1985 No. 166

COMPANIES

Companies (Winding-up) (Amendment) Rules (Northern Ireland) 1985

Made	*19th June 1985*
Coming into operation . . .	*22nd July 1985*
To be laid before Parliament	

The Lord Chancellor, in exercise of the powers conferred on him by section 317(1) and (2) of the Companies Act (Northern Ireland) 1960(**a**), with the concurrence of the Department of Economic Development(**b**) and after consultation with the Committee appointed under sub-section (3) of the said section, hereby makes the following Rules:—

Citation and commencement

1. These rules may be cited as the Companies (Winding-up) (Amendment) Rules (Northern Ireland) 1985 and shall come into operation on 22nd July 1985.

Interpretation

2. In these rules a reference to a Rule, Appendix or Form is a reference to that Rule, Appendix or Form as numbered in the Companies (Winding-up) Rules (Northern Ireland) 1984(**c**).

Amendment of the Companies (Winding-up) Rules (Northern Ireland) 1984

3.—(1) The Arrangement of Rules shall be amended by inserting, below the reference to Rule 181, the following reference:—

"Administration of oaths by Official Assignee 181A".

(2) Rule 7 shall be amended at paragraph (2) by inserting, after the word "thereon", the words "or an order dismissing the petition".

(3) Rule 32 shall be amended, at paragraph (1)(*c*), by renumbering sub-sub-paragraphs (*a*) and (*b*) as (i) and (ii) respectively.

(4) Rule 51 shall be amended at paragraph (1) by inserting, below sub-paragraph (*a*), the following new sub-paragraph:—

"(*aa*) section 288;".

(5) Rule 138 shall be amended by deleting the words "an Official Assignee" and substituting the words "the Official Assignee".

(6) Rule 143 shall be amended by substituting for the expression "the Rules", where it twice appears, the expression "these Rules".

(7) Rule 156 shall be amended as follows—

(*a*) in paragraph (1), by inserting, after the word "release", the words "or until the company has been dissolved";

(*b*) in paragraph (3), by inserting, before the word "position", the words "proceedings in and".

(**a**) 1960 c. 22 (N.I.) as substituted by S.I. 1978/1042 (N.I. 12) Art. 96(1)
(**b**) Consent function transferred from the Department of Commerce by S.I. 1982/846 (N.I. 11) Art. 4
(**c**) S.R. 1984 No. 163

(8) Rule 159 shall be amended as follows—

(*a*) by deleting, in paragraph (1), the word "printed";

(*b*) by deleting, in paragraph (2), the word "printed" and substituting the word "preparing".

(9) Rule 160 shall be amended as follows—

(*a*) by inserting in the heading, following the word "*payments*", the reference "(Form 82A)";

(*b*) by inserting, after the words "receipts or payments", the words "to which there shall be attached a report in the prescribed form upon the proceedings in and position of the liquidation of the company".

(10) Rule 175 shall be amended at paragraph (1) by deleting in the sub-paragraph beginning with the word "First" the word "taxed" where it twice appears.

(11) After Rule 181 there shall be inserted the following new rule:—

"*Administration of oaths by Official Assignee*

181A. The Official Assignee may administer oaths for the purpose of affidavits in any proceedings in a winding up by the Court.".

(12) Rule 187 shall be amended by deleting, in paragraph (1), the words "any winding-up proceedings" and substituting the words "any proceedings in a winding up by the Court, other than the advertisement of the winding-up petition".

(13) In the Appendix the index of forms shall be amended as follows—

(*a*) by deleting the entry relating to Form No. 80 and substituting the following new entry:—

"80. Liquidator's Account and Report in a Winding Up by the Court";

(*b*) by inserting, below the entry relating to Form No. 82, the following new entry:—

"82A. Liquidator's Certificate of No Receipts or Payments and Report in a Winding Up by the Court".

(14) Form No. 3 shall be amended by deleting Note [1] and substituting the following new Note:—

"[1] Where a petition under Article 77 of the Companies (Northern Ireland) Order 1981 does not include a prayer for winding up, the words "(COMPANIES WINDING UP)" must be omitted.".

(15) Form No. 6 shall be amended by inserting after "19 ", where it second appears in the first paragraph, the words "at am/pm".

(16) Form No. 80 shall be amended by deleting the first page and substituting the form in the Schedule to these Rules.

(17) There shall be inserted, following Form No. 82, the new form No. 82A in the Schedule to these Rules.

Dated 19th June 1985.

Hailsham of St. Marylebone, C.

The Department of Economic Development hereby concurs to the foregoing Rules.

Sealed with the Official Seal of the Department of Economic Development on 2nd July 1985.

(L.S.) *William Thomas McCrory*
Assistant Secretary