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SCHEDULE 2

Article 10

FORM 5

Schedule 4 para 8
Art. 104(1)(a)

Creditor's Petition to Wind Up Partnership (Presented in Conjunction with Petitions against Members)

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND
CHANCERY DIVISION (BANKRUPTCY)

(a) Insert name of partnership IN THE MATTER OF (a)
("the partnership")
AND IN THE MATTER OF THE INSOLVENT PARTNERSHIPS ORDER
(NORTHERN IRELAND) 1995

To the High Court of Justice in Northern Ireland

(b) Insert full name(s) and address(es) of petitioner(s) The petition of (b) _____

(c) Insert the nature of the partnership's businesses 1. The nature of the partnership's business is/was (c) _____

(d) Delete as appropriate 2. (d) [The centre of main interests being the place where the partnership conducts the administration of its interests] [An establishment] of the partnership is at

(e) _____
within the jurisdiction of the Court

OR

(d) [The principal place of business of the partnership] [A place of business at which business was carried on by the partnership in the course of which the debt (or part of the debt) arose which forms the basis of this petition] is at (e)

(f) Delete as appropriate. If the partnership has a principal place of business in both Northern Ireland and in Scotland the relevant period is 1 year. In any other case it is 3 years. 3. The partnership has carried on its business in Northern Ireland at some time during the period of (f) [3 years] [1 year] ending with the day on which this petition is presented.

4. The partnership is/is not an (d) [insurance undertaking:] [a credit institution:] [an investment undertaking providing services involving the holding of funds or securities for third parties:] or [a collective investment undertaking] referred to in Article 1.2 of the EC Regulation.

(g) Insert name of person swearing affidavit 5. For the reasons stated in the affidavit of (g) _____ filed in support hereof it is considered that the EC Regulation will/will not apply (d) [and that these proceedings will be (h) _____ proceedings as defined in Article 3 of the EC Regulation].

(h) Insert whether main, secondary or territorial proceedings 6. The partnership is justly and truly indebted to me/us in the aggregate sum of £ _____.

The above-mentioned debt is for a liquidated sum payable immediately.

(i) Insert date of service On [(i) _____] a demand was served upon the partnership by

(j) State manner of service of demand (j) _____

in respect of the above-mentioned debt. To the best of my knowledge and belief the demand has not been complied with.]

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FORM 5 (cont'd)

(k) Insert full name of member or members

On [(i) _____] (d) [a demand was] [demands were] served upon (k) _____ [a] member[s] of the partnership by (j) _____

in respect of the above-mentioned debt. To the best of my knowledge and belief the demand[s] has not/have not been complied with.]

(1) Delete (1) or (2) as appropriate

7. The partnership (1) –

[(1) is unable to pay its debts,] or

[(2) at the time at which a moratorium for the insolvent partnership which under Article 14A of the Insolvency (Northern Ireland) Order 1989 came to an end, no voluntary arrangement approved under Part II had effect in relation to the insolvent partnership.]

and in the circumstances the partnership should be wound up.

The petitioner[s] therefore pray[s] as follows: –

(1) that (a) _____ may be wound up by the Court under the provisions of the Insolvency (Northern Ireland) Order 1989 as modified by the Insolvent Partnerships Order (Northern Ireland) 1995.

OR

(2) that such Order may be made as the Court thinks fit.

Under the EC Regulation:

- (i) The centre of main interests should correspond to the place where the debtor conducts the administration of his interests on a regular basis.
- (ii) Establishment is defined as “any place of operations where the debtor carries out a non-transitory economic activity with human means and goods”.

NOTE 1:

Petitions are also being presented against the following members of the partnership:

NAME	ADDRESS	TYPE OF PETITION (WINDING-UP OR BANKRUPTCY)	DATE DEMAND SERVED (if applicable)

NOTE 2:

It is intended to serve this petition on the partnership

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FORM 5 (cont'd)

ENDORSEMENT	
This petition having been presented to the Court	
on _____	
will be heard at Royal Courts of Justice, Chichester	
Street, Belfast, BT1 3JF	
on:	
Date	_____
Time	_____
(or as soon thereafter as the petition can be heard)	
The solicitor to the petitioner is: –	
Name	_____
Address	_____

