

## SCHEDULES

### SCHEDULE 9

#### AMENDMENTS

### PART II

#### OTHER AMENDMENTS

##### (1) ACTS OF THE PARLIAMENT OF THE UNITED KINGDOM

###### *The Exchange Control Act 1947 (c. 14)*

- 23.** In paragraph 8 of Schedule 4 (legal proceedings)—
- (a) sub-paragraph (3) shall be omitted;
  - (b) in sub-paragraph (4) for “section twenty-one of the Bankruptcy (Ireland) Amendment Act 1872, as amended by the Bankruptcy Amendment Act (Northern Ireland) 1929” substitute “Articles 241 to 244 of the Insolvency (Northern Ireland) Order 1989”.

###### *The Medicines Act 1968 (c. 67)*

- 24.** In section 72(4) (which specifies the persons who may carry on the business of a pharmacist in the case of his death or disability) at the end add “or Chapter II of Part VIII of the Insolvency (Northern Ireland) Order 1989”.

###### *The Social Security (Northern Ireland) Act 1975 (c. 15)*

- 25.** In section 143(6) (provisions supplementary to sections 141 and 142) for “the provisions mentioned in subsection (2)” substitute “sections 141 and 142”.

###### *The Policyholders Protection Act 1975 (c. 75)*

- 26.** In section 5(1)(a) (application of sections 6 to 11) for “Companies (Northern Ireland) Order 1986” substitute “Insolvency (Northern Ireland) Order 1989”.

- 27.** In section 15(1) (interim payments to policyholders of companies in liquidation, etc.) for “Article 493 of the Companies (Northern Ireland) Order 1986” substitute “Article 115 of the Insolvency (Northern Ireland) Order 1989”.

- 28.** In section 16(1)(b) (companies in financial difficulties) for “Companies (Northern Ireland) Order 1986” substitute “Insolvency (Northern Ireland) Order 1989”.

###### *The Judicature (Northern Ireland) Act 1978 (c. 23)*

- 29.** In section 35(2) (appeals to Court of Appeal from High Court) at the end insert—

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“(j) without the leave of the High Court or of the Court of Appeal, from a decision of the High Court under the Insolvency (Northern Ireland) Order 1989”.

**30.** For section 106(1)(a) and (b) (rights of audience in High Court and Court of Appeal) substitute—

- “(a) any matter relating to individual voluntary arrangements or bankruptcy under Parts VIII to X of the Insolvency (Northern Ireland) Order 1989;
- (b) any matter relating to company voluntary arrangements, receivership or the winding up of a company under Parts II and IV to VII of that Order of 1989”.

*The Finance Act 1981 (c. 35)*

**31.** In section 55(4) (stock relief) for “Companies (Northern Ireland) Order 1986” substitute “Insolvency (Northern Ireland) Order 1989”.

*The Civil Jurisdiction and Judgments Act 1982 (c. 27)*

**32.** In paragraph 1 of Schedule 5 (proceedings to which provisions relating to the allocation of proceedings within the United Kingdom to not apply) for “Companies (Northern Ireland) Order 1986” substitute “Insolvency (Northern Ireland) Order 1989”.

*The Insurance Companies Act 1982 (c. 50)*

**33.** In section 53 (winding up of insurance companies)—

- (a) for “Companies (Northern Ireland) Order 1986” substitute “Insolvency (Northern Ireland) Order 1989”;
- (b) for “that Order of 1986” substitute “that Order of 1989”.

**34.** In section 54 (winding up of insurance company on petition of Department)—

- (a) in subsection (2)—
  - (i) for “Companies (Northern Ireland) Order 1986” substitute “Part V or VI of the Insolvency (Northern Ireland) Order 1989”;
  - (ii) in paragraph (a) for “Articles 479 and 480 or Articles 616 to 619” substitute “Article 103 or Articles 186 to 188”;
- (b) in subsection (4) for “Companies (Northern Ireland) Order 1986” substitute “Insolvency (Northern Ireland) Order 1989”.

**35.** In section 55 (winding up of insurance companies with long term business)—

- (a) in subsection (5) for “paragraphs (1) to (3) of Article 500 of the Companies (Northern Ireland) Order 1986” substitute “Article 143(2) of the Insolvency (Northern Ireland) Order 1989”;
- (b) in subsection (6) for “Article 584 of the Companies (Northern Ireland) Order 1986” substitute “Article 176 of the Insolvency (Northern Ireland) Order 1989”.

**36.** In section 56 (continuation of long term business of insurance companies in liquidation)—

- (a) in subsection (4)—
  - (i) for “Article 517(3) of the Companies (Northern Ireland) Order 1986” substitute “Article 151(5) of the Insolvency (Northern Ireland) Order 1989”;
  - (ii) for “Article 517 of the said Order of 1986” substitute “Article 151 of the said Order of 1989”;

- (b) in subsection (7)—
  - (i) for “Article 499(1) of the said Order of 1986” substitute “Article 142 of, and Schedule 2 to, the Insolvency (Northern Ireland) Order 1989”;
  - (ii) for “committee of inspection” substitute “a specified committee”.

**37.** In section 59 (winding-up rules)—

- (a) in subsection (1) for “Article 613 of the Companies (Northern Ireland) Order 1986” substitute “Article 359 of the Insolvency (Northern Ireland) Order 1989”;
- (b) in subsection (2)—
  - (i) for “Article 613 of the said Order of 1986” substitute “Article 359 of the said Order of 1989”;
  - (ii) in paragraph (b) for “Article 570 of, and Schedule 18 to, the Companies (Northern Ireland) Order 1986” substitute “Articles 149 and 150 of, and Schedule 4 to, the Insolvency (Northern Ireland) Order 1989”.

**38.** In section 96(1), in the definition of “insolvent” for “Articles 479 and 480 or Article 616 of the Companies (Northern Ireland) Order 1986” substitute “Articles 102 and 103 or Article 185 of the Insolvency (Northern Ireland) Order 1989”.

*The Value Added Tax Act 1983 (c. 55)*

**39.** In section 22 (refund of tax in cases of bad debts)—

- (a) in subsection (2)(c) for the words from “a resolution” onwards substitute “a composition or scheme proposed by him is approved under Chapter II of Part VIII of the Insolvency (Northern Ireland) Order 1989 or, after his death, his estate falls to be administered in accordance with an order under Article 365 of that Order; or”;
- (b) in subsection (3)(b) after “Great Britain” insert “or Northern Ireland”;
- (c) in subsection (8) after “Insolvency Act 1985” insert “or Article 5(1) of the Insolvency (Northern Ireland) Order 1989”.

