

1980 No. 562

NORTHERN IRELAND

The Bankruptcy (Northern Ireland Consequential Amendments) Order 1980*Laid before Parliament in draft**Made - - - - - 21st April 1980**Coming into operation in accordance with Article 1(2)*

At the Court at Windsor Castle, the 21st day of April 1980

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by section 38(2) of the Northern Ireland Constitution Act 1973(a) as extended by paragraph 1(7) of Schedule 1 to the Northern Ireland Act 1974(b) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Title, commencement and extent

1.—(1) This Order may be cited as the Bankruptcy (Northern Ireland Consequential Amendments) Order 1980.

(2) This Order shall come into operation as follows:—

- (a) Article 2(2) and (3) on the day appointed under Article 1(3) of the Bankruptcy Amendment (Northern Ireland) Order 1980(c) for the coming into operation of Article 38 of that Order (abolition of office of Bankruptcy Messenger);
- (b) Article 2(6) on the day so appointed for the coming into operation of Article 3 of that Order (reconstitution of office of Official Assignee);
- (c) the remaining provisions, on the making of this Order.

(3) Article 2(2) of this Order extends to England and Wales so far as it amends section 73 of the Irish Bankrupt and Insolvent Act 1857(d) and to Scotland so far as it amends section 74 of that Act; Article 2(3) extends both to England and Wales and to Scotland; and the remaining provisions of this Order extend to the whole of the United Kingdom.

(a) 1973 c. 36.

(b) 1974 c. 28.

(c) S.I. 1980/561 (N.I. 4).

(d) 1857 c. 60.

Amendments of the Irish Bankrupt and Insolvent Act 1857

2.—(1) The following amendments shall be made in the Irish Bankrupt and Insolvent Act 1857.

(2) In sections 73 and 74 (execution of warrant in England and Scotland respectively) for “the messenger and his assistants” substitute, in each case, “any person”, and the words “or insolvent” (three times in each case) shall be repealed.

(3) In section 75 (authority of messenger etc. in England and Scotland) for “the messenger or his assistant bringing such warrant” substitute “the person to whom the warrant is directed” and the words “or insolvent” (twice) shall be repealed.

(4) In section 305 (summoning and arrest of bankrupt) the words “or insolvent” (twice) shall be repealed.

(5) In section 312 (diversion to assignees of letters addressed to bankrupt) the words “or insolvent” shall be repealed and for “the Postmaster General, or the officers acting under him,” (twice) and “the Postmaster General, or such officers as aforesaid,” substitute, in each case, “the Post Office”.

(6) In section 320 (transfer of stock to assignees) the words “or insolvent” shall be repealed and for “official assignees” substitute “official assignee”.

N. E. Leigh,
Clerk of the Privy Council.

EXPLANATORY NOTE

(This Note is not part of the Order.)

In consequence of the Bankruptcy Amendment (Northern Ireland) Order 1980, and, in some cases, earlier legislation, this Order amends provisions of the Irish Bankrupt and Insolvent Act 1857 so far as those provisions form part of the law of parts of the United Kingdom other than Northern Ireland or part of the law of the United Kingdom as a whole.