
STATUTORY RULES OF NORTHERN IRELAND

2006 No. 370

**The Insolvency (Northern Ireland) Order 1989
(Amendment) Regulations (Northern Ireland) 2006**

Amendments to the Insolvency (Northern Ireland) Order 1989

3.—(1) The Insolvency (Northern Ireland) Order(1) shall be amended as follows.

(2) In Article 2(2) (general interpretation) at the appropriate place, insert—

“EEA State” means a state that is a Contracting Party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993;”.

(3) In Article 14 (company voluntary arrangements: those who may propose an arrangement), for paragraph (4) substitute—

“(4) In this Part “company” means—

- (a) a company within the meaning of Article 3(1) of the Companies (Northern Ireland) Order 1986
- (b) a company incorporated in an EEA State other than the United Kingdom; or
- (c) a company not incorporated in an EEA State but having its centre of main interests in a member State other than Denmark.

(5) In paragraph (4) in relation to a company, “centre of main interests” has the same meaning as in the EC Regulation and, in the absence of proof to the contrary, is presumed to be the place of its registered office (within the meaning of that Regulation).

(6) If a company incorporated outside Northern Ireland has a principal place of business in England and Wales or Scotland (or both in England and Wales and in Scotland), no proposal under this Part shall be made in relation to it unless it also has a principal place of business in Northern Ireland.”.

(4) In paragraph 1 of Schedule B1 (administration)—

(a) in sub-paragraph (1) omit the definition of “company”;

(b) after sub-paragraph (1) insert—

“(1A) In this Schedule, “company” means—

- (a) a company within the meaning of Article 3(1) of the Companies (Northern Ireland) Order 1986,
- (b) a company incorporated in an EEA State other than the United Kingdom, or
- (c) a company not incorporated in an EEA State but having its centre of main interests in a member State other than Denmark.

(1) [S.I. 1989/2405 \(N.I. 19\)](#) Article 14 of the Insolvency (Northern Ireland) Order 1989 was amended by [S.R. 2002 No. 334](#) and Schedule B1 was inserted into the Insolvency (Northern Ireland) Order 1989 by Article 3(2) of, Schedule 1 to, the Insolvency (Northern Ireland) Order 2005 ([S.I. 2005/1455 \(N.I. 10\)](#)).

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(1B) In sub-paragraph (1A), in relation to a company, “centre of main interests” has the same meaning as in the EC Regulation and, in the absence of proof to the contrary, is presumed to be the place of its registered office (within the meaning of that Regulation).”;

(5) After paragraph (1) of Schedule B1 insert—

“Non-UK companies

1A. A company incorporated outside Northern Ireland that has a principal place of business in England and Wales or Scotland (or both in England and Wales and in Scotland) may not enter administration under this Schedule unless it also has a principal place of business in Northern Ireland.”.