*The Finance Act 1985 (c. 54)*

**40.** In section 79 (voluntary winding-up: transfer of shares) in subsection (1) after “1960” insert “Article 539 of the Companies (Northern Ireland) Order 1986 or Articles 96 and 97 of the Insolvency (Northern Ireland) Order 1989”.

*The Insolvency Act 1986 (c. 45)*

**41.** In section 426 (co-operation between courts exercising jurisdiction in relation to insolvency)

- (a) in subsection (10)(c) for the words from “the Bankruptcy Acts” onwards substitute “the Insolvency (Northern Ireland) Order 1989”;
- (b) at the end of subsection (11) insert—
  - “(12) In the application of this section to Northern Ireland—
    - (a) for any reference to the Secretary of State there is substituted a reference to the Department of Economic Development in Northern Ireland;
    - (b) in subsection (3) for the words “another part of the United Kingdom” and the words “that other part” there is substituted the words “Northern Ireland”;
    - (c) for subsection (9) there is substituted the following subsection—

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“(9) An order made under subsection (3) by the Department of Economic Development in Northern Ireland shall be a statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 and shall be subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954.”

*The Building Societies Act 1986 (c. 53)*

**42.** In section 26(1)(c) (for the purposes of the protective scheme when a building society becomes insolvent) for “Article 541 of the Companies (Northern Ireland) Order 1986” substitute “Article 81 of the Insolvency (Northern Ireland) Order 1989”.

**43.** In section 28 (insolvent building society liable where Board makes an insolvency payment)—

- (a) in subsection (8)(c) for “the Official Assignee for company liquidation” substitute “the Official Receiver for Northern Ireland”;
- (b) in subsection (9)(b) for “Article 613 of the Companies (Northern Ireland) Order 1986” substitute “Article 359 of the Insolvency (Northern Ireland) Order 1989”.

**44.** In section 100(6)(b) (priority rights on transfer of business from building society to company) for “Article 570 of the Companies (Northern Ireland) Order 1986” substitute “the Insolvency (Northern Ireland) Order 1989”.

**45.** In Schedule 15 (application of companies winding up legislation to building societies)—

- (a) in paragraph 1—
  - (i) for sub-paragraph (b) substitute—
    - “(b) Articles 5 to 8 of Part I and Parts V, VII and XI of the Insolvency (Northern Ireland) Order 1989; or”;
    - (ii) for “Articles 678 of, and Schedule 23 to, the Companies (Northern Ireland) Order 1986” substitute “Articles 2(6) and 373 of, and Schedule 7 to, the Insolvency (Northern Ireland) Order 1989”;
- (b) in paragraph 5 for “Article 614 of the Companies (Northern Ireland) Order 1986” substitute “Article 362 of the Insolvency (Northern Ireland) Order 1989”;
- (c) for paragraphs 34 to 55 substitute—

“PART III

MODIFIED APPLICATION OF INSOLVENCY  
(NORTHERN IRELAND) ORDER 1989PARTS V AND XI

*Preliminary*

**34.** In this Part of this Schedule, Part V of the Insolvency (Northern Ireland) Order 1989 is referred to as “Part V”, that Order is referred to as “the Order” and references to “Articles” are references to Articles of that Order.

*Members of a building society as contributories in winding up*

**35.—**(1) Article 61 (liability of members) is modified as follows.

(2) In paragraph (1), the reference to any past member shall be omitted.

(3) Sub-paragraphs (a) to (d) of paragraph (2) shall be omitted; and so shall paragraph (3).

(4) The extent of the liability of a member of a building society in a winding up shall not exceed the extent of his liability under paragraph 6 of Schedule 2 to this Act.

**36.** Articles 62 to 65 and 69 in Chapter I of Part V (miscellaneous provisions not relevant to building societies) do not apply.

**37.** In the enactments as applied to a building society, “contributory”—

- (a) means every person liable to contribute to the assets of the society in the event of its being wound up, and
- (b) for the purposes of all proceedings for determining, and all proceedings prior to the determination of, the persons who are to be deemed contributories, includes any person alleged to be a contributory, and
- (c) includes persons who are liable to pay or contribute to the payment of—
  - (i) any debt or liability of the building society being wound up, or
  - (ii) any sum for the adjustment of rights of members among themselves, or
  - (iii) the expenses of the winding up;

but does not include persons liable to contribute by virtue of a declaration by the Court under Article 177 (imputed responsibility for fraudulent trading) or Article 178 (wrongful trading).

#### *Voluntary winding up*

**38.—**(1) Article 70 does not apply.

(2) In the enactments as applied to a building society, the expression “resolution for voluntary winding up” means a resolution passed under section 88(1) of this Act.

**39.** In paragraph (1) of Article 87 (appointment of liquidation committee), the reference to functions conferred on a liquidation committee by or under the Order shall have effect as a reference to its functions by or under the Order as applied to building societies.

**40.—**(1) Article 93 (distribution of property) does not apply; and the following applies in its place.

(2) Subject to the provisions of Part V relating to preferential payments, a building society’s property in a voluntary winding up shall be applied in satisfaction of the society’s liabilities to creditors (including any liability resulting from the variation to the liquidator’s duty effected by section 28 or 31 of this Act) *pari passu* and, subject to that application, in accordance with the rules of the society.

**41.** Articles 96 and 97 (liquidator accepting shares, etc., as consideration for sale of company property) do not apply.

**42.** Article 101 (saving for certain rights) shall also apply in relation to the dissolution by consent of a building society as it applies in relation to its voluntary winding up.

#### *Winding up by the High Court*

**43.** Article 102 (circumstances in which company may be wound up by the High Court) does not apply.

**44.** Article 104 (application for winding up) does not apply.

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**45.—(1)** In Article 105 (powers of High Court on hearing of petition), paragraph (1) applies with the omission of the words from “but the Court” to the end of the paragraph.

(2) The conditions which the High Court may impose under Article 105 include conditions for securing—

- (a) that the building society be dissolved by consent of its members under section 87, or
- (b) that the society amalgamates with, or transfers its engagements to, another building society under section 93 or 94, or
- (c) that the society transfers its business to a company under section 97,

and may also include conditions for securing that any default which occasioned the petition be made good and that the costs of the proceedings on that petition be defrayed by the person or persons responsible for the default.

**46.** Article 106 (power of High Court, between petition and winding-up order, to stay or restrain proceedings against company) has effect with the omission of paragraph (2).

**47.** If, before the presentation of a petition for the winding up by the High Court of a building society, an instrument of dissolution under section 87 is placed in the society’s public file, Article 109(1) (commencement of winding up by the High Court) shall also apply in relation to the date on which the instrument is so placed and to any proceedings in the course of the dissolution as it applies to the commencement date for, and proceedings in, a voluntary winding up.