Tel. No.	_____
Fax No. (if any)	_____
Reference	_____

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FORM 6

Schedule 4 para 8
Art. 104(1)(b)

**Creditor's Petition to Wind Up Corporate Member
(Presented in Conjunction with Petition against Partnership)**

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND
CHANCERY DIVISION (BANKRUPTCY)

(a) Insert name of corporate member subject to winding-up petition

IN THE MATTER OF (a) ("the company")
AND IN THE MATTER OF THE INSOLVENT PARTNERSHIPS ORDER (NORTHERN IRELAND) 1995

To the High Court of Justice in Northern Ireland

(b) Insert full name(s) and address(es) of petitioner(s)

The petition of (b) _____

(c) Insert date of incorporation

1. The company was incorporated on (c) _____

(d) Insert title of Companies Act or Order under which the company was incorporated

under (d) _____

2. The registered office of the company is at (c) _____

(e) Insert address of registered office

3. The nominal capital of the company is £ _____ divided into _____ shares of £ _____ each. The amount of the capital paid up or credited as paid up is £ _____

4. The principal objects for which the company was established are as follows: –

and other objects in the memorandum of association of the company.

(f) Delete as appropriate

5. The company is/is not (f) [an insurance undertaking;] [a credit institution;] [an investment undertaking providing services involving the holding of funds or securities for third parties;] or [a collective investment undertaking] referred to in Article 1.2 of the EC Regulation.

(g) Insert name of person swearing affidavit

6. For the reasons stated in the affidavit of (g) _____ filed in support hereof it is considered that the EC Regulation (f) will/will not apply and that these proceedings will be (h) _____ proceedings as defined in Article 3 of the EC Regulation].

(h) Insert whether main, secondary or territorial proceedings

(i) Insert full name of partnership against which winding-up petition has been presented to this Court

7. The subject of this petition is a member of (i) _____

_____ which has carried on business in Northern Ireland at some time during the period of (j) [3 years] [1 year] ending with (k) _____, the day on which a winding-up petition was presented to this Court against the partnership.

(j) Delete as appropriate. If the partnership has a principal place of business in both Northern Ireland and in Scotland the relevant period is 1 year. In any other case it is 3 years.

8. The partnership is justly and truly indebted to me/us in the aggregate sum of £ _____. The above-mentioned debt is for a liquidated sum payable immediately. (f) [On (k) _____ a demand was served upon the company and the partnership by (l) _____

(k) Insert appropriate date

(l) State manner of service of demand

_____ in respect of the above-mentioned debt. To the best of my knowledge and belief the demand has not been complied with.]

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FORM 6 (cont'd)

(m)Delete (1) of (2) as appropriate

9. The partnership (m)

[(1) is unable to pay its debts.]

[(2) at the time at which a moratorium for the insolvent partnership under Article 14A of the Insolvency (Northern Ireland) Order 1989 came to an end, no voluntary arrangement approved under Part II had effect in relation to the insolvent partnership.]

and in the circumstances the corporate member should be wound up.

The petitioner[s] therefore pray[s] as follows:

(1) that (a) _____

may be wound up by the Court under the provisions of the Insolvency (Northern Ireland) Order 1989 as modified by the Insolvent Partnerships Order (Northern Ireland) 1995

OR

(2) that such other order may be made as the Court thinks fit.

NOTE 1:

Petitions are also being presented against the following members of the partnership:

NAME	ADDRESS	TYPE OF PETITION (WINDING-UP OR BANKRUPTCY)	DATE DEMAND SERVED (if applicable)

NOTE 2:

It is intended to serve this petition on (a) _____

ENDORSEMENT	
This petition having been presented to the Court on _____ will be heard at Royal Courts of Justice, Chichester Street, Belfast, BT1 3JF on:	
Date _____	
Time _____	
(or as soon thereafter as the petition can be heard)	
The solicitor to the petitioner is:	
Name _____	
Address _____	

Tel. No. _____	
Fax No. (if any) _____	
Reference _____	

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FORM 7

Schedule 4 para 8
Art. 104(1)(c)

Creditor's Bankruptcy Petition against Individual
Member (Presented in Conjunction with Petition
against Partnership)

