

SCHEDULE 2

Article 12

FORMS

Form 1

Schedule 2 paragraph 7
Paragraph 13 (1) of
Schedule B1

Administration Application

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 applicant(s)
*Delete as appropriate

1. The application of (b) _____ being

*(i) the members of the partnership, in reliance on paragraph 13(1)(a) of Schedule
B1 to the Insolvency (Northern Ireland) Order 1989 ("the Schedule") as modified
by the Insolvent Partnerships Order (Northern Ireland) 1995

(c) Name(s) of all creditors
applying

*(ii) a creditor/a creditor presenting this application on behalf of himself and the
following creditors of the partnership: (c) _____
_____, in reliance on paragraph 13(1)(b) of the Schedule, as
modified by the Insolvent Partnerships Order (Northern Ireland) 1995

*(iii) the liquidator of the partnership, in reliance on paragraph 39 of the Schedule
as applied by the Insolvent Partnerships Order (Northern Ireland) 1995

*(iv) the supervisor of a voluntary arrangement, in reliance on Article 20(4)(b) of
the Insolvency (Northern Ireland) Order 1989 as modified by the Insolvent
Partnerships Order (Northern Ireland) 1995

(d) Insert address of
principal place of business

2. The principal place of business of the partnership is at (d) _____

(e) Insert nature of
partnership's business

3. The nature of the partnership's business is (e) _____

*Delete as applicable

4. The partnership *is/is not *an insurance undertaking/credit institution/an
investment undertaking providing services involving the holding of funds or
securities for third parties/or a collective investment undertaking under Article 1.2
of the EC Regulation.

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*Delete as applicable
(f) Insert whether main, secondary or territorial proceedings

5. For the reasons stated in the affidavit in support of this application it is considered that the EC Regulation *will/will not apply. If it does apply, proceedings will be (f) _____ proceedings as defined in Article 3 of the EC Regulation

6. *The applicant(s) believe(s) that the partnership is unable to pay its debts for the reasons stated in the affidavit in support attached to this application

(g) Insert full name(s) and address(es) of proposed administrator(s)

7. The applicant(s) propose(s) that during the period for which the order is in force, the affairs, business and property of the partnership be managed by (g) _____

whose statement(s) in Form 2.02B of the Insolvency Rules (Northern Ireland) 1991 is/are attached to this application

*Delete as applicable
(h) Insert address for service

8. An affidavit in support of this application is attached

9. The *applicant's/applicant's solicitor's address for service is (h) _____

10. The applicant(s) therefore request(s) as follows:—

(1) that the Court make an administration order in relation to (a) _____

(i) Insert full name(s) of proposed administrator(s)

(2) that (i) _____ be appointed to be the administrator(s) of the said partnership

(j) Insert details of any ancillary orders sought

(3)(j) _____ or

(4) that such other order may be made as the Court thinks appropriate

*Delete as applicable

Signed _____
*Applicant/applicant's solicitor

Dated _____

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Endorsement to be completed by the court

This application having been presented to the Court on _____

will be heard at the Royal Courts of Justice, Chichester Street, Belfast,
BT1 3JF _____ on

(Date) _____ at

(Time) _____ hours
(or as soon thereafter as the application can be heard)

The solicitor to the applicant is:—

Name _____

Address _____

Telephone No: _____

Reference _____

Fax Number (if any) _____

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Form 1A

Schedule 2 paragraph
13 Paragraph 23 of
Schedule B1

Notice of Intention to Appoint an Administrator by the Members of the Partnership

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

The High Court of Justice in Northern Ireland

(b) Insert name and address of principal place of business of partnership
1. Notice is given that, in respect of (b) _____
_____ the members of the partnership ("the appointor") intend to appoint

(c) Give name(s) and address(es) of proposed administrator(s)
(c) _____
_____ as administrator(s) of the partnership.