**48.—(1)** Article 110 (consequences of winding-up order) shall have effect with the following modifications.

(2) Paragraphs (1) and (3) shall be omitted.

(3) A building society shall, within 15 days of a winding-up order being made in respect of it, give notice of the order to the central office; and the central office shall keep the notice in the public file of the society.

(4) If a building society fails to comply with sub-paragraph (3) above, it shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale; and so shall any officer who is also guilty of the offence.

**49.** Article 119 (appointment of liquidator by High Court in certain circumstances) does not apply.

**50.** In the application of Article 120(1) (liquidation committee) to building societies, the references to functions conferred on a liquidation committee by or under the Order shall have effect as references to its functions by or under the Order as so applied.

**51.** The conditions which the High Court may impose under Article 125 (power to stay winding up) shall include those specified in paragraph 45(2) above.

**52.** Article 132 (adjustment of rights of contributories) shall have effect with the modification that any surplus is to be distributed in accordance with the rules of the society.

**53.** In Article 140(2) (liquidator’s powers), the reference to an extraordinary resolution shall have effect as a reference to a special resolution.

*Winding up: general*

**54.** Article 158 (power to make over assets to employees) does not apply.

**55.**—(1) In Article 166 (dissolution: voluntary winding up), paragraph (2) applies without the words from “and on the expiration” to the end of the paragraph and, in paragraph (3), the word “However” shall be omitted.

(2) Articles 167 and 168 (early dissolution) do not apply.

**55A.** In Article 169 (dissolution: winding up by the High Court) paragraph (1) applies with the omission of the words from “and, subject” to the end of the paragraph; and in paragraphs (2) and (3) references to the Department shall have effect as references to the Commission.

#### *Penal provisions*

**55B.** Articles 180 and 181 (restriction on re-use of name) do not apply.

**55C.**—(1) Articles 182 and 183 (prosecution of delinquent officers) do not apply in relation to offences committed by members of a building society acting in that capacity.

(2) Article 182(4) and paragraphs (1) and (2) of Article 183 do not apply.

(3) The references in paragraphs (3) and (5) of Article 183 to the Department shall have effect as references to the Commission; and the reference in paragraph (3) to Article 182 shall have effect as a reference to that Article as supplemented by paragraph 55D below.

**55D.**—(1) Where a report is made to the prosecuting authority (within the meaning of Article 182) under Article 182(3), in relation to an officer of a building society, he may, if he thinks fit, refer the matter to the Commission for further enquiry.

(2) On such a reference to it the Commission shall exercise its power under section 55(1) of this Act to appoint one or more investigators to investigate and report on the matter.

(3) An answer given by a person to a question put to him in exercise of the powers conferred by section 55 on a person so appointed may be used in evidence against the person giving it.

#### *Preferential debts*

**55E.** Article 347 (meaning in Schedule 4 of “the relevant date”) applies with the omission of paragraphs (2) and (4) to (6).”;

(d) in paragraph 56—

(i) in sub-paragraph (1)(b) for “543 or (as the case may be) 553 of the Companies (Northern Ireland) Order 1986” substitute “80 or (as the case may be) 92 of the Insolvency (Northern Ireland) Order 1989”;

(ii) in sub-paragraph (2)(a) after “societies” insert “or, as the case may be, Article 146(7) of the Insolvency (Northern Ireland) Order 1989 (as applied to building societies)”;

(iii) in sub-paragraph (2)(b) for “Official Assignee for company liquidations” substitute “official receiver for Northern Ireland”;

(iv) in sub-paragraph (2) after “that Act” insert “or Article 169 of that Order”;

(e) in paragraph 59—

(i) in sub-paragraph (1) for “Article 615 of the Companies (Northern Ireland) Order 1986” substitute “Article 359 of the Insolvency (Northern Ireland) Order 1989”;

(ii) for sub-paragraph (2) substitute—

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“(2) An order made by the Department of Economic Development under Article 361 of the Insolvency (Northern Ireland) Order 1989 may make provision for fees to be payable under that Article in respect of proceedings under the applicable winding-up legislation and the performance by the official receiver for Northern Ireland or that Department of functions under it.”.

*The Financial Services Act 1986 (c. 60)*

**46.** In section 54(6)(c) (rules establishing scheme for compensation) for “Article 613 of the Companies (Northern Ireland) Order 1986” substitute “Article 359 of the Insolvency (Northern Ireland) Order 1989”.

**47.** In section 73 (winding up orders: Northern Ireland)—

- (a) in subsection (1)(a) for the words from “Article 480” onwards substitute “Article 103 or, as the case may be, Article 185 of the Insolvency (Northern Ireland) Order 1989”;
- (b) in subsection (2)—
  - (i) in paragraph (b) for “Article 615 of that Order” substitute “Article 184 of the Insolvency (Northern Ireland) Order 1989”;
  - (ii) in paragraph (c) for “that Order” substitute “the Companies (Northern Ireland) Order 1986”;
- (c) in subsection (4)—
  - (i) for “Companies (Northern Ireland) Order 1986” substitute “Insolvency (Northern Ireland) Order 1989”;
  - (ii) for “Article 615” substitute “Article 184”.

**48.** In section 74 (administration orders) after “Act applies” insert “, or under Article 22 of the Insolvency (Northern Ireland) Order 1989 (applications for administration orders) in relation to a company to which Article 21 of that Order applies.”.

*The Banking Act 1987 (c. 22)*

**49.** In section 11(8) (revocation of authorisation) at the end insert “or under Article 21 of the Insolvency (Northern Ireland) Order 1989”.

**50.** In section 58 (compensation payments to depositors)—

- (a) in subsection (2)—
  - (i) after “1986” insert “or under Article 21 of the Insolvency (Northern Ireland) Order 1989”;
  - (ii) at the end insert “or, as the case may be, under Article 36 of that Order”;
- (b) in subsection (8)(b)—
  - (i) in sub-paragraph (iv) omit the words “or of a committee” onwards;
  - (ii) after sub-paragraph (iv) insert—
    - “(v) to be a member of any committee established under Article 274 of the Insolvency (Northern Ireland) Order 1989; and
    - (vi) to be a member of a committee established for the purposes of Part V or VI of the Insolvency (Northern Ireland) Order 1989 under Article 87 of that Order or under Article 120 of that Order.”;
- (c) in subsection (10)—



- (i) in paragraph (a) after “1986” insert “or under Part III of the Insolvency (Northern Ireland) Order 1989”;
- (ii) in paragraph (b)(i) after “Act” insert “or, as the case may be, Part III of that Order”;
- (iii) in paragraph (b)(ii) at the end insert “or under Article 38 of that Order”.

