1995 No. 225

INSOLVENCY

The Insolvent Partnerships Order (Northern Ireland) 1995

Made . . . . . *22nd May 1995*
Coming into operation . . *1st September 1995*
To be laid before Parliament

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The Lord Chancellor, in exercise of the powers conferred on him by Article 364 of the Insolvency (Northern Ireland) Order 1989(**a**) and Article 24(1) of the Companies (Northern Ireland) Order 1989(**b**) and of all other powers enabling him in that behalf, with the concurrence of the Department of Economic Development, hereby makes the following Order:

(**a**) S.I. 1989/2405 (N.I. 19)
(**b**) S.I. 1989/2404 (N.I. 18)

PART I

GENERAL

Citation and commencement

1. This Order may be cited as the Insolvent Partnerships Order (Northern Ireland) 1995 and shall come into operation on 1st September 1995.

Interpretation: definitions

2.—(1) In this Order, except in so far as the context otherwise requires—

"corporate member" means a member which is a company;

"individual member" means a member who is an individual;

"insolvency order" means—

(*a*) in the case of an insolvent partnership or a corporate member, a winding-up order; and

(*b*) in the case of an individual member, a bankruptcy order;

"insolvency petiton" means, in the case of a petition presented to the High Court—

(*a*) against a corporate member, a petition for its winding up by the Court;

(*b*) against an individual member, a petition for a bankruptcy order to be made against that individual,

where the petition is presented in conjunction with a petition for the winding up of the partnership by the Court as an unregistered company under the Order;

"insolvency proceedings" means any proceedings under the Order, this Order or the Insolvency Rules (Northern Ireland) 1991(**a**);

"insolvent member" means a member of an insolvent partnership, against whom an insolvency petition has been presented;

"joint bankruptcy petition" means a petition by virtue of Article 11;

"joint debt" means a debt of an insolvent partnership in respect of which an order is made by virtue of Part IV or V;

"joint estate" means the partnership property of an insolvent partnership in respect of which an order is made by virtue of Part IV or V;

"joint expenses" means expenses incurred in the winding up of an insolvent partnership or in the winding up of the business of an insolvent partnership and the administration of its property;

"limited partner" has the same meaning as in the Limited Partnerships Act 1907(**b**);

"member" means a member of a partnership and any person who is liable as a partner within the meaning of section 14 of the Partnership Act 1890(**c**);

(**a**) S.R. 1991 No. 364 as amended by S.R. 1994 No. 26
(**b**) 1907 c. 24
(**c**) 1890 c. 39

"officer", in relation to an insolvent partnership, means—

(*a*) a member; or

(*b*) a person who has management or control of the partnership business;

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

"partnership property" has the same meaning as in the Partnership Act 1890;

"postponed debt" means a debt the payment of which is postponed by or under any provision of the Order or of any other statutory provision;

"responsible insolvency practitioner" means—

(*a*) in winding up, the liquidator of an insolvent partnership or corporate member; and

(*b*) in bankruptcy, the trustee of the estate of an individual member,

and in either case includes the official receiver when so acting;

"separate debt" means a debt for which a member of a partnership is liable, other than a joint debt;

"separate estate" means the property of an insolvent member against whom an insolvency order has been made;

"separate expenses" means expenses incurred in the winding up of a corporate member, or in the bankruptcy of an individual member; and

"trustee of the partnership" means a person authorised by order made by virtue of Article 11 to wind up the business of an insolvent partnership and to administer its property.

(2) The definitions in paragraph (1), other than the definition of "the Order" shall be added to those in Article 2 of the Order.

(3) References in provisions of the Order applied by this Order to any provision of the Order so applied shall, unless the context otherwise requires, be construed as references to the provision as so applied.

(4) Where in any Schedule, all or any of the provisions of one or more Articles of the Order are expressed to be modified by a single paragraph of the Schedule, the modification includes the separation of such Article into the Articles set out in that paragraph; or (as the case may be) the combination of such Articles into the one or more Articles set out in that paragraph.

Interpretation: expressions appropriate to companies

3.—(1) This Article applies for the interpretation in relation to insolvent partnerships of expressions appropriate to companies in provisions of the Order and of the Companies (Northern Ireland) Order 1989 applied by this Order, unless the contrary intention appears.

(2) References to companies shall be construed as references to insolvent partnerships and all references to the registrar shall be omitted.

(3) References to shares of a company shall be construed—

(*a*) in relation to an insolvent partnership with capital, as references to rights to share in that capital; and