

2003 No. 144

INSOLVENCY

**The Insolvent Partnerships (Amendment) Order
(Northern Ireland) 2003**

Made - - - - - 3rd March 2003

Coming into operation 1st April 2003

To be laid before Parliament

The Lord Chancellor, in exercise of the powers conferred upon him by Article 364(1) of the Insolvency (Northern Ireland) Order 1989(a), and of all other powers enabling him in that behalf, with the concurrence of the Department of Enterprise, Trade and Investment(b), hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Insolvent Partnerships (Amendment) Order (Northern Ireland) 2003 and shall come into operation 1st April 2003.

(2) In this Order –

“the Order” means the Insolvency (Northern Ireland) Order 1989, and

“the 1995 Order” means the Insolvent Partnerships Order (Northern Ireland) 1995(c).

(3) In this Order a reference to a “modified Article” means an Article of the Order as modified by, and set out in, the 1995 Order.

Amendments to the Insolvent Partnerships Order (Northern Ireland) 1995

2.—(1) The 1995 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 1995 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.

Amendment to Article 7 of the Insolvent Partnerships Order (Northern Ireland) 1995

3. In Article 7(1) of the 1995 Order (winding up of insolvent partnership as unregistered company (no concurrent petition)) after “petition of a creditor,” insert –

“of a liquidator (within the meaning of Article 2(b) of the EC Regulation(d)) appointed in proceedings by virtue of Article 3(1) of the EC Regulation, of a temporary administrator (within the meaning of Article 38 of the EC Regulation),”.

(a) S.I. 1989/2405 (N.I. 19) – to which the most recent relevant amendments were made by S.R. 2002 No. 223
(b) Formerly the Department of Economic Development; *see* S.I. 1999/283 (N.I. 1)
(c) S.R. 1995 No. 225 as amended by S.R. 1996 No. 472
(d) Council Regulation (EC) 1346/2000, (O.J. No. L160, 30.06.00. p. 1)

Amendment to Article 8 of the Insolvent Partnerships Order (Northern Ireland) 1995

4.—(1) In Article 8(1) of the 1995 Order (winding up of insolvent partnership as unregistered company (concurrent petition)) for a “creditor’s petition” substitute –

“the petition of a creditor, of a liquidator (within the meaning of Article 2(b) of the EC Regulation) appointed in proceedings by virtue of Article 3(1) of the EC Regulation, or of a temporary administrator (within the meaning of Article 38 of the EC Regulation)”.

(2) For the heading of Article 8 of the 1995 Order substitute –

“Winding up of insolvent partnership as unregistered company on the petition of creditor etc., where concurrent petitions presented against one or more members”.

Amendments to Schedules 3, 4, 5 and 6 to the Insolvent Partnerships Order (Northern Ireland) 1995

5.—(1) In paragraph 3 of Schedule 3 to the 1995 Order (Article 185: Winding up of unregistered companies), paragraph 3 of Schedule 4 to the 1995 Order. Schedule 5 to the 1995 Order and paragraph 3 of Schedule 6 to the 1995 Order, in each case, after modified Article 185(3) and before Article 185(4) insert –

“(3A) The preceding paragraphs are subject to Article 3 of the EC Regulation (jurisdiction under the EC Regulation).”.

(2) In paragraph 8 of Schedule 4 to the 1995 Order (Articles 104 and 238: Applications to wind up insolvent partnership and to wind up or bankrupt member) in paragraph (2) of modified Articles 104 and 238 after the words “may be presented by” insert the following words –

“a liquidator (within the meanings of Article 2(b) of the EC Regulation) appointed in proceedings by virtue of Article 3(1) of the EC Regulation, a temporary administrator (within the meaning of Article 38 of the EC Regulation) or”.

Amendments to Schedule 9 to the Insolvent Partnerships Order (Northern Ireland) 1995

6. The forms contained in the Schedule to this Order are substituted for the forms identically numbered in Schedule 9 to the 1995 Order.

Dated 3rd March 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 6th March 2003.

(L.S.)