**51.** In section 59 (meaning of insolvency)—

- (a) in subsection (1)—
  - (i) in paragraph (b) for “Article 534 of the Companies (Northern Ireland) Order 1986” substitute “Article 75 of the Insolvency (Northern Ireland) Order 1989”;
  - (ii) in paragraph (c) for “Article 541” substitute “Article 81”;
- (b) in subsection (2)(c) for “an order of adjudication of bankruptcy against any of the partners” substitute “a winding-up order against it under any provision of the Insolvency (Northern Ireland) Order 1989 as applied by an order under Article 364 of that Order”.

**52.** In section 62(8) (liability of institution in respect of compensation payments)—

- (a) in paragraph (c) for “Article 613 of the Companies (Northern Ireland) Order 1986” substitute “Article 359 of the Insolvency (Northern Ireland) Order 1989”;
- (b) at the end insert “or Part III of the Insolvency (Northern Ireland) Order 1989”.

**53.** In section 65(3) (power to obtain information) after “1986” insert “or Part III of the Insolvency (Northern Ireland) Order 1989”.

**54.** In the Table in section 84(1) (disclosure for facilitating discharge of functions by other supervisory authorities)—

- (a) in the entry relating to the Department of Economic Development in Northern Ireland, in column 2, after “1986” insert “or Part XII of the Insolvency (Northern Ireland) Order 1989”;
- (b) in the entry relating to the Official Receiver or, in Northern Ireland, the Official Assignee for company liquidations or for bankruptcy,—
  - (i) in column 1, for the words from “Assignee” onwards substitute “Receiver for Northern Ireland”;
  - (ii) in column 2, for “, bankruptcy order or order of adjudication of bankruptcy” substitute “or bankruptcy order”;
- (c) at the end insert the following entry—

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“A recognised professional body (within the meaning of Article 350 of the Insolvency (Northern Ireland) Order 1989).	Functions in its capacity as such a body under the Insolvency (Northern Ireland) Order 1989.”.
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**55.** In section 85(1)(f) (other permitted disclosures) after “1986” insert “or Parts II to VII or IX and X of the Insolvency (Northern Ireland) Order 1989”.

**56.** In section 92 (winding up on petition from the Bank)—

- (a) in subsection (3)(a) for the words from “Article 480” onwards substitute “Article 103 or, as the case may be, Article 185 of the Insolvency (Northern Ireland) Order 1989”;
- (b) in subsection (4)—
  - (i) for “1986” substitute “1989”;
  - (ii) for “Article 615” substitute “Article 184”.

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*The Criminal Justice Act 1987 (c. 38)*

57. For section 3(6)(d) (disclosure of information) substitute—  
“(d) the official receiver for Northern Ireland;”.

*The Criminal Justice (Scotland) Act 1987 (c. 41)*

58. For section 54(5)(d) (disclosure of information) substitute—  
“(d) the official receiver for Northern Ireland;”.

*The Income and Corporation Taxes Act 1988 (c. 1)*

59. In section 293(5) (relief for investment in new corporate trades) for “Companies (Northern Ireland) Order 1986” substitute “Insolvency (Northern Ireland) Order 1989”.
60. In section 345(5) (computation of chargeable gains) for “496 of the Companies (Northern Ireland) Order 1986” substitute “123 of the Insolvency (Northern Ireland) Order 1989”.
61. In section 559 (deductions from payments to sub-contractors) subsection (6) shall be omitted.

*The Prevention of Terrorism (Temporary Provisions) Act 1989 (c. 4)*

62. In Schedule 4—
- (a) in paragraph 31—
- (i) in sub-paragraph (5)(a) for “Article 25 of the Bankruptcy Amendment (Northern Ireland) Order 1980” substitute “Article 160(2) or, as the case may be, Article 300(4) of the Insolvency (Northern Ireland) Order 1989”;
- (ii) in sub-paragraph (8) in the definition of “the commencement of an insolvency” in head (c) after “Wales” insert “or in Northern Ireland”;
- (b) in paragraph 33—
- (i) in sub-paragraph (3) for the words from “Bankruptcy Acts” onwards substitute “Insolvency (Northern Ireland) Order 1989”;
- (ii) for sub-paragraph (4)(b) substitute—
- “(b) any question whether a person is acting as an insolvency practitioner in Northern Ireland shall be determined in accordance with Article 3 of the Insolvency (Northern Ireland) Order 1989, except that—
- (i) paragraph (5) shall be disregarded; and
- (ii) the expression shall also include the official receiver acting as receiver or manager of property.”;
- (c) in paragraph 34 at the end of sub-paragraph (6) insert—
- “(7) In the application of this paragraph to Northern Ireland—
- (a) for any reference to the Secretary of State there is substituted a reference to the Department of Economic Development in Northern Ireland;
- (b) in sub-paragraph (1) for the words “any part of the United Kingdom” and the words “that or any other part of the United Kingdom” there is substituted the words “Northern Ireland”;
- (c) for sub-paragraph (4) there is substituted the following sub-paragraph—
- “(4) An order made under this paragraph by the Department of Economic Development in Northern Ireland shall be a statutory rule for the purposes

of the Statutory Rules (Northern Ireland) Order 1979 and shall be subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954.”;

- (d) in paragraph 35(1) in the definition of “qualifying insolvency proceedings”—
  - (i) in head (a) for “Companies (Northern Ireland) Order 1986” substitute “Insolvency (Northern Ireland) Order 1989” and for “Part XX” substitute “Part V”;
  - (ii) in head (b) after “Wales” insert “or in Northern Ireland” and after “1986 Act” insert “or Article 364 of the Insolvency (Northern Ireland) Order 1989”;
  - (iii) in head (d) after “Wales” insert “or in Northern Ireland” and after “1986 Act” insert “or Article 365 of the Insolvency (Northern Ireland) Order 1989”.

## (2) ACTS OF THE PARLIAMENT OF NORTHERN IRELAND

### *The Third Parties (Rights against Insurers) Act(Northern Ireland) 1930 (c. 19)*

- 63.** In section 1 (rights of third parties against insurers on bankruptcy etc. of the insured)—
- (a) in subsection (1)—
    - (i) in paragraph (b) after “winding-up order” insert “or an administration order”;
    - (ii) in paragraph (b) at the end insert “or of a voluntary arrangement proposed for the purposes of Part II of the Insolvency (Northern Ireland) Order 1989 being approved under that Part”;
    - (iii) for “Act” substitute “statutory provision”;
  - (b) in subsection (2)—
    - (i) for the words from “an order is made” to “law of bankruptcy” substitute “the estate of any person falls to be administered in accordance with an order under Article 365 of the Insolvency (Northern Ireland) Order 1989”;
    - (ii) for “the Bankruptcy Acts (Northern Ireland) 1857 to 1929” substitute “any such order”;
  - (c) in subsection (3), for the words from “making of an order” to “his estate” substitute “estate of any person falling to be administered in accordance with an order under Article 365 of the Insolvency (Northern Ireland) Order 1989”;
  - (d) in subsection (5) at the end insert “and in subsection (1) “statutory provision” has the meaning assigned to it by section 1(f) of the Interpretation Act (Northern Ireland) 1954”.
- 64.** In section 2 (duty to give necessary information to third parties)—
- (a) in subsection (1)—
    - (i) for the words from “an order being made” to “estate of any person” substitute “the estate of any person falling to be administered in accordance with an order under Article 365 of the Insolvency (Northern Ireland) Order 1989”;
    - (ii) after “winding-up order” insert “or an administration order”;
    - (iii) after “liquidator” insert “administrator”;
  - (b) after subsection (1) insert—

