Schedule 1 to these Rules shall not apply in relation to a voluntary arrangement under Part II of the Order where –

(a) a proposal is made by the directors of a company and, before the commencement date, the intended nominee has endorsed a copy of the written notice of the proposal under Rule 1.04(3);

(b) a proposal is made by the liquidator or the administrator (acting as the nominee) and, before the commencement date, the liquidator or administrator (as the case may be) has

(1) The Insolvency Rules (Northern Ireland) 1991 (S.R. 1991 No. 364), as amended by the Insolvency (Amendment) Rules (Northern Ireland) 1994 (S. R. 1994 No. 26), the Insolvency (Amendment) Rules (Northern Ireland) 1995 (S.R. 1995 No. 291), the Insolvency (Amendment) Rules (Northern Ireland) 2000 (S.R. 2000 No. 247) and the Insolvency (Amendment) Rules (Northern Ireland) 2002 (S.R. 2002 No. 261)

(2) Article 348A was inserted by Article 6(3) of the Insolvency (Northern Ireland) Order 2002 (S.I. 2002/3152 (N.I. 6))

sent out a notice summoning the meetings under Article 16 of the Order as required by Rule 1.11; or

- (c) a proposal is made by the liquidator or the administrator of a company (not acting as the nominee) and, before the commencement date, the intended nominee has endorsed a copy of the written notice of the proposal under Rule 1.12(2);

and, in such cases, Part 1 of the principal Rules as it stood before the commencement date shall continue to apply.

Amendments to Part 4 of the principal Rules

6.—(1) Subject to paragraph (2), Part 4 of the principal Rules shall have effect subject to the amendments set out in Part 2 of Schedule 1 to these Rules.

(2) The amendments to Part 4 of the principal Rules set out in Part 2 of Schedule 1 to these Rules shall not apply in relation to –

- (a) a winding up by the court where the petition on which the winding-up order was made was presented prior to the commencement date; or
- (b) a voluntary winding up where the resolution for winding up was passed prior to the commencement date;

and, in such cases, Part 4 of the principal Rules as it stood before the commencement date shall continue to apply.

Amendments to Part 5 of the principal Rules

7.—(1) Subject to paragraph (2), there shall be substituted for Chapter 2 of Part 5 of the principal Rules the provisions set out in Part 3 of Schedule 1 to these Rules.

(2) The provisions set out in Part 3 of Schedule 1 to these Rules shall not apply in relation to a voluntary arrangement under Part VIII of the Order where a proposal is made by a debtor and, before the commencement date, the intended nominee has endorsed a copy of the written notice of the proposal under Rule 5.05(3) and, in such a case, Chapter 2 of Part 5 of the principal Rules as it stood before the commencement date shall continue to apply.

Amendments to Part 6 of the principal Rules

8.—(1) Subject to paragraph (2), Part 6 of the principal Rules shall have effect subject to the amendments set out in Part 4 of Schedule 1 to these Rules.

(2) The amendments to Part 6 of the principal Rules set out in Part 4 of Schedule 1 to these Rules shall not apply in relation to a bankruptcy where the petition was presented prior to the commencement date and, in such a case, Part 6 of the principal Rules as it stood before the commencement date shall continue to apply.

Amendment to Rule 12.01

9. In paragraph (2)(f) of Rule 12.01 (power of Department to regulate certain matters) the words “, in the case of a liquidator,” shall be omitted.

Amendments to Schedule 2

10.—(1) In the index to forms in Schedule 2 –

- (a) for the entries relating to Forms 1.1 to 1.4 there shall be substituted the entries set out in Part I of Schedule 2 to these Rules; and

(b) after the entry relating to Form 5.4 there shall be inserted the following new entry –

“5.5 Documents to be submitted to court under Rule 5.14 of the Insolvency Rules (Northern Ireland) 1991”.

(2) Subject to paragraphs (3) and (4), in Schedule 2 –

- (a) for Forms 1.1 to 1.4 there shall be substituted the new Forms 1.01 to 1.19 set out in Part II of Schedule 2 to these Rules;
- (b) for Forms 5.2 and 5.3 there shall be substituted the new Forms 5.2 and 5.3 set out in Part II of Schedule 2 to these Rules; and
- (c) after Form 5.4 there shall be inserted Form 5.5 set out in Part II of Schedule 2 to these Rules.

(3) Sub-paragraph (a) of paragraph (2) of this Rule shall not apply in any case to which paragraph (2) of Rule 5 of these Rules applies and, in such a case, the forms prescribed for use in relation to voluntary arrangements under Part II of the Order as they stood before the commencement date shall continue to be used.

(4) Sub-paragraph (b) of paragraph (2) of this Rule shall not apply in any case to which paragraph (2) of Rule 7 of these Rules applies and, in such a case, the forms prescribed for use in relation to voluntary arrangements under Part VIII of the Order as they stood before the commencement date shall continue to be used.

Amendments to Schedule 3

11. In Schedule 3 the entries relating to Rule 1.30 and Rule 5.33 shall be omitted.

Signed by the authority of the Lord Chancellor

Department for Constitutional Affairs
Dated 18th December 2003

Lord Filkin
Parliamentary Under Secretary of State,

The Department of Enterprise, Trade and Investment hereby concurs with the foregoing Rules.
Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 23rd
December 2004.

L.S.

Michael J. Bohill
A Senior Officer of the
Department of Enterprise, Trade and Investment