**1985 No. 165**

**BANKRUPTCY**

**Bankruptcy (Amendment) Rules (Northern Ireland) 1985**

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| *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 Article 33(1) and (2) of the Bankruptcy Amendment (Northern Ireland) Order 1980(**a**), with the concurrence of the Department of Economic Development(**b**) and after consultation with the committee appointed under section 317(3) of the Companies Act (Northern Ireland) 1960(**c**), hereby makes the following Rules:—

*Citation and commencement*

**1.** These Rules may be cited as the Bankruptcy (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 Bankruptcy Rules (Northern Ireland) 1983(**d**).

*Amendment of the Bankruptcy Rules (Northern Ireland) 1983*

**3.**—(1) In the Arrangement of Rules, below the reference to Rule 38, there shall be inserted the following reference:—

"Enforcement of orders 38A".

(2) After Rule 38 there shall be inserted the following new rule:—

"*Enforcement of orders*

**38A.** Order 45 of the Supreme Court Rules shall apply to the enforcement of orders of the Court.".

(3) Rule 51 shall be amended by deleting at paragraph (3) the words "the Department or the Official Assignee", where they twice appear, and substituting the words "the Department, the Official Assignee or the Taxing Master".

(4) Rule 69 shall be amended by deleting at paragraph (2) the words "The Court" and substituting the words "Subject to section 129 of the Act of 1857, the Court".

(5) Rule 78 shall be amended by substituting for paragraph (2) the following new paragraph:—

"(2) Where the Official Assignee proposes to invite the bankrupt to adopt such notes as, or as part of, the bankrupt's evidence at his public examination, he shall serve a copy thereof on the bankrupt not less than 7 days before the time appointed for the bankrupt's public examination and the copy shall be accompanied by a notice in the prescribed form.".

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(**a**) S.I. 1980/561 (N.I. 4)
(**b**) Consent function transferred from the Department of Commerce by S.I. 1982/846 (N.I. 11) Art. 4
(**c**) 1960 c. 22 (N.I.) as substituted by S.I. 1978/1042 (N.I. 12) Art. 96(1)
(**d**) S.R. 1983 No. 310

(6) Rule 93 shall be amended at paragraph (4) by inserting, after the words "Official Assignee", the words ", who shall thereupon furnish him with a list of any creditors not named in the statement of affairs who have proved debts".

(7) Rule 155 shall be amended at sub-paragraph (*f*) by inserting after the word "would", where it second appears, the word "not".

(8) Rule 158 shall be amended by inserting, after paragraph (1), the following new paragraph:—

"(1A) A copy of an order for a special sitting shall be sent by the Master to the Official Assignee, who shall thereupon furnish the arranging debtor with a list of any creditors not named in the arranging debtor's statement of affairs who have proved debts.".

(9) Rule 163 shall be amended by deleting the words ", after notice of the preliminary meeting of creditors has been given,".

(10) Rule 165 shall be amended, at sub-paragraph (*c*), by deleting the word "motor" and substituting the word "vehicle".

(11) Rule 210 shall be amended as follows—

(*a*) by inserting, after paragraph (1), the following new paragraphs:—

"(1A) On the day preceding the day appointed for the sitting or meeting of creditors the Official Assignee or trustee shall lodge with the Master or the chairman of the meeting, as the case may be, a list of all debts admitted by him and all proofs of debt received by him and not yet admitted.

(1B) After the sitting or meeting of creditors has been concluded the proofs shall be returned to the Official Assignee or trustee.";

(*b*) by substituting, for paragraph (4), the following new paragraph:—

"(4) A person shall not be entitled to vote as a creditor at any sitting or meeting of creditors unless—

(*a*) his debt has been admitted under Article 16 of the Order of 1980; or

(*b*) the proof of his debt has been received by the Official Assignee or trustee not less than 3 days before the day appointed for the sitting or meeting; or

(*c*) the proof of his debt has been lodged by the creditor with the Master or the chairman of the meeting, as the case may be, before the sitting or meeting.".

(12) In the index of forms in the Appendix the entry, under the heading "ARRANGEMENT", relating to Form No. 108 shall be amended by deleting the words "to Creditors".

(13) Form No. 26 shall be amended by inserting, after the words "the above-named creditor of", the words "(*address of creditor*) at (*address in Northern Ireland at which payment is to be made*)".

(14) Forms No. 26 and 27 shall be amended as follows—

(*a*) by substituting for the figure "£200", in each place where it appears, the figure "£750";

(*b*) by deleting, at the head of each form, the words "ATTENTION IS DIRECTED TO THE NOTE AT THE FOOT OF THIS FORM" and substituting the words "NOTE: IF YOU NEGLECT TO COMPLY WITH THIS SUMMONS YOU MAY BE ADJUDICATED BANKRUPT WITHOUT FURTHER NOTICE. THE CONSEQUENCES OF BANKRUPTCY COULD BE VERY SERIOUS. IF YOU ARE IN ANY DOUBT AS TO WHAT YOU SHOULD DO YOU OUGHT, IMMEDIATELY, TO SEEK PROFESSIONAL ADVICE, e.g. FROM A SOLICITOR OR ACCOUNTANT, OR CONTACT YOUR LOCAL CITIZENS ADVICE BUREAU.";

(*c*) by deleting the Note at the foot of each form.

(15) Form No. 27 shall be amended by inserting, after the words "the above-named creditor of", where they twice appear, the words "(*address of creditor*) at (*address in Northern Ireland at which payment is to be made*)".

(16) Form No. 29 shall be amended by substituting for the figure "£200" the figure "£750".

(17) Form No. 47 shall be amended by deleting, on the second page, the column headed "Gross Liabilities".

(18) Form No. 79 shall be amended by deleting the words "High Court of Justice in Bankruptcy" and substituting the words "Chancery Division (Bankruptcy)".

(19) Form No. 97 shall be amended by deleting, at paragraph 1, the word "petitions" and substituting the word "petition".

(20) Form No. 102 shall be amended by deleting, in the fourth paragraph, the words "affidavit of".

(21) Form No. 103 shall be amended by inserting, after the words "do hereby assent", the word "to".

(22) Form No. 108 shall be amended by deleting, in the heading, the words "to Creditors".

(23) For Form No. 130 there shall be substituted the new form 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