(d) Insert name and address of each person to whom notice is given
(d) _____

3. The partnership has not, within the last twelve months:
(i) been in administration
(ii) been the subject of a moratorium under Schedule A1 to the Insolvency (Northern Ireland) Order 1989 which has ended on a date when no voluntary arrangement was in force
(iii) been the subject of a voluntary arrangement which was made during a moratorium for the partnership under Schedule A1 to the Insolvency (Northern Ireland) Order 1989 and which ended prematurely within the meaning of Article 20B of the Insolvency (Northern Ireland) Order 1989.

4. In relation to the partnership there is no:
(i) petition for winding up which has been presented but not yet disposed of, or
(ii) administration application which has not yet been disposed of.

*Delete as applicable
5. The partnership *is/is not *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 under Article 1.2 of the EC Regulation.

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(e) Insert whether main, secondary or territorial proceedings

6. For the following reasons it is considered that the EC Regulation *will/will not apply. If it does apply, these proceedings will be (e) _____ proceedings as defined in Article 3 of the EC Regulations _____

7. Attached to this notice is a copy of the record of the members' decision to appoint an administrator.

(f) Insert name and address of person making declaration

I (f) _____
(if making the declaration on behalf of appointor indicate capacity e.g. partner/solicitor)

hereby do solemnly and sincerely declare that:

- (i) the partnership is unable to pay its debts
- (ii) the partnership is not in liquidation, and
- (iii) the statements in paragraphs 3 and 4 are, so far as I am able to ascertain, true,

and that the information provided in this notice is to the best of my knowledge and belief true,

AND I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1835

Declared at _____

Signed _____

This _____ day of _____ 20

Note: This form now to be sent to all those required to be sent the form by Rule 2.021(2)

before me _____

A Commissioner for Oaths or Notary Public or Justice of the Peace or Solicitor or Duly Authorised Officer.

Endorsement to be completed by court

(g) Insert date and time

This notice was filed (g) _____

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Form 1B

Schedule 2
paragraph 16
Paragraph 23 of
Schedule B1

NOTICE OF APPOINTMENT OF AN ADMINISTRATOR BY THE MEMBERS OF THE PARTNERSHIP

(Where a notice of intention to appoint has not been issued)

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

The High Court of Justice in Northern Ireland

(b) Insert name and address of principal place of business of partnership

1. Notice is given that, in respect of (b) _____

_____ (“the Partnership”)

the members of the partnership (“the appointor”) hereby appoint

(c) Give name(s) and address(es) of administrator(s)

(c) _____

as administrator(s) of the partnership.

*Delete as applicable

- 2. The written statement(s) in Form 2.02B *is/are attached.
- 3. The appointor is entitled to make an appointment under paragraph 23 of Schedule B1 to the Insolvency (Northern Ireland) Order 1989.
- 4. This appointment is in accordance with Schedule B1 to the Insolvency (Northern Ireland) Order 1989.
- 5. The partnership has not, within the last twelve months:—
 - (i) been in administration
 - (ii) been the subject of a moratorium under Schedule A1 to the Insolvency (Northern Ireland) Order 1989 which has ended on a date when no voluntary arrangement was in force
 - (iii) been the subject of a voluntary arrangement which was made during a moratorium for the partnership under Schedule A1 to the Insolvency (Northern Ireland) Order 1989 and which ended prematurely within the meaning of Article 20B of the Insolvency (Northern Ireland) Order 1989.

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6. In relation to the partnership there is no:

- (i) petition for winding up which has been presented but not yet disposed of, or
- (ii) administration application which has not yet been disposed of.

*Delete as applicable

7. The partnership *is/is not *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 under Article 1.2 of the EC Regulation

(d) Insert whether main, secondary or territorial proceedings

8. For the following reasons it is considered that the EC Regulation *will/will not apply. If it does apply, these proceedings will be (d) _____ proceedings as defined in Article 3 of the EC Regulation:

9. Attached to this notice is a copy of the record of the decision of the members of the partnership to appoint an administrator.

10. Where there are joint administrators, a statement for the purposes of paragraph 101(2) of Schedule B1 to the Insolvency (Northern Ireland) Order 1989 is attached.

