

SCHEDULES

SCHEDULE 11

WINDING-UP PETITIONS: NORTHERN IRELAND

PART 2

RESTRICTION ON WINDING-UP PETITIONS AND ORDERS

Restriction on winding-up petitions: petitions made before commencement

- 4 (1) This paragraph applies where a creditor presents a petition under Article 104 of the 1989 Order—
- (a) on or after 27 April 2020, but
 - (b) before the day on which this Schedule comes into force.
- (2) If the High Court is satisfied that the creditor presented the petition without the condition in paragraph 2(2) or (4) or paragraph 3(2) or (4) (as the case may be) being met, the Court may make such order as it thinks appropriate to restore the position to what it would have been if the petition had not been presented.
- (3) If it appears to the official receiver that the person who presented the petition did so without the condition in paragraph 2(2) or (4) or paragraph 3(2) or (4) (as the case may be) being met, the official receiver must refer the matter to the High Court to determine whether to make an order under sub-paragraph (2).
- (4) For the purposes of the 1991 Insolvency Rules, a reference under sub-paragraph (3) is to be treated as if it were an application under Article 125 of the 1989 Order.