

## SCHEDULE 1

### UNCITRAL MODEL LAW ON CROSS-BORDER INSOLVENCY

#### PART 1

#### GENERAL PROVISIONS

#### CHAPTER II

#### ACCESS OF FOREIGN REPRESENTATIVES AND CREDITORS TO COURTS IN NORTHERN IRELAND

##### *Article 9. Right of direct access*

A foreign representative is entitled to apply directly to the court in Northern Ireland.

##### *Article 10. Limited jurisdiction*

The sole fact that an application pursuant to this Law is made to a court in Northern Ireland by a foreign representative does not subject the foreign representative or the foreign assets and affairs of the debtor to the jurisdiction of the courts of Northern Ireland for any purpose other than the application.

##### *Article 11. Application by a foreign representative to commence a proceeding under Northern Ireland insolvency law*

A foreign representative appointed in a foreign main proceeding or foreign non-main proceeding is entitled to apply to commence a proceeding under Northern Ireland insolvency law if the conditions for commencing such a proceeding are otherwise met.

##### *Article 12. Participation of a foreign representative in a proceeding under Northern Ireland insolvency law*

Upon recognition of a foreign proceeding, the foreign representative is entitled to participate in a proceeding regarding the debtor under Northern Ireland insolvency law.

##### *Article 13. Access of foreign creditors to a proceeding under Northern Ireland insolvency law*

1. Subject to paragraph 2, foreign creditors have the same rights regarding the commencement of, and participation in, a proceeding under Northern Ireland insolvency law as creditors in Northern Ireland.

2. Paragraph 1 does not affect the ranking of claims in a proceeding under Northern Ireland insolvency law, except that the claim of a foreign creditor shall not be given a lower priority than that of general unsecured claims solely because the holder of such a claim is a foreign creditor.

3. A claim may not be challenged solely on the grounds that it is a claim by a foreign tax or social security authority but such a claim may be challenged—

- (a) on the ground that it is in whole or in part a penalty, or
- (b) on any other ground that a claim might be rejected in a proceeding under Northern Ireland insolvency law.

*Article 14. Notification to foreign creditors of a proceeding under Northern Ireland insolvency law*

1. Whenever under Northern Ireland insolvency law notification is to be given to creditors in Northern Ireland, such notification shall also be given to the known creditors that do not have addresses in Northern Ireland. The court may order that appropriate steps be taken with a view to notifying any creditor whose address is not yet known.

2. Such notification shall be made to the foreign creditors individually, unless—

- (a) the court considers that under the circumstances some other form of notification would be more appropriate; or
- (b) the notification to creditors in Northern Ireland is to be by advertisement only, in which case the notification to the known foreign creditors may be by advertisement in such foreign newspapers as the Northern Ireland insolvency officeholder considers most appropriate for ensuring that the content of the notification comes to the notice of the known foreign creditors.

3. When notification of a right to file a claim is to be given to foreign creditors, the notification shall—

- (a) indicate a reasonable time period for filing claims and specify the place for their filing;
- (b) indicate whether secured creditors need to file their secured claims; and
- (c) contain any other information required to be included in such a notification to creditors pursuant to the law of Northern Ireland and the orders of the court.