STATUTORY RULES OF NORTHERN IRELAND

2006 No. 22

INSOLVENCY

The Insolvency (2005 Order) (Transitional Provisions and Savings) Order (Northern Ireland) 2006

Made - - - -	*2nd February 2006*
Coming into operation	*27th March 2006*

The Department of Enterprise, Trade and Investment in exercise of the powers conferred on it by Article 29(1) and (2) of the Insolvency (Northern Ireland) Order 2005(**1**) and of every other power enabling it in that behalf hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Insolvency (2005 Order) (Transitional Provisions and Savings) Order (Northern Ireland) 2006 and shall come into operation on 27 March 2006.

(2) Expressions used in this Order which are used in the Insolvency (Northern Ireland) Order 1989(**2**) shall have the same meaning as in that Order.

(3) In Articles 3, 4 and 5 references to provisions of, and procedures under, the Insolvency (Northern Ireland) Order 1989 include references to those provisions and procedures as they are applied by or under the provisions of any statutory power.

(4) In this Order—

"the commencement date" means 27 March 2006;

"the 2005 Order" means the Insolvency (Northern Ireland) Order 2005.

Administration – transitional provisions

2.—(1) In this Article "the former administration provisions" means the law relating to administration under Part III of the Insolvency (Northern Ireland) Order 1989 and paragraph 15 of Schedule 2 to the Criminal Justice (Northern Ireland) Order 1994(**3**) without the amendments and repeals made by the provisions of the 2005 Order mentioned in paragraph (2).

(2) For the purposes of paragraph (1), the provisions of the 2005 Order are —

(a) Article 3 of, and Schedules 1 and 2 to, the 2005 Order;

(**1**) S.I. 2005/1455 (N.I. 10)
(**2**) S.I. 1989/2405 (N.I. 19)
(**3**) S.I.1994/2795 (N.I. 15)

(b) Article 31 of, and Schedule 9 to, the 2005 Order as respects the repeals relating to Articles 176, 194(1), 195(1) and (2), 196, 204(1) and 207(3) of the Insolvency (Northern Ireland) Order 1989;

(c) Article 31 of, and Schedule 9 to, the 2005 Order insofar as they effect the repeal of the entries in Schedule 7 to the Insolvency (Northern Ireland) Order 1989 which make ancillary provision in relation to offences created by Articles 25(2), 28(8), 30(5), 33(3), 34(6), 35(3), 36(7) and 39(6) of that Order; and

(d) Article 31 of, and Schedule 9 to, the 2005 Order insofar as they effect the repeal of paragraph 15 of Schedule 2 to the Criminal Justice (Northern Ireland) Order 1994.

(3) In any case where a petition for an administration order has been presented before the commencement date, the former administration provisions shall continue to apply.

(4) The former administration provisions shall continue to apply insofar as it is necessary to give effect to—

(a) the Insolvent Partnerships Order (Northern Ireland) 1995(**4**)

(b) regulation 5 of the Limited Liability Partnerships Regulations (Northern Ireland) 2004(**5**); and

(c) the Financial Services and Markets Act 2000 (Administration Orders Relating to Insurers) (Northern Ireland) Order 2005(**6**)

Abolition of Crown Preference – transitional provisions

3.—(1) This Article applies to a case where before the commencement date—

(a) a petition for an administration order pursuant to Part III of the Insolvency (Northern Ireland) Order 1989 is presented;

(b) a voluntary arrangement under Part II of the Insolvency (Northern Ireland) Order 1989 has effect;

(c) a receiver is appointed under the terms of a charge (which when created was a floating charge) in relation to the property of a company subject to the charge;

(d) a petition for a winding-up order is presented;

(e) a resolution for the winding up of a company is passed;

(f) a petition for a bankruptcy order is presented; or

(g) a voluntary arrangement pursuant to Chapter II of Part VIII of the Insolvency (Northern Ireland) Order 1989 has effect.

(2) This Article also applies to a case where on or after the commencement date—

(a) an administration order under Part III of the Insolvency (Northern Ireland) Order 1989 is made on a petition presented prior to the commencement date;

(b) that order is discharged; and

(c) immediately on the discharge of that order—

(i) a winding-up order is made in respect of the company in question; or

(ii) a resolution for the winding up of the company is passed,

(3) This Article also applies to a case where—

(a) a winding-up order is made on a petition presented prior to the commencement date; and

(**4**) S.R. 1995 No. 225
(**5**) S.R. 2004 No. 307
(**6**) S.I. 2005/1644