

SCHEDULE

PART 9

Amendments to the Insolvency (Northern Ireland) Order 1989 and the Insolvency Rules (Northern Ireland) 1991

Amendments to the Insolvency (Northern Ireland) Order 1989

177. For Article 239 substitute—

“239. Conditions to be satisfied in respect of debtor

(1) A bankruptcy petition may be presented to the High Court under Article 238(1)(a) or (b) only if—

- (a) the centre of the debtor’s main interests is in Northern Ireland,
- (b) the centre of the debtor’s main interests is in a member State of the European Union which has adopted the EU Regulation and the debtor has an establishment in Northern Ireland, or
- (c) the centre of the debtor’s main interests is not in a member State of the European Union which has adopted the EU Regulation, but the test in paragraph (2) is met.

(2) The test is that—

- (a) the debtor is domiciled in Northern Ireland, or
- (b) the debtor is personally present in Northern Ireland on the day on which the petition is presented, or
- (c) at any time in the period of three years ending with the day on which the petition is presented, the debtor—
 - (i) has been ordinarily resident, or has had a place of residence, in Northern Ireland, or
 - (ii) has carried on business in Northern Ireland.

(3) The reference in paragraph (2) to the debtor carrying on business includes—

- (a) the carrying on of business by a firm or partnership of which the debtor is a member, and
- (b) the carrying on of business by an agent or manager for the debtor or for such a firm or partnership.

(4) In this Article—

- (a) references to the centre of the debtor’s main interests have the same meaning as in Article 3 of the EU Regulation, and
- (b) “establishment” has the same meaning as in Article 2(10) of the EU Regulation.”.