1990 No. 177 (C. 7)

INSOLVENCY

The Insolvency (1989 Order) (Commencement No. 1) Order (Northern Ireland) 1990

Made . . . . . 16th May 1990

The Department of Economic Development, in exercise of the powers conferred on it by Article 1(2) and (3) of the Insolvency (Northern Ireland) Order 1989(**a**), read with paragraph 2(1) of Schedule 1 to the Northern Ireland Act 1974(**b**), and of every other power enabling it in that behalf, hereby makes the following Order:

Citation

1. This Order may be cited as the Insolvency (1989 Order) (Commencement No. 1) Order (Northern Ireland) 1990.

Interpretation

2.—(1) For the purposes of this Order—

"commencement date" means 1st June 1990;

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

"receiver or manager of the property of the company" means a receiver or manager of the whole (or substantially the whole) of the company's property appointed on behalf of the holders of any debentures of the company secured by a floating charge.

(2) For the purposes of this Order a company goes into liquidation if it passes a resolution for voluntary winding up or an order for its winding up is made by the High Court at a time when it has not already gone into liquidation by passing such a resolution.

Commencement

3. The provisions of the Order specified in Schedule 1 shall come into operation on commencement date.

Transitional and supplementary provisions

4. In the cases specified in Column 1 of Schedule 1 to which Articles 197 and 343 of the Order relate, the said Articles shall have effect subject to the modifications in Schedule 2.

(a) S.I. 1989/2405 (N.I. 19)
(b) 1974 c. 28

Sealed with the Official Seal of the Department of Economic Development on 16th May 1990.

(L.S.) *R. G. Smartt*
Assistant Secretary

Provision of the Order (1)	*Subject Matter* (2)
Article 1 in so far as it is not already in operation.	Title and commencement.
Article 2 for the purposes of any provision brought into operation by this Order.	General interpretation.
Article 197 in relation to any case where— (*a*) a receiver or manager of the property of the company is appointed, or (*b*) the company goes into liquidation, or (*c*) a provisional liquidator is appointed, on or after commencement date.	Supplies of water, electricity, etc. (corporate insolvency).
Article 343 in relation to any case where— (*a*) an order of adjudication of bankruptcy is made against a debtor, or a receiver or manager of the property or business of a debtor is appointed under section 68 of the Bankruptcy (Ireland) Amendment Act 1872(**a**), or (*b*) a resolution or agreement of the creditors of an arranging debtor under which all the estate and effects of the debtor vest in the official assignee under section 349 of the Irish Bankrupt and Insolvent Act 1857(**b**) is approved and confirmed, or (*c*) an order for the administration according to the law of bankruptcy of the estate of a deceased debtor is made, or (*d*) a debtor has entered into a deed of arrangement for the benefit of his creditors generally to which the Deeds of Arrangement Act 1887(**c**) applies, on or after commencement date.	Supplies of water, electricity, etc. (personal insolvency).
Article 380.	Amendments to the Industrial Relations (Northern Ireland) Order 1976(**d**).
Schedule 8 in so far as it applies to Articles 197 and 343.	Transitional provisions and savings.

(a) 1872 c. 58
(b) 1857 c. 60
(c) 1887 c. 57
(d) S.I. 1976/1043 (N.I. 16)