

SCHEDULES

SCHEDULE 11

WINDING-UP PETITIONS: NORTHERN IRELAND

PART 2

RESTRICTION ON WINDING-UP PETITIONS AND ORDERS

Restriction on winding-up orders: unregistered companies

- 6 (1) This paragraph applies where—
- (a) a creditor presents a petition for the winding up of an unregistered company under Article 104 of the 1989 Order in the relevant period,
 - (b) the company is deemed unable to pay its debts on a ground specified in Article 186, 187 or 188 of that Order, and
 - (c) it appears to the High Court that coronavirus had a financial effect on the company before the presentation of the petition.
- (2) The High Court may wind the company up under Article 185(4)(b) of the 1989 Order on a ground specified in Article 186, 187 or 188(1)(a) to (c) of that Order only if the Court is satisfied that the facts by reference to which that ground applies would have arisen even if coronavirus had not had a financial effect on the company.
- (3) The High Court may wind the company up under Article 185(4)(b) of the 1989 Order on the ground specified in Article 188(1)(d) or (2) of that Order only if the Court is satisfied that the ground would apply even if coronavirus had not had a financial effect on the company.
- (4) This paragraph is to be regarded as having come into force on 27 April 2020.