1991 No. 388

INSOLVENCY

The Insolvency Regulations (Northern Ireland) 1991

Made . . . . . *20th August 1991*

Coming into operation . . *1st October 1991*

To be laid before Parliament under paragraph 3(3) of Schedule 1 to the Northern Ireland Act 1974(a)

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(a) 1974 c. 28

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The Department of Economic Development, in exercise of the powers conferred on it by Rule 12.01 of the Insolvency Rules (Northern Ireland) 1991(**a**) and Article 359 of, and paragraph 27 of Schedule 5 and paragraph 28 of Schedule 6 to, the Insolvency (Northern Ireland) Order 1989(**b**) and of every other power enabling it in that behalf, hereby makes the following Regulations:

PART 1

GENERAL

Short title and commencement

1. These Regulations may be cited as the Insolvency Regulations (Northern Ireland) 1991 and shall come into operation on 1st October 1991.

[*E.R. 1*]

Interpretation and application

2.—(1) In these Regulations—

"bank" means any authorised institution in Northern Ireland within the meaning of the Banking Act 1987(**c**);

"creditors' committee" means any committee established under Article 274;

"debtor" means an individual by or for whom or in respect of whose affairs a deed of arrangement has been made or entered into and includes a partnership of individuals;

"the insolvent" means the company which is being wound up by the court, or the bankrupt or his estate, as the case may be;

"liquidation committee" means in Part 2 any committee established under Article 120 and in Part 3 any committee established under Article 87;

"local bank" means any bank in the locality in which any business of the insolvent is carried on;

(**a**) S.R. 1991 No. 364
(**b**) S.I. 1989/2405 (N.I. 19)
(**c**) 1987 c. 22

"local bank account" means a current account opened with a local bank under Regulation 6(1);

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

"payment instrument" means cheque or payable order;

"responsible insolvency practitioner" means—

(*a*) in winding up, the liquidator; and

(*b*) in bankruptcy, the trustee;

and includes the official receiver when he is the liquidator or trustee or while acting as a receiver or manager under Article 260;

"trustee" means in Part 2 the trustee of a bankrupt's estate and in Part 4 the trustee under a deed of arrangement.

(2) In these Regulations—

(*a*) any reference to a numbered Article shall (unless it is to an Article in a specified Order) be construed as a reference to the Article bearing that number in the Order;

(*b*) any reference to a numbered Rule shall be construed as a reference to the Rule bearing that number in the Insolvency Rules (Northern Ireland) 1991; and

(*c*) any reference to a numbered Form shall be construed as a reference to the Form bearing that number in the Schedule.

(3) Any application to be made to the Department or anything required to be sent to the Department under these Regulations shall be addressed to The Director, The Insolvency Service, Lindsay House, 8/14 Callender Street, Belfast BT1 5DU.

(4) Subject to Regulation 52, these Regulations apply—

(*a*) to bankruptcy proceedings where the bankruptcy petition is presented on or after the day on which the Regulations came into operation;

(*b*) to proceedings under Chapter I of Part VIII of the Order where a deed of arrangement is registered on or after that day; and

(*c*) to winding up proceedings commenced on or after that day.

[*E.R. 2*]

PART 2

COMPANIES WINDING UP BY THE COURT AND BANKRUPTCY

Introductory

3. This Part relates to companies which are being wound up by the court and to bankruptcy.

[*E.R. 3*]