

1990 No. 177 (C. 7)**INSOLVENCY****The Insolvency (1989 Order) (Commencement No. 1)
Order (Northern Ireland) 1990**

Made *16th May 1990*

The Department of Economic Development, in exercise of the powers conferred on it by Article 1(2) and (3) of the Insolvency (Northern Ireland) Order 1989(a), read with paragraph 2(1) of Schedule 1 to the Northern Ireland Act 1974(b), and of every other power enabling it in that behalf, hereby makes the following Order:

Citation

1. This Order may be cited as the Insolvency (1989 Order) (Commencement No. 1) Order (Northern Ireland) 1990.

Interpretation

2.—(1) For the purposes of this Order—

“commencement date” means 1st June 1990;

“the Order” means the Insolvency (Northern Ireland) Order 1989;

“receiver or manager of the property of the company” means a receiver or manager of the whole (or substantially the whole) of the company’s property appointed on behalf of the holders of any debentures of the company secured by a floating charge.

(2) For the purposes of this Order a company goes into liquidation if it passes a resolution for voluntary winding up or an order for its winding up is made by the High Court at a time when it has not already gone into liquidation by passing such a resolution.

Commencement

3. The provisions of the Order specified in Schedule 1 shall come into operation on commencement date.

Transitional and supplementary provisions

4. In the cases specified in Column 1 of Schedule 1 to which Articles 197 and 343 of the Order relate, the said Articles shall have effect subject to the modifications in Schedule 2.

(a) S.I. 1989/2405 (N.I. 19)
(b) 1974 c. 28

No. 177

Insolvency

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Sealed with the Official Seal of the Department of Economic
Development on 16th May 1990.

(L.S.)

R. G. Smartt

Assistant Secretary

<i>Provision of the Order</i> (1)	<i>Subject Matter</i> (2)
Article 1 in so far as it is not already in operation.	Title and commencement.
Article 2 for the purposes of any provision brought into operation by this Order.	General interpretation.
Article 197 in relation to any case where— (a) a receiver or manager of the property of the company is appointed, or (b) the company goes into liquidation, or (c) a provisional liquidator is appointed, on or after commencement date.	Supplies of water, electricity, etc. (corporate insolvency).
Article 343 in relation to any case where— (a) an order of adjudication of bankruptcy is made against a debtor, or a receiver or manager of the property or business of a debtor is appointed under section 68 of the Bankruptcy (Ireland) Amendment Act 1872(a), or (b) a resolution or agreement of the creditors of an arranging debtor under which all the estate and effects of the debtor vest in the official assignee under section 349 of the Irish Bankrupt and Insolvent Act 1857(b) is approved and confirmed, or (c) an order for the administration according to the law of bankruptcy of the estate of a deceased debtor is made, or (d) a debtor has entered into a deed of arrangement for the benefit of his creditors generally to which the Deeds of Arrangement Act 1887(c) applies, on or after commencement date.	Supplies of water, electricity, etc. (personal insolvency).
Article 380.	Amendments to the Industrial Relations (Northern Ireland) Order 1976(d).
Schedule 8 in so far as it applies to Articles 197 and 343.	Transitional provisions and savings.

(a) 1872 c. 58

(b) 1857 c. 60

(c) 1887 c. 57

(d) S.I. 1976/1043 (N.I. 16)

<i>Provision of the Order</i> (1)	<i>Subject Matter</i> (2)
<p>Schedule 9, Part III, in relation to any case where—</p> <ul style="list-style-type: none"> (a) an order of adjudication of bankruptcy was made, (b) an order for protection was made in respect of an arranging debtor, (c) a deceased debtor whose estate is being administered according to the law of bankruptcy died, (d) the winding up of a company has commenced, or under Article 486 or 531 of the Companies (Northern Ireland) Order 1986(a) is deemed to have commenced, or (e) Article 205 of the Companies (Northern Ireland) Order 1986 (payment of debts out of assets subject to a floating charge) becomes applicable, <p>on or after commencement date.</p>	<p>Interim amendments relating to preferential debts.</p>

(a) S.I. 1986/1032 (N.I. 6)

Transitional and Supplementary Provisions

1. In Article 197 of the Order—

(a) For paragraph (1) substitute—

“(1) This Article applies in the case of a company where—

- (a) a receiver or manager of the property of the company is appointed, or
- (b) the company goes into liquidation, or
- (c) a provisional liquidator is appointed.”

(b) In paragraph (4)—

- (i) omit sub-paragraph (a);
- (ii) in sub-paragraph (b) for the words “administrative receiver” where they first appear substitute the words “receiver or manager of the property of the company” and where they next appear substitute the words “such receiver or manager”; and
- (iii) omit sub-paragraph (c).

(c) After paragraph (4) add the following—

“(5) In this Article—

- (a) “the office holder” means the receiver or manager of the property of the company, the liquidator or the provisional liquidator, as the case may be, and
- (b) “receiver or manager of the property of the company” means a receiver or manager of the whole (or substantially the whole) of the company’s property appointed on behalf of the holders of any debentures of the company secured by a floating charge.

(6) For the purposes of this Article a company goes into liquidation if it passes a resolution for voluntary winding up or an order for its winding up is made by the High Court at a time when it has not already gone into liquidation by passing such a resolution.”

2. In Article 343 of the Order—

(a) For paragraph (1) substitute—

“(1) This Article applies where on any day (“the relevant day”)—

- (a) an order of adjudication of bankruptcy is made against a debtor, or a receiver or manager of the property or business of a debtor is appointed under section 68 of the Bankruptcy (Ireland) Amendment Act 1872, or
- (b) a resolution or agreement of the creditors of an arranging debtor under which all the estate and effects of the debtor vest in the official assignee under section 349 of the Irish Bankrupt and Insolvent Act 1857 is approved and confirmed, or
- (c) an order for the administration according to the law of bankruptcy of the estate of a deceased debtor is made, or
- (d) a debtor has entered into a deed of arrangement for the benefit of his creditors generally to which the Deeds of Arrangement Act 1887 applies;

and “the office holder” means the receiver or manager of the property or business of a debtor, the official assignee, the trustee in bankruptcy or the trustee under a deed of arrangement, as the case may be.”

(b) In paragraph (3)(b) for the word “individual” wherever it appears substitute the word “debtor”.

(This note is not part of the Order.)

This Order brings into operation provisions of the Insolvency (Northern Ireland) Order 1989 relating to—

- (a) the supplies of utilities such as water, electricity and telecommunications services to companies and individuals who are insolvent;
- (b) the new provisions for preferential debts which supersede the existing preferential debt provisions in the Bankruptcy Amendment (Northern Ireland) Order 1980 and the Companies (Northern Ireland) Order 1986; and
- (c) the amendments to the Industrial Relations (Northern Ireland) Order 1976 in respect of an employee's rights on his employer's insolvency.

Schedule 2 contains transitional and supplementary provisions adapting the provisions of the Order until it is brought fully into operation.

1990 No. 178

**Roads (Temporary Speed Limit) (Motorway M2)
Order (Northern Ireland) 1990**

This Order, being of a temporary character, is not printed at length in this volume.

1990 No. 179

**Roads (Temporary Speed Limit) (Motorway M22)
Order (Northern Ireland) 1990**

This Order, being of a temporary character, is not printed at length in this volume.