STATUTORY RULES OF NORTHERN IRELAND

2002 No. 334

INSOLVENCY
COMPANIES AND INDIVIDUALS

Insolvency (Northern Ireland) Order 1989 (Amendment No. 2) Regulations (Northern Ireland) 2002

Made - - - -	*5th November 2002*
Coming into operation	*5th December 2002*

The Department of Enterprise, Trade and Investment being a Department designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to insolvency, in exercise of the powers conferred upon it by the said section 2(2) and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Insolvency (Northern Ireland) Order 1989 (Amendment No. 2) Regulations (Northern Ireland) 2002 and shall come into operation on 5th December 2002.

Interpretation

2.—(1) In these Regulations "the Order" means the Insolvency (Northern Ireland) Order 1989(**3**).

(2) The Interpretation Act (Northern Ireland) 1954(**4**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Amendments to the Insolvency (Northern Ireland) Order 1989

3. The Order shall be amended as provided in regulations 4 to 16.

(**1**) S.I. 2001/3495
(**2**) 1972 c. 68
(**3**) S.I. 1989/2405 (N.I. 19); Article 3(3) was modified by the Insolvent Partnerships Order (Northern Ireland) 1995, (S.R. 1995 No. 225), Article 14; Article 21 was amended by the Financial Services and Markets Act 2000 (Consequential Amendments and Repeals) Order 2001, (S.I. 2001/3649); Article 104(1) was amended by the Criminal Justice (Northern Ireland) Order 1994, (S.I. 1994/2795 (N.I. 15)), Article 26(1) and Schedule 2, paragraph 16; Article 104(5) was amended by the Companies (No. 2) (Northern Ireland) Order 1990, (S.I. 1990/1504 (N.I. 10)) Article 8; Articles 359, 364 and 365 were amended, and the definition of "EC Regulation" was inserted in Article 2 by the Insolvency (Northern Ireland) Order 1989 (Amendment) Regulations (Northern Ireland) 2002, (S.R. 2002 No. 223)
(**4**) 1954 c. 33 (N.I.)

Modified definition of property

4. After Article 2 (general interpretation) insert –

"**Proceedings under EC Regulation: modified definition of property**

2A. In the application of this Order to proceedings by virtue of Article 3 of the EC Regulation, a reference to property is a reference to property which may be dealt with in the proceedings.".

Amendment to Article 3

5. After Article 3(5) (acting as an insolvency practitioner) add –

"(6) Nothing in this Article applies to anything done (whether in the United Kingdom or elsewhere) in relation to insolvency proceedings under the EC Regulation in a member State other than the United Kingdom.".

Amendment to Article 6

6. After Article 6(2) (meaning of "goes into liquidation") add –

"(3) The reference to a resolution for voluntary winding up in paragraph (2) includes a resolution deemed to occur by virtue of an order made following conversion of a voluntary arrangement or administration into winding up under Article 37 of the EC Regulation.".

Amendment to Article 14

7. After Article 14(3) (persons who may propose a voluntary arrangement) add –

"(4) In this Part a reference to a company includes a reference to a company in relation to which a proposal for a voluntary arrangement may be made by virtue of Article 3 of the EC Regulation.".

Amendment to Article 21

8. After Article 21(6) (power of High Court to make administration order) add –

"(7) In this Part a reference to a company includes a reference to a company in relation to which an administration order may be made by virtue of Article 3 of the EC Regulation.".

Amendment to Article 104

9. In Article 104(1) (application for winding up) after "contributory or contributories" insert –

", or by a liquidator (within the meaning of Article 2(b) of the EC Regulation) appointed in proceedings by virtue of Article 3(1) of the EC Regulation or a temporary administrator (within the meaning of Article 38 of the EC Regulation)".

Amendment to Article 185

10. In Article 185(3) (winding up of unregistered companies) at the end add –

", except in accordance with the EC Regulation".

Amendment to Article 189

11. In Article 189 (winding up of dissolved company incorporated outside Northern Ireland) (which becomes paragraph (1)) at end add –