(e) Insert name and address of person making declaration

I (e) _____

(If making the declaration on behalf of appointor indicate capacity e.g. partner/solicitor)

hereby do solemnly and sincerely declare that:

- (i) the partnership is unable to pay its debts
- (ii) the partnership is not in liquidation, and
- (iii) the statements in paragraphs 5 and 6 are, so far as I am able to ascertain, true,

and the information provided in this notice is to the best of my knowledge and belief true,

AND I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1835

Declared at _____

Signed _____

This _____ day of _____ 20

Before me _____

A Commissioner for Oaths or Notary Public or Justice of the Peace or Solicitor or Duly Authorised Officer

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Endorsement to be completed by the court

(f) Insert date and
time

This notice was filed (f) _____

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Form 4 (page 1)

Schedule 4 paragraph 4 and paragraph 7
Art. 186(1)(a)
Art. 186(1)(b)
Art. 103(1)(a)
Art. 242(1)(a)

Written/Statutory Demand by Creditor

(a) Insert name of partnership

**IN THE MATTER OF
(a) _____
AND IN THE MATTER OF THE INSOLVENT
PARTNERSHIPS ORDER (NORTHERN IRELAND) 1995**

WARNING TO DEBTOR – READ THE FOLLOWING NOTES CAREFULLY

- * This is an important document. Please read the demand and the notes entitled “How to comply with a demand” and “How to have a demand set aside (applicable to individual members only)” on page 5 below.
- * If the partnership has received this, the partnership must act upon it **within 21 days** or a winding-up order could be made against the partnership.
- * If a corporate member of the partnership has received this, that member must act upon it **within 21 days** or a winding-up order could be made against the partnership.
- * If, having received this as an individual member of the partnership, you wish to have this demand set aside, you must make application to do so **within 18 days** from its service on you. If you do not apply to set aside **within 18 days** or otherwise deal with this demand as set out in the notes **within 21 days** after its service on you, you could be made bankrupt and your property and goods taken away from you.

If you are in any doubt about your position you should seek advice **immediately** from a solicitor, your nearest Citizens Advice Bureau, or an Insolvency Practitioner.

To: _____
Address: _____

This DEMAND is served on you by the creditor:
Name: _____
Address: _____

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Form 4 (page 2)

DEMAND

Notes for Creditor

- * If the creditor is entitled to the debt by way of assignment, details of the original creditor and any intermediary assignees should be given in Part B on page 4.
- * If the amount of the debt includes interest not previously notified to the partnership as included in its liability, details should be given, including the grounds upon which interest is charged. The amount of interest must be shown separately.
- * Any other charge accruing due from time to time may be claimed. The amount or rate of the charge must be identified and the grounds on which it is claimed must be stated.
- * In either case the amount claimed must be limited to that which has accrued due at the date of the demand.
- * If the creditor holds any security, the amount of the debt should be the sum the creditor is prepared to regard as unsecured for the purposes of this demand. Brief details of the total debt should be included and the nature of the security and the value put upon it by the creditor, as at the date of the demand, must be specified.
- * If signatory of the demand is a solicitor or other agent of the creditor, the name of his/her firm should be given.

The creditor claims that the partnership owes the sum of £ _____, full particulars of which are set out on page 3;

The creditor demands that the partnership or a member or former member of the partnership named in Part C of this notice do pay the above debt or secure or compound for it to the creditor's satisfaction

Signature of individual _____

Name _____
(BLOCK LETTERS)

Date _____

*Position with or relationship to creditor: _____

*I am authorised to make this demand on the creditor's behalf.

Address _____

Tel. No. _____ Fax. No. _____

Reference _____

N.B. The person making this demand must complete the whole of this page, page 3, page 4 and page 5.

* Delete if signed by the creditor himself.

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Form 4 (page 3)

Particulars of Debt

These particulars must include

- (a) when the debt was incurred,
- (b) the consideration for the debt (or if there is no consideration the way in which it arose), and
- (c) the amount due as at the date of this demand

Notes for Creditor

Please make sure that you have read the notes on page 2 before completing this page.

