1991 No. 231

SUPREME COURT, NORTHERN IRELAND

PROCEDURE

The Rules of the Supreme Court (Northern Ireland) (Amendment) 1991

Made . . . . . *3rd June 1991*

Coming into operation . *in accordance with rule 1*

To be laid before Parliament

We, the Northern Ireland Supreme Court Rules Committee, being the authority having for the time being power under section 55 of the Judicature (Northern Ireland) Act 1978(**a**) to make, amend or revoke rules regulating the practice and procedure of the Supreme Court of Judicature of Northern Ireland, hereby, with the concurrence of the Lord Chancellor, exercise those powers and all other powers enabling us in that behalf as follows:

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Rules of the Supreme Court (Northern Ireland) (Amendment) 1991 and shall come into operation on the same day as Article 14 of the Companies (Northern Ireland) Order 1990(**b**) comes into operation.

(2) In these Rules an Order referred to by number means the Order so numbered in the Rules of the Supreme Court (Northern Ireland) 1980(**c**).

Business of the Supreme Court

2.—(1) Order 1, rule 10, shall be amended as follows—

(*a*) by substituting in paragraph (*b*) for the words "Companies Acts (Northern Ireland) 1960 to 1982" the words "Companies (Northern Ireland) Order 1986"(**d**).

(*b*) by inserting after paragraph (*b*) the following paragraph—

"(*bb*) all applications for an injunction to restrain the presentation of a petition to wind up a company;"

(2) For Order 1, rule 15, there shall be substituted the following rule—

"*Bankruptcy and Companies Office*

15. There shall be transacted in the Bankruptcy and Companies Office all business in connection with—

(**a**) 1978 c. 23
(**b**) S.I. 1990/593 (N.I. 5)
(**c**) S.R. 1980 No. 346; the relevant amending instruments are S.R. 1981 No. 224 and S.R. 1983 No. 407
(**d**) S.I. 1986/1032 (N.I. 6) as amended by S.I. 1990/593 (N.I. 5)

(*a*) proceedings under the Bankruptcy Acts (Northern Ireland) 1857 to 1980 and the Companies (Northern Ireland) Order 1986;

(*b*) applications for an injunction to restrain the presentation of a petition to wind up a company;

except such business as by rule 13(*b*) is assigned to the Central Office.''.

Originating motions

3. Order 8, rule 3(4), shall be amended by adding after the words ''Chancery Office'' the words ''or the Bankruptcy and Companies Office where the business has been assigned to that office''.

Injunctions

4. Order 29 shall be amended by inserting after rule 1 the following new rule—

''*Application for injunction to restrain presentation of winding-up petition*

1A.—(1) An application for the grant of an injunction to restrain the presentation of a petition to wind up a company shall, subject to paragraph (2), be made by originating motion.

(2) Where the case is one of urgency, the application may be made ex parte on affidavit, and in that case the injunction applied for may be granted on terms providing for the issue of the originating motion and such other terms, if any as the court thinks fit.''.

Companies (Northern Ireland) Order 1986

5. Order 102 shall be amended as follows—

(*a*) for rules 1 to 6 there shall be substituted the rules set out in the Schedule;

(*b*) in rule 13 for the words ''section 67(2) of the Act'' wherever they appear, there shall be substituted the words ''Article 146(4) of the Order''.

Dated 23rd January 1991.

Brian Hutton
Donald Murray
J. P. Higgins
Brian Kerr
Owen Catchpole

I concur, *Mackay of Clashfern,* C.

Dated 3rd June, 1991