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“(1A) The reference in subsection (1) to a trustee includes a reference to the supervisor of a voluntary arrangement proposed for the purposes of, and approved under, Part II or Chapter II of Part VIII of the Insolvency (Northern Ireland) Order 1989.”.

- 65.** In section 3 (settlement between insurers and insured)—
- (a) after “winding-up order” insert “or an administration order”; and
  - (b) after “or winding up” insert “or the day of the making of the administration order”; and
  - (c) after “commencement”, in the second place where it occurs, insert “or day”.

*The Arbitration Act (Northern Ireland) 1937 (c. 8)*

**66.** In section 3(2) (application to Court with consent of committee of inspection in certain cases where party to arbitration agreement adjudged bankrupt) for “committee of inspection” substitute “creditors' committee established under Article 274 of the Insolvency (Northern Ireland) Order 1989”.

*The Pig Production Development Act (Northern Ireland) 1964 (c. 25)*

**67.** In section 11(2) for “Part XXI of the Companies (Northern Ireland) Order 1986” substitute “Part VI of the Insolvency (Northern Ireland) Order 1989”.

*The Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965 (c. 19)*

- 68.** In section 42(5) (which provides for payment of money out of Northern Ireland Redundancy Fund where an employer is insolvent)—
- (a) for paragraphs (a) and (b) substitute—
    - “(a) he has been adjudged bankrupt or has made a composition or arrangement with his creditors;
    - (b) he had died and his estate falls to be administered in accordance with an order under Article 365 of the Insolvency (Northern Ireland) Order 1989; or”;
  - (b) in paragraph (c)—
    - (i) after “winding up order” insert “or an administration order”;
    - (ii) at the end add “or a voluntary arrangement proposed for the purposes of Part II of the Insolvency (Northern Ireland) Order 1989 is approved under that Part”.

*The Transport Act (Northern Ireland) 1967 (c. 37)*

**69.** In section 33(2)(a) (transfer of licences) for the words “adjudicated bankrupt” to the end substitute “adjudged bankrupt or makes a voluntary arrangement proposed for the purposes of, and approved under, Part VIII of the Insolvency (Northern Ireland) Order 1989.”.

*The Industrial and Provident Societies Act (Northern Ireland) 1969 (c. 24)*

**70.** In section 64 (dissolution of registered society) for “Companies (Northern Ireland) Order 1986” substitute “Insolvency (Northern Ireland) Order 1989”.

*The Land Registration Act (Northern Ireland) 1970 (c. 18)*

- 71.** For section 59 substitute—

**“59 Transmissions on bankruptcy of registered owner.**

(1) Upon the bankruptcy of the registered owner of any land his trustee shall (on production of the prescribed evidence to be furnished by the official receiver or trustee in bankruptcy that the land is comprised in the bankrupt’s estate) be entitled to be registered as owner of the land or, as the case may be, as a tenant in common of the land with another or others.

(2) Where a trustee in bankruptcy disclaims a registered leasehold estate under Articles 288 to 292 of the Insolvency (Northern Ireland) Order 1989, and an order is made by the High Court vesting the leasehold estate in any person, the order shall direct the alteration of the appropriate register in favour of the person in whom the leasehold estate is so vested, and in such case the Registrar shall, on being served with such order, forthwith (without notice to the bankrupt or any other person and without requiring production of the land certificate) alter the register accordingly, and no right to indemnity under this Act shall arise by reason of such alteration.

**59A Effect of transmissions on bankruptcy.**

(1) Subject to subsection (2), where a trustee in bankruptcy is registered as owner of land he shall in all respects, and in particular as respects registered dealing with the land, be in the same position as if he had taken the land under a transfer for valuable consideration.

(2) The trustee in bankruptcy shall hold the land in respect of which he is registered for the purposes upon and subject to which the land is applicable by law, and subject to all unregistered rights subject to which the bankrupt held the land.”.

72. After section 67 insert—

**“Protection of creditors prior to registration of trustee in bankruptcy.**

**67A.—**(1) If a bankruptcy petition is presented by or against any person who appears to the High Court to be the registered owner of any land, the Court shall give notice to the Registrar of the presenting of the petition, in such manner as may be prescribed, and notice of the presenting of the petition shall thereupon be entered on the appropriate register.

(2) A notice registered under subsection (1) shall protect the rights of all creditors, and unless cancelled by the Registrar in the prescribed manner such notice shall remain in force until a bankruptcy inhibition is registered or the trustee in bankruptcy is registered as owner.

(3) Where a bankruptcy order is made and the bankrupt is a registered owner of land, the official receiver or the trustee in bankruptcy shall notify the Registrar in the prescribed form and the Registrar shall thereupon enter an inhibition (“a bankruptcy inhibition”) against the title of the registered owner of the land.

(4) No fee shall be charged for the entry of a notice under subsection (1) or a bankruptcy inhibition under subsection (3).

(5) From and after the entry of a bankruptcy inhibition (but without prejudice to dealings with or in right of interests having priority over the estate of the bankrupt owner), no dealing affecting the land of the registered owner, other than the registration of the trustee in bankruptcy, shall be entered on the appropriate register until the inhibition is cancelled as to the whole or part of the land dealt with.

(6) Without prejudice to section 34(4), where under a disposition of registered land to a purchaser in good faith for valuable consideration such purchaser is registered as owner of an estate, then, notwithstanding that the person making the disposition is adjudged bankrupt, the title of his trustee in bankruptcy shall, as from the date of the registration of such disposition, be void as against such purchaser unless at that date, either a notice under

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subsection (1) or a bankruptcy inhibition has been registered; but a purchaser who, at the date of the execution of the registered disposition has actual knowledge of the bankruptcy petition or the adjudication, shall be deemed not to take in good faith.

(7) Nothing in this section shall impose on a purchaser a liability to make any search under the Registration of Deeds Acts.

(8) If neither a notice under subsection (1) nor a bankruptcy inhibition is registered against a registered owner of land, nothing in this section shall prejudicially affect a registered disposition of any registered land acquired by the bankrupt after adjudication.

