
STATUTORY RULES OF NORTHERN IRELAND

2009 No. 64

The Bank Insolvency Rules (Northern Ireland) 2009

PART 2

APPLICATION FOR ORDER

Service of application

- 8.**—(1) The applicant shall serve the bank with a sealed copy of the application;
- (2) The application shall be served on the bank by personal service at its registered office.
- (3) In paragraph (2) “registered office” means—
- (a) the place which is specified, in the bank’s statement delivered under section 9 of the 2006 Act or, before that section comes into force, Article 21 of the Companies Order⁽¹⁾, as the intended situation of its registered office on incorporation, or
 - (b) if notice has been given by the bank to the registrar of companies under section 87 of the 2006 Act or, before that section comes into force, Article 295 of the Companies Order⁽²⁾ (change of registered office), the place specified in that notice or, as the case may be, in the last such notice.
- (4) Service of the application at the registered office may be effected in any of the following ways—
- (a) it may be handed to a person who there and then acknowledges that they are, or to the best of the server’s knowledge, information and belief are, a director or other officer, or employee, of the bank; or
 - (b) it may be handed to a person who there and then acknowledges that they are authorised to accept service documents on the company’s behalf; or
 - (c) in the absence of such person as is mentioned in sub-paragraphs (a) and (b), it may be deposited at or about the registered office in such a way that it is likely to come to the notice of a person attending the office.
- (5) If for any reason it is impracticable to effect service as provided by paragraph (2) or (4), the application may be served in such other manner as the court may approve or direct.
- (6) Application for permission of the court under paragraph (5) may be made without notice to the bank, stating in a witness statement what steps have been taken to comply with paragraph (2) or (4), and the reasons why it is impracticable to effect service as there provided.
- (7) If the bank or its legal representatives fail to attend the hearing the court may make the bank insolvency order in its absence if satisfied that the application has been served in accordance with this rule.

(1) Article 21 of the Companies Order is repealed on 1 October 2009

(2) Article 295 is repealed on 1 October 2009.

Status: This is the original version (as it was originally made).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