STATUTORY RULES OF NORTHERN IRELAND

2006 No. 61

INSOLVENCY

The Insolvency (Northern Ireland) Order 2005 (Minor and Consequential Amendments) Order (Northern Ireland) 2006

Made - - - - 22nd February 2006

Coming into operation 27th March 2006

The Department of Enterprise, Trade and Investment, in exercise of the powers conferred upon it by Articles 3(4) and 30 of the Insolvency (Northern Ireland) Order 2005(**1**) and of every other power enabling it in that behalf hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Insolvency (Northern Ireland) Order 2005 (Minor and Consequential Amendments) Order (Northern Ireland) 2006 and shall come into operation on 27 March 2006.

Consequential amendments to primary legislation

2. Subject to Article 4, the amendments to the primary legislation set out in Part 1 of the Schedule shall have effect.

Consequential amendments to secondary legislation

3. Subject to Article 4, the amendments to the secondary legislation set out in Part 2 of the Schedule shall have effect.

Transitional provisions

4. Nothing in Articles 2 and 3 or the Schedule shall apply in any case where a petition for an administration order was presented before the date mentioned in Article 1.

(**1**) S.I. 2005/1455 (N.I. 10)

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 22nd February 2006

Michael J Bohill
A senior officer of the
Department of Enterprise, Trade and Investment

SCHEDULE Articles 2 and 3

PART 1

PRIMARY LEGISLATION

THE INSOLVENCY (NORTHERN IRELAND) ORDER 1989

1. The Insolvency (Northern Ireland) Order 1989(**2**) shall be amended as specified in paragraphs 2 and 3.

2. In Article 2(3) (general interpretation) after "the winding up of a company" there shall be inserted "or where a company is in administration".

3. In Article 5(1) (interpretation) —

(a) in the definition of "debt" after "winding up of a company" there shall be inserted "or where a company is in administration";

(b) after sub-paragraph (a) (and before the semicolon) there shall be inserted "or enters administration";

(c) in sub-paragraph (c) after "the liquidation" there shall be inserted "or in the administration" and at the end (and before the semicolon) there shall be inserted "or entered administration".

THE INSOLVENCY (NORTHERN IRELAND) ORDER 2005

4. The Insolvency (Northern Ireland) Order 2005 shall be amended as specified in paragraph 5.

5. In Schedule 2 paragraph 25 shall be omitted.

PART 2

SECONDARY LEGISLATION

The Statutory Sick Pay (General) Regulations (Northern Ireland) 1982

6. In regulation 9B(2) of the Statutory Sick Pay (General) Regulations (Northern Ireland) 1982(**3**) (insolvency of employer)—

(a) for sub-paragraph (b) there shall be substituted—

"(b) he has died and his estate falls to be administered in accordance with an order under Article 365 of the Insolvency (Northern Ireland) Order 1989; or";

(b) in sub-paragraph (c)—

(i) after "with respect to it" there shall be inserted "or it enters administration", and

(ii) after "or subject to the charge" there shall be inserted "or a voluntary arrangement proposed for the purposes of Part II of the Insolvency (Northern Ireland) Order 1989 is approved under that Part".

(**2**) S.I. 1989/2405 (N.I. 19)

(**3**) S.R. 1982 No. 263; regulation 9B(2) was inserted by regulation 2 of the Statutory Sick Pay (General) (Amendment) Regulations (Northern Ireland) 1987 (S.R. 1987 No. 131)

The Statutory Maternity Pay (General) Regulations (Northern Ireland) 1987

7. In regulation 7(4) of the Statutory Maternity Pay (General) Regulations (Northern Ireland) 1987(**4**) (liability of the Board to pay statutory maternity pay)—

(a) for sub-paragraph (b) there shall be substituted—

"(b) he has died and his estate falls to be administered in accordance with an order under Article 365 of the Insolvency (Northern Ireland) Order 1989; or";

(b) in sub-paragraph (c)—

(i) after "with respect to it" there shall be inserted "or it enters administration", and

(ii) after "or subject to the charge" there shall be inserted "or a voluntary arrangement for the purposes of Part II of the Insolvency (Northern Ireland) Order 1989 is approved under that Part".

The Financial Markets and Insolvency Regulations (Northern Ireland) 1991

8. The Financial Markets and Insolvency Regulations (Northern Ireland) 1991(**5**) shall be amended as specified in paragraphs 9, 10 and 11.

9. In regulation 14 (limitation on disapplication of Articles 23(1)(b) and 24(3)(c) of the Insolvency Order in relation to CGO Service charges)

(a) for the sub-heading to that regulation there shall be substituted—

"Limitation on disapplication of moratorium on certain legal processes under Schedule B1(**6**) to the Insolvency Order (administration) in relation to CGO Service charges".

(b) in paragraph (1) for "a petition" there shall be substituted "an application",

(c) after paragraph (1) there shall be inserted—

"(1A) A reference in paragraph (1) to an application for an administration order shall be treated as including a reference to—

(a) appointing an administrator under paragraph 15 or 23 of Schedule B1 to the Insolvency Order or

(b) filing with the Court a notice of intention to appoint an administrator under either of those paragraphs,

and a reference to "an administration order" shall include the appointment of an administrator under paragraph 15 or 23 of Schedule B1 to the Insolvency Order .", and

(d) in paragraph (2) for "The disapplication of Articles 23(1)(b) and 24(3)(c) of the Insolvency Order " there shall be substituted—

"The disapplication of paragraph 44(2) of Schedule B1 to the Insolvency Order (including that provision as applied by paragraph 45 of that Schedule)".

10. In regulation 15 (ability of administrator or receiver to recover assets in case of property subject to CGO service charge or Talisman charge)—

(a) in paragraph (1) for "The disapplication of Articles 28(1) and (2), and 53 of the Insolvency Order by Article 97(1)(*b*) and (3) shall cease to have effect" there shall be substituted—

"The disapplication—

(**4**) S.R. 1987 No. 30
(**5**) S.R. 1991 No. 443
(**6**) Schedule B1 was inserted by Article 3(2) of, and Schedule 1 to, the Insolvency (Northern Ireland) Order 2005