(9) If and when a bankruptcy inhibition is wholly or partially cancelled, for any cause other than by reason of the registration of the trustee in bankruptcy, any registered estate vested in the trustee in bankruptcy shall, as respects the registered estate to which the cancellation extends, be divested and the same shall vest in the registered owner in whom it would have been vested if there had been no adjudication in bankruptcy.”.

73. In section 85(3) (rules) at the end add—

“(q) the postponing of the registration of a notice under section 67A(1) or a bankruptcy inhibition under section 67A(3) where the name, address and description of the debtor or bankrupt appearing in the notice for the registration of the bankruptcy petition or bankruptcy order are not identical to those stated in the appropriate register, until the Registrar is satisfied as to the identity of the debtor or bankrupt;

(r) the requiring of the official receiver to notify to the Registrar any mistake occurring in the bankruptcy order or any other fact relevant to any proposed amendment in the appropriate register; and the enabling of the Registrar to make any consequential amendment;

(s) the providing for the whole or partial cancellation (subject to notice to the official receiver or trustee in bankruptcy) of a bankruptcy inhibition registered under section 67A(3) in prescribed circumstances.”.

74. In section 94 (interpretation) insert the following definitions—

““bankruptcy order” means an order adjudging an individual bankrupt;

“bankruptcy petition” means a petition to the High Court for a bankruptcy order;

“debtor” in relation to a bankruptcy petition, means the individual to whom the petition relates;”.

75. In Part I of Schedule 6 (registration of certain burdens)—

(a) in paragraph 7 after “judgment” insert—

“(other than a bankruptcy order)”;

(b) after paragraph 8 insert—

“8A. Any bankruptcy petition relating to the land whether existing before or after the first registration of the land.”.

76. In Part II of Schedule 6 (provisions affecting registration of Schedule 6 burdens)—

(a) in paragraph 4 after “8” insert “8A”;

(b) after paragraph 6 insert—

*“Registration of bankruptcy petitions*

6A. Paragraph 6 shall apply to the registration of a bankruptcy petition as it applies to the registration of a pending action.”.

*The Registration of Deeds Act (Northern Ireland) 1970 (c. 25)*

77. After section 3 insert—

**“Pending actions relating to bankruptcy.**

**3A.—**(1) A bankruptcy petition, whether or not it is known to affect land, may be registered by the lodgment in the registry of deeds of 2 copies of a prescribed document, stating such matters as may be prescribed, one of which copies shall be certified by the High Court.

(2) The certified copy of the document referred to in subsection (1) shall, for the purposes of the Registration of Deeds Acts, be treated as the document to be registered and the other copy thereof shall, subject to section 12 and to any regulations made thereunder, be treated for those purposes as the memorial of that document.

(3) Subsections (4) and (6) of section 3 apply for the purposes of the registration of a bankruptcy petition under this section as they apply to the registration of a pending action relating to land.

(4) No fee shall be charged for the registration of a bankruptcy petition if the application for registration is made by the High Court.

(5) A bankruptcy petition filed on or after the coming into operation of the Insolvency (Northern Ireland) Order 1989 shall not bind or affect a purchaser of any unregistered land who has acted in good faith without actual knowledge of that petition—

- (a) unless it is registered under this section; and
- (b) before the expiration of 21 days from the date on which it is registered.

(6) In this section and section 3B “purchaser” means—

- (a) any person (including a mortgagee or lessee) who, for valuable consideration, takes any estate in any unregistered land; and
- (b) the agent of any such person.

**Bankruptcy orders.**

**3B.—**(1) Without prejudice to section 2(3), a bankruptcy order, whether or not the bankrupt’s estate is known to include land, may be registered by the lodgment in the registry of deeds of 2 copies of the order one of which copies shall be certified by the High Court and 2 copies of a prescribed document, stating such matters as may be prescribed, one of which copies shall be certified by the official receiver.

(2) The certified copy of the bankruptcy order and the certified copy of the document referred to in subsection (1) shall, for the purposes of the Registration of Deeds Acts, be treated as the document to be registered and the other copy of the bankruptcy order and the document referred to in subsection (1) shall, subject to section 12 and to any regulations made thereunder, be treated for those purposes as the memorial of the document to be registered.

(3) Subsections (4) and (6) of section 3 apply for the purposes of the registration of a bankruptcy order under this section as they apply to the registration of a pending action relating to land.

(4) No fee shall be charged for the registration of a bankruptcy order if the application is made by the official receiver.

(5) Subject to paragraph (6), the title of a trustee in bankruptcy shall be void as against a purchaser of any unregistered land who has acted in good faith without actual knowledge

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of the bankruptcy order claiming under a conveyance registered before the expiration of 21 days from the date on which the bankruptcy order is registered under this section.

(6) Where a bankruptcy petition has been registered under section 3A, the title of the trustee in bankruptcy shall be void against a purchaser of any unregistered land who has acted in good faith without actual knowledge of the petition claiming under a conveyance registered on or after the expiration of 21 days from the date of registration of the petition, unless at the date of the registration of the conveyance either—

- (a) the registration of the petition is in force; or
- (b) a bankruptcy order is registered under this section and 21 days have expired from the date on which the order is registered.”.

**78.** In section 4(1) (effect of registration) for “section 5” substitute “sections 3A(5), 3B(5) and 5”.

**79.** After section 19(2) (regulations) insert—

“(3) The power of the Lord Chancellor, with the concurrence of the Department of Economic Development, to make rules under Article 359 of the Insolvency (Northern Ireland) Order 1989 shall include power to make rules as respects the registration and re-registration of a bankruptcy petition under section 3A and a bankruptcy order under section 3B, as if the registration and re-registration were required by that Order of 1989.

(4) Any rules made by virtue of paragraph (3) shall be made with the concurrence of the Department.”.

**80.** In section 20(1) (interpretation) insert the following definitions—

““bankruptcy order” means an order adjudging an individual bankrupt;

“bankruptcy petition” means a petition to the High Court for a bankruptcy order;”.

*The Friendly Societies Act (Northern Ireland) 1970 (c. 31)*

**81.** In section 77(2) (winding-up of registered friendly societies and branches) for “Companies (Northern Ireland) Order 1986” substitute “Insolvency (Northern Ireland) Order 1989”.

**82.** In section 87(3)(b) (offence for aiding and abetting dissolution) for “Companies (Northern Ireland) Order 1986” substitute “Insolvency (Northern Ireland) Order 1989”.