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND
CHANCERY DIVISION (BANKRUPTCY)

(a) Insert name of individual member subject to petition IN THE MATTER OF (a)
AND IN THE MATTER OF THE INSOLVENT PARTNERSHIPS ORDER
(NORTHERN IRELAND) 1995

To the High Court of Justice in Northern Ireland

(b) Insert full name(s) and address(es) of petitioner(s) I/We (b) _____

petition the Court that a bankruptcy order may be made against

(c) Insert full name, place of residence and occupation of individual member (c) _____

(d) Insert in full any other name(s) by which the member is or has been known [also known as (d) _____]

(e) Insert trading name (adding "with another or others", if this is so), business address and nature of business [and carrying on business as (e) _____]

[and lately residing at (f) _____]

(f) Insert any former address(es) at which the member has resided after the time at which the petition debt of the partnership (i) was incurred _____

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

(g) Give same details as specified in note (e) above for any other businesses which have been carried on at or after the time at which the petition debt of the partnership (i) was incurred or at which the member may have incurred debts or liabilities still unpaid or unsatisfied _____

(h) The debtor's centre of main interests, being the place where he conducts the administration of his interests, is located within the United Kingdom at _____

OR

The debtor's centre of main interests is located outside the United Kingdom but within the European Union and he has an establishment as defined by EC Regulation No. 1346/2000 within Northern Ireland at _____

OR

The debtor's centre of main interests is located outside the European Union

OR

The debtor carries on business as (h) [an insurance undertaking;] [a credit institution;] [an investment undertaking providing services involving the holding of funds or securities for third parties;] or [a collective investment undertaking] as referred to in Article 1.2 of the EC Regulation.

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FORM 7 (cont'd)

On the grounds that:

(i) Insert full name of partnership against which winding-up petition has been presented to this Court

he is a member of (i) _____ which has carried on business in Northern Ireland at some time during the period of (j) [3 years] [1 year] ending with (k) _____, the day on which a winding-up petition was presented to this Court against the partnership.

The partnership is justly and truly indebted to me/us in the aggregate sum of £_____.

The above-mentioned debt is for a liquidated sum payable immediately.

(j) Delete as appropriate. If the partnership has a principal place of business in both Northern Ireland and in Scotland the relevant period is 1 year. In any other case it is 3 years.

(j) on (k) _____ a demand was served upon the member and the partnership by (l) _____ in respect of the above-mentioned debt.

(k) Insert appropriate date.

(j) [To the best of my knowledge and belief the demand has neither been complied with nor set aside in accordance with the Rules and no application made to set it aside is outstanding.]

(l) State date and manner of service of demand

The partnership (m)

(m) Delete (1) or (2) as appropriate

[(1) is unable to pay its debts,] or

[(2) at the time at which a moratorium for the insolvent partnership under Article 14A of the Insolvency (Northern Ireland) Order 1989 came to an end, no voluntary arrangement approved under Part II had effect in relation to the insolvent partnership,]

and in the circumstances a bankruptcy order should be made against (a) _____

Under the EC Regulation:

(i) The centre of a debtor's main interests should correspond to the place where the debtor conducts the administration of his interests on a regular basis.

(ii) Establishment is defined as "any place of operations where the debtor carries out a non-transitory economic activity with human means and goods".

NOTE 1:

Petitions are also being presented against the following members of the partnership:

NAME	ADDRESS	TYPE OF PETITION (WINDING-UP OR BANKRUPTCY)	DATE DEMAND SERVED (if applicable)

NOTE 2:

It is intended to serve this petition on (a) _____

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FORM 7 (cont'd)

ENDORSEMENT

This petition having been presented to the Court on _____
it is ordered that the petition shall be heard as follows:

Date _____

Time _____

Place Royal Courts of Justice, Chichester Street, Belfast, BT1 3JF

(n) Insert name and number

and you, the above-named (n) _____

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

- (i) file in Court a notice in Form 6.20 in Schedule 2 to the Insolvency Rules (Northern Ireland) 1991 specifying the grounds on which you object to the making of a bankruptcy order; and
- (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 petitioner is (o):

Name _____

Address _____

Tel. No. _____

Fax No. (if any) _____

Reference _____