
EXPLANATORY NOTE

(This note is not part of the Order)

This order amends the Insolvent Partnerships Order (Northern Ireland) 1995 (S.R. 1995 No. 225) (“the 1995 Order”). The following are the main changes made to the 1995 Order.

1. Article 4 substitutes Article 6 of the 1995 Order to take account of the amendment to Part III of the Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N.I. 19)) (“the 1989 Order”) by Article 3 of the Insolvency (Northern Ireland) Order 2005 (S.I. 2005/1455 (N.I. 10)) (“the 2005 Order”). Article 3 of the 2005 Order substituted Part III of the Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N.I. 19)). The substituted Part III consists only of Article 21 which gives effect to Schedule B1 to the Order, which was set out in Schedule 1 to the 2005 Order. Schedule B1 makes provision for companies to go into administration by court order on an administration application or upon the appointment of an administrator by the company, its directors or the holder of a qualifying floating charge.

2. Article 7 of this Order gives effect to Schedule 1 to this Order which substitutes Schedule 2 of the 1995 Order (modified provisions of the Order applying for purposes of Article 6). The substituted Schedule 2 contains modifications to Schedule B1 to the 1989 Order.

3. Article 5 amends Article 10 of the 1995 Order to remove a reference to summary administration consequent upon the abolition of that procedure by the 2005 Order.

4. Article 6 amends Schedule 1 to the 1995 Order consequent upon the changes to administration in the 2005 Order. Article 6(4) amends the provisions of modified Schedule A1 to take account of changes to the definition of small to medium enterprises in the Companies (1986 Order) (Accounts of Small and Medium-Sized Enterprises and Audit Exemption) (Amendment) Regulations (Northern Ireland) 2004 (S.R. 2004 No. 190).

5. Article 8 amends Schedule 3 to the 1995 Order consequent upon amendments made in the 2005 Order.

6. Article 9 amends Schedule 4 to the 1995 Order to provide for the modified application of Articles 256A and 286A of the 1989 Order which were inserted by the 2005 Order regarding treatment of the matrimonial home in bankruptcy.

7. Articles 10 and 11 amend the application of Article 185 of the Insolvency (Northern Ireland) Order 1989 to ensure that the requirement to set aside a “prescribed part” (Article 150A of the Insolvency (Northern Ireland) Order 1989) does not apply to the winding up of an insolvent partnership.

8. Article 12 amends Schedule 7 to the 1995 Order to remove references to summary administration consequent upon the abolition of that procedure by the 2005 Order, and to make provision for the application of Articles 256A and 286A of the 1989 Order as inserted by the 2005 Order regarding treatment of the matrimonial home in bankruptcy.

9. Article 13 amends Schedule 8 to the 1995 Order (modification of Company Directors Disqualification (Northern Ireland) Order 2002) consequent upon amendments made by the 2005 Order.

10. Article 14 and Schedule 2 provide for modified Forms for the administration of Insolvent Partnerships.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

11. Article 15 amends Schedule 10 to the 1995 Order to reflect the revocation and legislative replacement of certain applicable subordinate legislation.

No regulatory impact assessment has been prepared for this Order as it will not impose any significant costs on business.