*The Licensing Act (Northern Ireland) 1971 (c. 13)*

**83.** In section 25(1) (temporary continuance of business on death, bankruptcy, etc.)—

(a) in paragraph (a) for the words from “his business” to “his creditors” substitute “a composition or scheme proposed by him is approved under Chapter II of Part VIII of the Insolvency (Northern Ireland) Order 1989, or a trustee is appointed under a deed of arrangement under Chapter I of that Part VIII for the benefit of his creditors”;

(b) for the words from “assignees” to “the deed” substitute “person who is for the time being trustee in bankruptcy, supervisor of the composition or scheme, trustee under the deed,”.

*The Local Government Act (Northern Ireland) 1972 (c. 9)*

**84.** For section 5(1) (disqualification by reason of bankruptcy for membership of district council) substitute—

“(1) The disqualifications to which a person adjudged bankrupt is subject under section 4(1)(b) shall cease—



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- (a) unless the bankruptcy order made against that person is previously annulled, on his discharge from bankruptcy; and
- (b) if the bankruptcy order is so annulled, on the date of the annulment.”.

### (3) ORDERS IN COUNCIL

#### *The Superannuation (Northern Ireland) Order 1972 (NI 10)*

**85.** In Article 7(2) (rule that benefit is unassignable not to affect powers of court under section 319 of the Irish Bankrupt and Insolvent Act 1857) for “section 319 of the Irish Bankrupt and Insolvent Act 1857” substitute “Article 283 of the Insolvency (Northern Ireland) Order 1989”.

#### *The Social Security Pensions (Northern Ireland) Order 1975 (NI 15)*

**86.** In Schedule 4 (priority in bankruptcy, etc. to certain debts)—

- (a) in paragraph 1—
  - (i) for the words from the beginning to “included” substitute “This Schedule applies to”;
  - (ii) for “date of the relevant event” substitute “relevant date”;
- (b) in paragraph 2(1)—
  - (i) for the words from the beginning to “included” substitute “This Schedule applies to”;
  - (ii) for “date of the relevant event” substitute “relevant date”;
- (c) in paragraph 2(2) for “in a case where the relevant event took place before the day of the making of the Social Security (Northern Ireland) Order 1985” substitute “in any other case”;
- (d) in paragraph 3(1)—
  - (i) for the words from the beginning to “included” substitute “This Schedule applies to”;
  - (ii) for “the occurrence of the relevant event” substitute—

“a person going into liquidation or being adjudged bankrupt or (in the case of a company not in liquidation)—

- (a) the appointment of a receiver as mentioned in Article 50 of the Insolvency (Northern Ireland) Order 1989 (debenture-holders secured by floating charge); or
- (b) the taking of possession by debenture holders (so secured) as mentioned in Article 205 of the Companies (Northern Ireland) Order 1986”;
- (e) in paragraph 4 for the words from the beginning to “that Act” substitute “Article 205(3) of the Companies (Northern Ireland) Order 1986 and Article 347 of the Insolvency (Northern Ireland) Order 1989 apply as regards the meaning in this Schedule of “the relevant date”;

#### *The Solicitors (Northern Ireland) Order 1976 (NI 12)*

**87.** In Article 13(1)(k) (application for a practising certificate by a person who has been adjudged bankrupt and has obtained his discharge) for “adjudicated a bankrupt and obtained his discharge” substitute “adjudged a bankrupt and discharged”.

#### *The Industrial Relations (Northern Ireland) Order 1976 (NI 16)*

**88.** In Article 42 (employee’s rights on the insolvency of his employer)—

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- (a) in paragraph (6)—
    - (i) for “section 250 of the Irish Bankrupt and Insolvent Act 1857 (preferential claims of apprentices)” substitute “Article 319 of the Insolvency (Northern Ireland) Order 1989”;
    - (ii) for the words from “that section” onwards substitute “that Article as applied to the winding up of a company by rules under Article 359 of that Order”;
  - (b) in paragraph (7)—
    - (i) for “the Official Assignee, a liquidator” substitute “a liquidator, an administrator,”;
    - (ii) at the end add—

“and in this paragraph “trustee” in relation to a composition or arrangement, includes the supervisor of a voluntary arrangement proposed for the purposes of, and approved under, Part II or Chapter II of Part VIII of the Insolvency (Northern Ireland) Order 1989”.
- 89.** In Article 43(6) (payment of unpaid contributions to occupational pension schemes)—
- (a) for “the Official Assignee, a liquidator” substitute “a liquidator, an administrator,”;
  - (b) at the end add—

“and in this paragraph “trustee” in relation to a composition or arrangement, includes the supervisor of a voluntary arrangement proposed for the purposes of, and approved under Part II or Chapter II of Part VIII of the Insolvency (Northern Ireland) Order 1989”.
- 90.** In Article 47(1) (interpretation of Articles 42 to 46)—
- (a) for sub-paragraphs (a) and (b) substitute—
    - “(a) he has been adjudged bankrupt or has made a composition or arrangement with his creditors;
    - (b) he has died and his estate falls to be administered in accordance with an order under Article 365 of the Insolvency (Northern Ireland) Order 1989; or”;
  - (b) in sub-paragraph (c)—
    - (i) after “winding-up order” insert “or an administration order”;
    - (ii) at the end add “or a voluntary arrangement proposed for the purposes of Part II of the Insolvency (Northern Ireland) Order 1989 is approved under that Part”.

*The Matrimonial Causes (Northern Ireland) Order 1978 (NI 15)*

**91.** In Article 41 (settlement, etc., made in compliance with a property adjustment order may be avoided on bankruptcy of settlor) for the words from “a settlement of” onwards substitute “a transaction in respect of which an order may be made under Article 312 or 313 of the Insolvency (Northern Ireland) Order 1989”.

*The Housing (Northern Ireland) Order 1981 (NI 3)*

**92.** In Article 131 (winding up of registered housing associations) for “Companies (Northern Ireland) Order 1986” substitute “Insolvency (Northern Ireland) Order 1989”.

*The Judgments Enforcement (Northern Ireland) Order 1981 (NI 6)*

**93.** In Article 2, in the definition of “company”, in sub-paragraph (a) for “Companies (Northern Ireland) Order 1986” substitute “Insolvency (Northern Ireland) Order 1989”.

94. In Article 14(3) (stay of enforcement in cases of insolvency)—

(a) omit sub-paragraph (a)(i);

(b) in sub-paragraph (b) at end add—

“(iv) the directors of the company will make a proposal to the company and its creditors for a voluntary arrangement under Part II of the Insolvency (Northern Ireland) Order 1989, or

(v) an application will be made to the court for an administration order under Part III of that Order of 1989, or”.

95. For Article 86 substitute—

**“Default of debtor**

**86.**—(1) If the debtor fails to make any payment which he is required to make by virtue of an administration order the Office, if it considers it proper to revoke the administration order, may upon doing so make an order directing that this Article and Article 15 of the Companies (Northern Ireland) Order 1989 shall apply to the person for such period, not exceeding 2 years, as may be specified in the order.