Note:

If space is insufficient continue on reverse of page and clearly indicate on this page that you are doing so.

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Form 4 (page 4)

PART A

The individual or individuals to whom any communication regarding this demand may be addressed is/are:—

Name
(BLOCK LETTERS) _____
Address _____

Tel. No. _____
Fax. No. _____
Reference _____

PART B

For completion if the creditor is entitled to the debt by way of assignment

	Name	Date(s) of Assignment
Original creditor		
Assignees		

PART C

It is intended that a demand in respect of the debt shown on page 2 will also be served on the following:—

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Form 4 (page 5)

HOW TO COMPLY WITH A DEMAND

If the partnership or a corporate member wishes to avoid a winding-up petition being presented against it, it must pay the debt shown on page 2, particulars of which are set out on page 3 of this notice, within the period of **21 days after** its service. Alternatively, the partnership can attempt to come to a settlement with the creditor. To do this the partnership should:

- * inform the individual (or one of the individuals) named in Part A immediately that it is willing and able to offer security for the debt to the creditor's satisfaction; or
- * inform the individual (or one of the individuals) named in Part A immediately that it is willing and able to compound for the debt to the creditor's satisfaction.

If the partnership disputes the demand in whole or in part it should:

- * contact the individual (or one of the individuals) named in Part A immediately.

REMEMBER!	The partnership has only 21 days after the date of the service on it of this document before the creditor may present a winding-up petition against the partnership and winding-up or bankruptcy petitions against those members listed in Part C of this notice.
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HOW TO HAVE A DEMAND SET ASIDE (applicable to individual members only)

If you are an individual member of the partnership and you consider that you have grounds to have this demand set aside or if you do not quickly receive a satisfactory written reply from the individual named at Part A whom you have contacted you should **apply within 18 days** from the date of service of this demand on you to the High Court of Justice in Northern Ireland, Chichester Street, Belfast, BT1 3JF (Bankruptcy and Companies Office) to have the demand set aside.

Any application to set aside the demand (Form 6.04 in Schedule 2 to the Insolvency Rules (Northern Ireland) 1991) should be made within 18 days from the date of service upon you and be supported by an affidavit (Form 6.05 in Schedule 2 to those Rules) stating the grounds on which the demand should be set aside. The forms may be obtained from the Court when you attend to make the application.

REMEMBER!	From the date of service on you of this document <ul style="list-style-type: none">* you have only 18 days to apply to the Court to have the demand set aside, and* you have only 21 days before the creditor may present a bankruptcy petition against you.
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Schedule 7 para 3
Art. 238(5)

Form 16

Bankruptcy Orders on Joint Bankruptcy Petition Presented by Individual Members

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

(a) Insert names of individual members

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

(b) Insert date

Upon the petition of the above-named individual members of a partnership ("the partnership") which was presented on (b) _____
And upon hearing _____

(c) Insert full description of individual member as set out in the petition

And upon reading the petition and statements of affairs
It is ordered that (c) _____

and (c) _____

[and (c) _____

be adjudged bankrupt

(d) Delete as appropriate

And the Court being satisfied that the EC Regulation (d) does/does not apply and it is ordered that the proceedings in relation to (e) _____

(e) Insert name of debtor(s)

(f) Insert whether main, secondary or territorial proceedings

Are (f) _____ proceedings as defined in Article 3 of the EC Regulation

And it is also ordered that the trustee of the individual members' estates be trustee of the partnership estate and that he wind up the affairs of the partnership and administer the partnership property.

Date _____

Time _____ hours

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Important Notice to Bankrupts

The Official Receiver is by virtue of this order trustee of the individual members' estates and trustee of the partnership. You are requested to attend upon the Official Receiver at (g)

(g) Insert address of
Official Receiver's
office

immediately after you have received this order.

The Official Receiver's offices are open Monday to Friday (except on holidays) from 10.00 to 16.00 hours.