1979 No. 432

JUDICATURE, NORTHERN IRELAND

SUPREME COURT, NORTHERN IRELAND

PROCEDURE

Rules of the Supreme Court (Northern Ireland) (Amendment No. 4) 1979

Made . . . . . *7th December* 1979
Coming into operation . . . *2nd January* 1980
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 pleading, practice and procedure of the Supreme Court of Judicature of Northern Ireland, hereby, with the concurrence of the Lord Chancellor, exercise these powers and all other powers enabling us in that behalf as follows:

1. Order 74 of the Rules of the Supreme Court (Northern Ireland) 1936(b) shall be amended as follows:—

(1) in rules 5, 6, 8, 16, 49(3), and 50(2), for the words "the Central Office" there shall be substituted the words "the Bankruptcy and Companies Office";

(2) after rule 9 there shall be inserted the following rule:—

"*Jurisdiction of Master (Bankruptcy) in relation to winding-up petitions*

10.—(1) Subject to any general or special directions of the Chancery Judge the Master (Bankruptcy) may hear a petition for the winding-up of a company where the substantial ground of the petition is the inability of the company to pay its debts, and may make a winding-up order thereon.

(2) The Master (Bankruptcy) may refer to a Judge any such petition which he thinks should be heard by a Judge and the Judge may either hear the petition or, after or without hearing the parties, refer it back to the Master, with such directions as he thinks fit.

(3) A matter referred under this rule shall, in accordance with the directions of the Judge, either be listed for hearing by the Judge or be restored to the Master's list.

(4) Any person affected by an order of the Master in the exercise of his jurisdiction under this rule may appeal to a Judge.

(5) Order 96, rule 1, shall apply to an appeal under this rule with the substitution of the words "in court" for the words "in chambers" in paragraph (1).";

(3) in rule 12 the following paragraph shall be added after paragraph (2)—

"(3) The notice of the motion or the summons by which an application is made shall be issued out of the Bankruptcy and Companies Office.";

(a) 1978 c. 23
(b) S.R. & O. 1936 No. 70 (II, p. 2559)