(2) A person to whom this Article so applies shall not—

(a) either alone or jointly with another person, obtain credit to the extent of the amount prescribed for the purposes of Article 331(1)(a) of the Insolvency (Northern Ireland) Order 1989 or more, or

(b) enter into any transaction in the course of or for the purposes of any business in which he is directly or indirectly engaged,

without disclosing to the person from whom he obtains the credit, or (as the case may be) with whom the transaction is entered into, the fact that this Article applies to him.

(3) The reference in paragraph (2) to a person obtaining credit includes—

(a) a case where goods are bailed or hired to him under a hire-purchase agreement or agreed to be sold to him under a conditional sale agreement, and

(b) a case where he is paid in advance (whether in money or otherwise) for the supply of goods or services.

(4) A person who contravenes this Article shall be guilty of an offence and shall be liable—

(a) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine, or to both, or

(b) on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum, or to both.”.

96. In Article 88 (effect of bankruptcy or winding up on enforcement)—

(a) in paragraph (1)—

(i) after “paragraph (2)” insert “of this Article, Articles 106 and 258 of the Insolvency (Northern Ireland) Order 1989 (restrictions on proceedings and remedies)”;

(ii) for “Companies (Northern Ireland) Order 1986” substitute “Insolvency (Northern Ireland) Order 1989”;

(iii) in sub-paragraph (a) for the words from the beginning to “such bankruptcy” substitute “as against the official receiver or trustee of the bankrupt’s estate”;

(b) in paragraph (2)(a)—

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- (i) for “of the adjudication” substitute “on which the bankruptcy order is made”;
  - (ii) for “Companies (Northern Ireland) Order 1986” substitute “Insolvency (Northern Ireland) Order 1989”;
- (c) in paragraph (2)(b)—
- (i) in head (i) for “adjudication” substitute “making of the bankruptcy order” and for “filed” substitute “presented”;
  - (ii) in head (ii) for “an order of adjudication” substitute “a bankruptcy order”;
- (d) in paragraph (3)—
- (i) for “, the assignees in bankruptcy” substitute “and Article 90(3A), the official receiver”;
  - (ii) at the end insert “and, subject to paragraph (3A), that money and proceeds shall be comprised in the bankrupt’s estate”;
- (e) after paragraph (3) insert—
- “(3A) The rights conferred by this Article on the official receiver, the trustee or the liquidator may, to such extent and on such terms as it thinks fit, be set aside by the High Court in favour of the creditor.”.
- 97.** In Article 90 (functions of Office as to proceeds of enforcement, etc.)—
- (a) in paragraph (1)—
- (i) in sub-paragraph (i) for “filed” substitute “presented”;
  - (ii) in sub-paragraph (ii) for “an order of adjudication of bankruptcy” substitute “a bankruptcy order” and for “Official Assignee” substitute “official receiver”;
- (b) in paragraph (2)(a) for “an adjudication order” substitute “a bankruptcy order” and for “Official Assignee” substitute “official receiver”;
- (c) in paragraph (3)—
- (i) for “Official Assignee” substitute “official receiver”;
  - (ii) at the end insert “and, subject to paragraph (3A), that money or property shall be comprised in the bankrupt’s estate”;
- (d) after paragraph (3) insert—
- “(3A) The rights conferred by this Article on the official receiver, the trustee or the liquidator may, to such extent and on such terms as it thinks fit, be set aside by the High Court in favour of the creditor.
- (3B) Paragraph (1)(ii), (2)(a) or (3) shall not apply in relation to money or other property which has been acquired by or has devolved upon the debtor since the making of a bankruptcy order against him unless—
- (a) at the time the money is received or, as the case may be, the money or property is seized; or
  - (b) before completion of the enforcement;
- the money or other property has been or is claimed for the bankrupt’s estate under Article 280 of the Insolvency (Northern Ireland) Order 1989 (after-acquired property) and a copy of the notice given under that Article has been or is served upon the Office.”.
- 98.** In Article 91 (retention by Office of money or property pending result of interpleader) for “Official Assignee” substitute “official receiver”.
- 99.** In Article 92 (charge in respect of costs of enforcement) for “Official Assignee” in both places where it occurs substitute “official receiver”.

**100.** In Article 93 (special provisions as to charges on land)—

- (a) omit the words “the assignees in the bankruptcy of the debtor or”;
- (b) in sub-paragraph (a)—
  - (i) for “filed” substitute “presented”;
  - (ii) for “an order of adjudication” substitute “a bankruptcy order”.

*The Agricultural Marketing (Northern Ireland) Order 1982 (NI 12)*

**101.** In paragraph 6 of Schedule 2 (provisions as to winding up agricultural marketing boards regulating products)—

- (a) in sub-paragraph (1) for “Part XXI of The Companies (Northern Ireland) Order 1986” substitute “Part VI of the Insolvency (Northern Ireland) Order 1989”;
- (b) in sub-paragraph (2) for “Article 616 of the Companies (Northern Ireland) Order 1986” substitute “Articles 185, 186 and 188 of the Insolvency (Northern Ireland) Order 1989”;
- (c) in sub-paragraph (3) for the words from the beginning to “(c)” substitute “Article 187 of the Insolvency (Northern Ireland) Order 1989 shall not apply and Article 188(1)(b)”;
- (d) in sub-paragraph (4) for “the provisions of the Companies (Northern Ireland) Order 1986” substitute “Part V of the Insolvency (Northern Ireland) Order 1989”.

**102.** In paragraph 5 of Schedule 6 (provisions as to winding up of agricultural marketing boards regulating services)—

- (a) in sub-paragraph (1) for “Part XXI of the Companies (Northern Ireland) Order 1986” substitute “Part VI of the Insolvency (Northern Ireland) Order 1989”;
- (b) in sub-paragraph (2) for “Article 616 of the Companies (Northern Ireland) Order 1986” substitute “Articles 185, 186 and 188 of the Insolvency (Northern Ireland) Order 1989”;
- (c) in sub-paragraph (3) for the words from the beginning to “(c)” substitute “Article 187 of the Insolvency (Northern Ireland) Order 1989 shall not apply and Article 188(1)(b)”;
- (d) in sub-paragraph (4) for “the provisions of the Companies (Northern Ireland) Order 1986” substitute “Part V of the Insolvency (Northern Ireland) Order 1989”.

*The Credit Unions (Northern Ireland) Order 1985 (NI 12)*

**103.** In Article 68(a) (dissolution of credit union) for “Companies Acts (Northern Ireland) 1960 to 1983” substitute “Insolvency (Northern Ireland) Order 1989”.