

2022 No. 241

INSOLVENCY

INSOLVENCY PRACTITIONERS

**The Insolvency Practitioners (Amendment) Regulations
(Northern Ireland) 2022**

Made - - - - *4th October 2022*

Coming into operation - *4th November 2022*

The Department for the Economy(a) makes the following Regulations in exercise of the powers conferred by Articles 349(3) and 363 of the Insolvency (Northern Ireland) Order 1989(b).

Citation and interpretation

1. These Regulations may be cited as the Insolvency Practitioners (Amendment) Regulations (Northern Ireland) 2022 and come into operation on 4th November 2022.

Amendments to the Insolvency Practitioners Regulations (Northern Ireland) 2006

2. The Insolvency Practitioners Regulations (Northern Ireland) 2006(c) are amended as set out in regulations 3 to 12.

3. In regulation 2 (Interpretation: general), in paragraph (1), for the meaning of “insolvency practitioner” substitute, “Insolvency Practitioner” means a person who is authorised to act as an insolvency practitioner under Article 349A(d)

4. In regulation 4 (Revocations and transitional and saving provisions)–

(a) omit paragraph (2); and

(b) in paragraph (4) for the words “regulations 16 and 17” substitute “regulation 17”.

5. Omit Part 2 (Authorisation of Insolvency Practitioners by Competent Authorities and Related Matters).

6. In regulation 12 (The Requirements for Security for the Proper Performance of the Functions of an Insolvency Practitioner etc.) omit paragraph (3).

7. In regulation 13 (Records to be maintained by insolvency practitioners)–

(a) Formerly the Department of Enterprise, Trade and Investment; see section 1(3) of the Departments Act (Northern Ireland) 2016 (c. 5).

(b) S.I. 1989/2405 (N.I. 19). Article 363 was amended by section 23 of the Insolvency (Amendment) Act (Northern Ireland) 2016 (c.2 (N.I.)).

(c) S.R. 2006 No. 33, as amended by S.R. 2009 No. 401, S.I. 2013/472, S.I. 2018/1329, 2020 c.12 (N.I.) and S.R. 2021 No. 140.

(d) 2016 c. 2 (NI), Article 349A was inserted by section 14 of the Insolvency (Amendment) Act (Northern Ireland) 2016.

- (a) For paragraph (1) substitute—
- “(1) In respect of each case in which an insolvency practitioner acts, the insolvency practitioner shall maintain records containing information sufficient to show and explain—
- (a) the administration of that case by the insolvency practitioner and the insolvency practitioner’s staff; and
- (b) any decisions made by the insolvency practitioner which materially affect that case.”
- (b) In paragraph (2) substitute “paragraph (1)” for “Schedule (3) as is applicable to the case.”
- (c) Omit paragraph (3).
- 8.** Omit regulation 14 (Notification of whereabouts of records).
- 9.** In regulation 15 (Inspection of records) omit paragraph (1)(b).
- 10.** Omit regulation 16 (Inspection of practice records).
- 11.** In Schedule 2 (Requirements for Security and Related Matters)-
- (a) In paragraph 9(2) omit sub-paragraph (b).
- (b) In paragraph 10(1) omit sub-paragraph (b).
- (c) In paragraph 12(2) omit sub-paragraph (b).
- 12.** Omit Schedule 3 (Records to be Maintained-Minimum Requirements).

Sealed with the Official Seal of the Department for the Economy on 4th October 2022



Colin Jack
A senior officer of the Department for the Economy

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations amend the Insolvency Practitioners Regulations (Northern Ireland) 2006 (“the principal Regulations”).

Regulation 3 revises the definition of insolvency practitioners in regulation 2 of the principal regulations as a consequence of the ending of authorisation of insolvency practitioners by competent authorities following repeal of Article 352 of the 1989 Order by the Insolvency (Amendment) Act (Northern Ireland) 2016.

Regulations 4, 5, 8, 9, 10, 11(a), 11(b) and 11(c) revoke provisions which have been rendered otiose as a result of the ending of authorisation of insolvency practitioners by competent authorities in Northern Ireland.

Regulation 6 provides for revocation of paragraph (3) in regulation 12 of the principal regulations which has been rendered otiose by the ending of authorisation of insolvency practitioners by competent authorities in Great Britain.

Regulation 7 substitutes regulation 13(1) of the principal regulations to require insolvency practitioners to maintain records sufficient to show and explain both the administration of each case and decisions materially affect that case. This replaces the requirement to maintain records containing prescribed information formerly set out in Schedule 3 to the principal regulations. Schedule 3 to the principal regulations is revoked by Regulation 12.

An Explanatory Memorandum has been published alongside this instrument at www.legislation.gov.uk

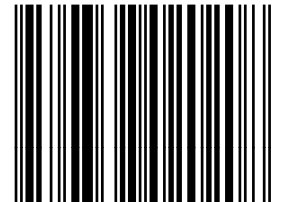
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