
STATUTORY RULES OF NORTHERN IRELAND

2003 No. 103

The Administration of Insolvent Estates of Deceased Persons (Amendment) Order (Northern Ireland) 2003

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Administration of Insolvent Estates of Deceased Persons (Amendment) Order (Northern Ireland) 2003 and shall come into operation on 1st April 2003.

(2) In this Order, references to “the 1991 Order” are references to the Administration of Insolvent Estates of Deceased Persons Order (Northern Ireland) 1991(1).

Amendments to the Administration of Insolvent Estates of Deceased Persons Order (Northern Ireland) 1991

2.—(1) The 1991 Order is amended as provided in this Order.

(2) Anything done before 1st April 2003 under or for the purposes of any provision of the 1991 Order is not invalidated by the amendment of that provision by this Order, but it has effect as if done under or for the purposes of the provision as amended.

Amendments to Schedules to the Administration of Insolvent Estates of Deceased Persons Order (Northern Ireland) 1991

3.—(1) After paragraph 5(c) of Part II of Schedule 1 to the 1991 Order (who may present a bankruptcy petition) insert—

“(ca) at the end of paragraph 1(ba) there shall be added the words “in Form 1, with such variations as the case requires (if any), set out in Schedule 3 to the Administration of Insolvent Estates of Deceased Persons Order (Northern Ireland) 1991”;

(cb) at the end of paragraph 1(bb) there shall be added the words “in Form 1, with such variations as the case requires (if any), set out in Schedule 3 to the Administration of Insolvent Estates of Deceased Persons Order (Northern Ireland) 1991”;

(2) For paragraph 6(a) of Part II of Schedule 1 to the 1991 Order (modified version of Article 240 of the Insolvency (Northern Ireland) Order 1989) substitute—

“(a) for paragraph (1) there shall be substituted the following:—

“(1) An insolvency administration petition shall:—

(a) if a liquidator (within the meaning of Article 2(b) of the EC Regulation(2)) has been appointed in proceedings by virtue of Article 3(1) of the EC Regulation in relation to the deceased debtor, be served on him;

(b) unless the High Court directs otherwise, be served on the personal representative; and

(c) be served on such other persons as the Court may direct.”; and”.

(1) S.R. 1991 No. 365

(2) Council Regulation (EC) 1346/2000, O.J. No. L160, 30.06.00 p.1

(3) For paragraph 30 of Part II of Schedule 1 to the 1991 Order (modified version of Article 303 of the Insolvency (Northern Ireland) Order 1989) substitute—

30. Article 303 with the following modifications:—

(a) in paragraph (5) for the words “the bankrupt is entitled to the surplus” there shall be substituted the words “the surplus shall be paid to the personal representative unless the Court otherwise orders”, and

(b) after paragraph (5) there shall be added:—

“(6) Paragraph (5) is subject to Article 35 of the EC Regulation (surplus in secondary proceedings to be transferred to main proceedings).”.

(4) The forms contained in the Schedule to this Order are substituted for the forms identically numbered in Schedule 3 to the 1991 Order.

Dated 19th February 2003.

Irvine of Lairg, C.

The Department of Enterprise, Trade and Investment hereby concurs with the foregoing Order.
Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 26th February 2003.

L.S.

Michael J. Bohill
Senior officer of the
Department of Enterprise, Trade and Investment