STATUTORY RULES OF NORTHERN IRELAND

2000 No. 247

INSOLVENCY

The Insolvency (Amendment) Rules (Northern Ireland) 2000

To be laid before Parliament

Made - - - -	*27th July 2000*
Coming into operation	*5th September 2000*

The Lord Chancellor, in exercise of the powers conferred on him by Article 359 of the Insolvency (Northern Ireland) Order 1989(**1**), with the concurrence of the Department of Enterprise, Trade and Investment(**2**), and after consulting the committee existing for that purpose under Article 360 of the said Order, hereby makes the following Rules—

Citation and commencement

1. These Rules may be cited as the Insolvency (Amendment) Rules (Northern Ireland) 2000 and shall come into operation on 5th September 2000.

Interpretation

2. In these Rules, a rule, Schedule or form referred to by number means the rule, Schedule or form so numbered in the Insolvency Rules (Northern Ireland) 1991(**3**).

Application

3. Rules 5 to 7 of these Rules shall not apply in relation to—

(a) winding-up proceedings commenced before 5th September 2000, or

(b) bankruptcy proceedings where the bankruptcy petition was presented before that day.

Rules 4.001., 4.007., 4.010. and 4.078.

4. Rules 4.001., 4.007., 4.010. and 4.078. shall be amended—

(a) by substituting for the words “Bank of England” in each place they appear, the words “Financial Services Authority”; and

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

(**2**) S.I. 1999/238 (N.I. 1); which renamed the Department of Economic Development as the Department of Enterprise, Trade and Investment

(**3**) S.R. 1991 No. 364, amended by S.R. 1994 No. 26 and S.R. 1995 No. 291

(b) where reference is made to the Bank of England by use of the word "Bank" alone, by substituting for the word "Bank" in each place it appears, the word "Authority".

Rule 6.010-CP

5. Rule 6.010-CP shall be amended by substituting for paragraph (3) the following paragraph—

"(3) Subject to paragraph (4), if the demand has been served personally on the debtor, the affidavit must be made by the person who effected that service and in such case the affidavit shall state fully the means used by the person serving the petition to satisfy himself of the identity of the debtor.".

Rule 6.014

6. Rule 6.014 shall be amended by inserting after paragraph (1) the following paragraph—

"(1A) In the case of personal service, the affidavit shall state fully the means used by the person serving the petition to satisfy himself of the identity of the debtor.".

Amendments to Schedule 2

7. Schedule 2 shall be amended by substituting—

(a) for Form 6.12, the new Form 6.12 set out in the Schedule to these Rules;

(b) for Form 6.13, the new Form 6.13 set out in the Schedule to these Rules;

(c) for Form 6.14, the new Form 6.14 set out in the Schedule to these Rules;

(d) for Form 6.18, the new Form 6.18 set out in the Schedule to these Rules.

Dated 24th July 2000 *Irvine of Lairg, C.*

The Department of Enterprise, Trade and Investment hereby concurs with the foregoing Rules. Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 27th July 2000.

Suzanna Cooper
Assistant Secretary

SCHEDULE Rule 7

Form 6.12**Affidavit of Service of Statutory Demand Where Service Acknowledged in Writing**

Rule 6.010

No.

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND
CHANCERY DIVISION (BANKRUPTCY)

*Insert title

Re*

Date of statutory demand _____

(a) Insert name, address and description of person making the oath *and whether the creditor or a person acting on his behalf*

I, (a) _____

make oath and say as follows:—

(b) Delete "I" and insert name and address of person who effected personal service, if applicable

1. (b) [I] [_____]

(c) Insert date

did on (c) _____ (d) [before] [after] _____ hours, at

(d) Insert time which must be stated as either before or after 16.00 hours Monday to Friday or before or after 12.00 hours Saturday

(e) _____

personally serve the above-named debtor with the demand dated _____.
At the time of such service, I was able to identify the person upon whom I served the said demand as the above-named debtor by the following means (f) _____
_____

(e) Insert address

OR

(f) Insert means of knowledge of identity of person served

[On (c) _____ substituted service of the demand was effected in the following way:—

(g) Give particulars of the way in which the debtor acknowledged service of the demand

].

2. On (c) _____ the debtor acknowledged service of the demand by (g) _____
_____

3. A copy of the demand marked "A" and the acknowledgement of service marked "B" are exhibited hereto.

Sworn at

Form 6.13**Affidavit of Personal Service of Statutory Demand Where Service Not Acknowledged in Writing**