STATUTORY RULES OF NORTHERN IRELAND

2006 No. 55

INSOLVENCY

Insolvency (Deposits) Order (Northern Ireland) 2006

Made - - - -	*16th February 2006*
Coming into operation	*27th March 2006*

The Department of Enterprise, Trade and Investment(**1**), in exercise of the powers conferred on it by Article 361(2) and (3) of the Insolvency (Northern Ireland) Order 1989(**2**) and of all other powers enabling it in that behalf, with the concurrence of the Department of Finance and Personnel, hereby makes the following Order:

Citation and commencement

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

Interpretation

2. In this Order—

"individual voluntary arrangement" means a voluntary arrangement pursuant to Chapter II of Part VIII of the 1989 Order;

"the 1989 Order" means the Insolvency (Northern Ireland) Order 1989;

"the Fees Order" means the Insolvency (Fees) Order (Northern Ireland) 2006(**3**).

Revocation

3. The Insolvency (Deposits) Order (Northern Ireland) 1991(**4**) and the Insolvency (Deposits) (Amendment) Order (Northern Ireland) 1996(**5**) are hereby revoked.

Deposits - winding up by the High Court and bankruptcy

4.—(1) In this Article—

(**1**) Formerly the Department of Economic Development; *see*S.I.1999/283 (N.I. 1), Article 3(5)
(**2**) S.I. 1989/2405 (N.I. 19); in its application to limited liability partnerships Article 361(2) has been modified by Article 5 of, and Schedule 3 to, the Limited Liability Partnerships Regulations (Northern Ireland) 2004, S.R. 2004 No. 307
(**3**) S.R. 2006 No. 54
(**4**) S.R. 1991 No. 384
(**5**) S.R. 1996 No. 577

"appropriate deposit" means—

(a) In relation to a winding-up petition to be presented under the 1989 Order the sum of £620:

(b) In relation to a bankruptcy petition to be presented under Article 238(1)(b) of the 1989 Order the sum of £310; or

(c) In relation to a bankruptcy petition to be presented under Article 238(1)(a), (ba), (bb), or (c) of the 1989 Order(**6**) the sum of £370;

"order" means a winding-up, or as the case may be, bankruptcy order;

"petition" means a winding-up, or as the case may be, bankruptcy petition;

"relevant assets" means the assets of the company or, as the case may be the assets comprised in the estate of the bankrupt; and

"relevant fees" means in relation to winding-up proceedings fee W1 in the Table of Fees in Schedule 2 to the Fees Order and in relation to bankruptcy proceedings fee B1 in the Table of Fees in Schedule 2 to the Fees Order together with any fees payable under Article 247 of the 1989 Order.

(2) Where a petition is presented the appropriate deposit is payable by the petitioner and the deposit shall be security for the payment of the relevant fees and shall be used to discharge those fees to the extent that the relevant assets are insufficient for that purpose.

(3) A deposit shall be repaid to the person who made it in a case where a petition is dismissed or withdrawn except in the case of a bankruptcy petition where it is required to pay any fees arising under Article 5 of the Fees Order.

(4) In any case where an order is made (including any case where the order is subsequently annulled, rescinded or recalled), any deposit made shall be returned to the person who made it save to the extent that the relevant assets are insufficient to discharge the fees for which the deposit is security.

Deposits –official receiver acting as nominee in individual voluntary arrangement

5.—(1) Where a proposal for an individual voluntary arrangement with the official receiver acting as nominee is notified to the official receiver, the notification shall be accompanied by a deposit of £335 as security for fees IVA1 and IVA2 in the Table of Fees in Schedule 2 to the Fees Order.

(2) The deposit shall be used to discharge fees IVA1 and IVA2.

(3) Where the official receiver declines to act in relation to a proposal of the kind mentioned in paragraph (1) the deposit mentioned in that paragraph shall be refunded to the person entitled to it.

(4) Where the official receiver agrees to act as nominee in relation to a proposal of the kind mentioned in paragraph (1) but the proposal is rejected by the bankrupt's creditors, any balance of the deposit after deducing fee IVA2 shall be returned to the person who is entitled to it.

(**6**) Paragraphs 1(ba) and 1(bb) were inserted by Regulation 13 of the Insolvency (Northern Ireland) Order 1989 (Amendment No. 2) Regulations (Northern Ireland) 2002, S.R. 2002 No. 334