1980 No. 165 (C. 4)

BANKRUPTCY

The Bankruptcy (1980 Order) (Commencement No. 1) Order (Northern Ireland) 1980

Made . . . . . 21st May 1980

The Department of Commerce, in exercise of the powers conferred on it by Articles 1(3) and 44(1) of the Bankruptcy Amendment (Northern Ireland) Order 1980(**a**) ("the Order") and paragraph 2(1)(*b*) Schedule 1 to the Northern Ireland Act 1974(**b**) hereby makes the following Order:

Citation

1. This Order may be cited as the Bankruptcy (1980 Order) (Commencement No. 1) Order (Northern Ireland) 1980.

Appointed day

2. The provisions of the Order specified in the Schedule shall, to the extent so specified and subject to Article 3, come into operation on 12th June 1980.

Transitional provisions

3.—(1) Until the commencement of Article 33 of the Order the reference in Article 34(2) of the Order to bankruptcy rules includes a reference to rules of court made for the purposes of any of the Bankruptcy Acts.

(2) Except for the purposes of paragraph 11 of Schedule 1 to the Order, paragraph (2)(*a*) of Article 42 of the Order is inoperative until the commencement of Articles 28 to 30 of the Order.

(3) Until the commencement of the provisions of the Order mentioned in column 1 of the following Table any reference to those provisions in Article 43(*d*), (*e*) or (*f*) of the Order shall be construed as a reference to the statutory provisions respectively mentioned in column 2.

TABLE

Reference in Article 43	*Substituted reference*
Articles 13 to 17	Sections 246 to 248, 251 to 259, 261 and 263 of the Act of 1857(**c**) and sections 45 to 47 of the Act of 1872(**d**)
Article 23	Section 293 of the Act of 1857
Article 31	Sections 147 and 148 of the Act of 1857 and sections 58 and 59 of the Act of 1872

(**a**) S.I. 1980/561 (N.I. 4)
(**b**) 1974 c. 28
(**c**) 1857 c. 60
(**d**) 1872 c. 58

Reference in Article 43	*Substituted reference*
Paragraph (1)(*a*) of Article 31	Paragraphs (1) and (2) of section 58 of the Act of 1872

(4) Until the commencement of paragraph 36 of Schedule 2 to the Order section 345 of the Act of 1857 shall have effect as if "debtor" were substituted for "trader" and "assignee" were substituted for "assignees".

(5) Until the commencement of the first bankruptcy rules made under Article 33 of the Order requiring an arranging debtor to file an affidavit of assets and liabilities and proceedings instituted by creditors, the reference in section 2(1) of the Deeds of Arrangement Amendment Act 1890(e) to such rules shall be construed as a reference to rules of court.

(6) Until the repeal of sub-section (4) of section 2 of the Preferential Payments (Bankruptcies and Arrangements) Act (Northern Ireland) 1964(f) comes into operation the reference in that sub section to section 1 of that Act shall be construed as a reference to Articles 19 and 20 of the Order.

Sealed with the Official Seal of the Department of Commerce for Northern Ireland on 21st May 1980.

(L.S.)

W. T. McCrory
Assistant Secretary

(e) 1890 c. 24 as amended by the Order Schedule 2 paragraph 68(*a*)
(f) 1964 c. 32 (N.I.)

SCHEDULE Article 2

Provisions coming into operation on 12th June 1980

Provision	*Subject Matter*
Article 1	Title, construction, citation and commencement.
Article 2	Interpretation.
paragraph (1); paragraph (2) to the extent that it defines "the Act of 1857" "the Act of 1872" "arranging debtor" "the Bankruptcy Acts" "deceased insolvent" "the Department" "the Official Assignee" "regulations" "statutory provision"	
Article 3	The Official Assignee and Assistant Official Assignees.
Article 4 paragraph (1)	Official Assignee's accounts.
Article 8	Acts of bankruptcy.
Article 9	Extension of time for complying with debtor's summons.
Article 18	Ranking of debts.
Article 19	Preferential payments.
Article 20	Provisions supplemental to Article 19.
Article 21	Foregoing of preference in certain circumstances.
Article 27	Release of Official Assignee.
Article 34	Regulations.
Article 36	Power of court to review, rescind or vary orders.
Article 37	Increase of monetary limits relating to bankruptcy, etc.
Article 40 to the extent that it applies and modifies Articles 18 to 21, 27 and 34(2)	Arranging debtors.
Article 41 to the extent that it modifies Articles 18 to 20 and applies and modifies Articles 27 and 34	Deceased insolvents.

Provision	*Subject Matter*
Article 42	Undischarged bankrupt obtaining credit.
Article 43	Application to the Crown.
Article 44 except so far as it gives effect to provisions of Schedule 1 or 2, or repeals specified in Schedule 3, not brought into operation by this Order	Transitional and saving provisions, amendments and repeals.
Schedule 1—	Transitional and saving provisions.
paragraphs 1, 2 and 5; paragraph 6 to the extent that it applies to Articles 40 and 41; paragraphs 10, 11 and 13	
Schedule 2—	Amendments.
paragraph 1 except the definition of "Bankruptcy rules"; paragraphs 2 and 3; paragraph 4 to the extent that it amends the word "trader"; paragraph 5; paragraph 6 to the extent that it amends the word "assignees" in the second and third places where it occurs; paragraphs 7, 8 and 11; paragraph 12 to the extent that it amends the words "such trader"; paragraphs 13 to 16, 18, 25 to 31, 33, 34 and 37 to 39; paragraph 40 to the extent that it amends the word "trader" (twice) and inserts the words "the official assignee or"; paragraphs 41 to 43, 46 and 47; paragraphs 49 to 51, 53, 56 to 58, 68, 69, 76(*b*), 77, 78, 81 to 92 and 94 to 99	
Schedule 3 to the extent specified below	Repeals.

Chapter or Number	*Title or Short Title*	*Extent of repeal*
9 Geo. 4 c. 80.	Bankers' Composition (Ireland) Act 1828.	In section 9 the words "or insolvent".
7 Wm. 4 & 1 Vict. c. 73.	Chartered Companies Act 1837.	In section 25 the word "insolvency," (four times).
10 & 11 Vict. c. 16.	Commissioners Clauses Act 1847.	In section 8 the words "or insolvent".
20 & 21 Vict. c. 60.	Irish Bankrupt and Insolvent Act 1857.	In section 4 the definitions of "Lord Chancellor", "Joint stock company", "petition of insolvency" "Prisoner", "Gaoler" and "Insolvent", in the definition of "Assignees", the words "and joint stock company", in the definition of "Creditor" the words "or insolvent", in the definition of "Bankrupt" the words "on any petition of bankruptcy", in the definition of "Creditor" the words "and joint stock" and in the definition of "Petitioning creditor" the words "or a petition of insolvency against an insolvent". In section 24 the words "and insolvency", "and insolvent" and "or insolvent" and the words "or insolvency" (twice). Section 54. Section 59. In section 60 the words "and insolvent's" and "and insolvent" and the words from "save" onwards. In section 63 the words "and insolvent's". Section 67. In section 72 the words "or insolvent" in the first two places where they occur, and the words from "and insolvent" onwards.