M. Bohill

Senior Officer of the Department of Enterprise, Trade and Investment

SCHEDULE
AMENDED FORMS

Article 6

FORM 1

Schedule 2 para 3
Art. 22(1)

Petition for Administration Order

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND
CHANCERY DIVISION (BANKRUPTCY)

- (a) Insert name of partnership
- IN THE MATTER OF (a)
("the partnership")
AND IN THE MATTER OF THE INSOLVENT PARTNERSHIPS ORDER
(NORTHERN IRELAND) 1995
- To the High Court of Justice in Northern Ireland**
- The petition of
- (b) Insert full name(s) and address(es) of petitioner(s)
- (b) _____

- (c) Delete if petition not presented by the partnership's members
- presented (c)[by the members] under Article 22 of the Insolvency (Northern Ireland) Order 1989 as modified by the Insolvent Partnerships Order (Northern Ireland) 1995
1. The principal place of business of the partnership is
- (d) Insert address of principal place of business
- (d) _____

2. The nature of the partnership's business is
- (e) Insert nature of partnership's business
- (e) _____

3. The petitioner(s) believe(s) that the partnership is unable to pay its debts and that an administration order would be likely to achieve:
- (f) Delete as appropriate
- (f) (i) the survival of the whole or any part of the undertaking of the partnership as a going concern
(ii) the approval of a voluntary arrangement with its creditors under Part II of the Insolvency (Northern Ireland) Order 1989 as modified by the Insolvent Partnerships Order (Northern Ireland) 1995
(iii) a more advantageous realisation of the partnership property than would be effected on a winding up
- for the reasons stated in the affidavit of
- (g) Insert name of person swearing affidavit
- (g) _____

- filed in support hereof.
4. The partnership (f) is/is not a credit institution; an insurance undertaking; an investment undertaking providing services involving the holding of funds or securities for third parties; or a collective investment undertaking referred to by Article 1.2 of the EC Regulation.
- (h) Insert whether main, secondary or territorial proceedings
5. For the reasons stated in the affidavit of (g) _____ it is considered that the EC Regulation (f) will/will not apply and that these proceedings will be (h) _____ proceedings as defined in Article 3 of the EC Regulation.

6. The petitioner(s) propose(s) that during the period for which the order is in force the affairs, business and property of the partnership be managed by

(i) Insert full name(s) and address(es) of proposed administrator(s)

(i) _____

who is (are) to the best of the petitioner's(s') knowledge and belief qualified to act as (an) insolvency practitioner(s) in relation to the partnership.

The petitioner(s) therefore pray(s) as follows: –

(j) Insert full name of partnership

(1) that the Court make an administration order in relation to (j) _____

(k) Insert name(s) of proposed administrator(s)

(2) that (k) _____
_____ be appointed to be the administrator(s) of the said partnership

(l) Insert details of any ancillary orders sought

(3)(l) _____

or

(4) that such order may be made in the premises as shall be just.

Note:

It is intended to serve this petition on _____

(m) Insert here name, address, telephone number, fax number and reference (if any) of a solicitor acting for the petitioner(s)

This petition was issued by (m) _____

(solicitor for) the petitioner(s) whose address for service is: _____

<p>ENDORSEMENT</p> <p>This petition against the partnership having been presented to the Court on _____ will be heard at Royal Courts of Justice, Chichester Street, Belfast, BT1 3JF</p> <p>on:</p> <p>Date _____</p> <p>Time _____</p> <p>(or as soon thereafter as the petition can be heard)</p>

Schedule 3 para 3
Art. 185A(1)

**Petition to Wind up Partnership by Liquidator,
Administrator, Trustee or Supervisor**

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND
CHANCERY DIVISION (BANKRUPTCY)

(a) Insert name of partnership IN THE MATTER OF (a)
("the partnership")
AND IN THE MATTER OF THE INSOLVENT PARTNERSHIPS ORDER
(NORTHERN IRELAND) 1995

To the High Court of Justice in Northern Ireland

(b) Insert full name(s) and address(es) of petitioner(s) The petition of (b) _____

(c) Delete as appropriate 1. I am/We are the (c) [joint]liquidator(s)/administrator(s)/trustee(s)/supervisor(s) of
(d) Insert name of insolvent (d) _____
who is/was a member of the partnership, the nature of whose business is/was

(e) Insert nature of partnership's business (e) _____

2. (c) The centre of main interests, being the place where the partnership conducts the administration of its interests is at

(f) Insert address of principal place of business to show jurisdiction of the Court (f) _____

OR

(c) The centre of main interests is located outside the United Kingdom but within the European Union and the partnership has an establishment as defined by EC Regulation No. 1346/2000 within Northern Ireland at

OR

(c) the centre of main interests is located outside the European Union

OR

(c) the partnership, carry on business as an insurance undertaking; a credit institution; investment undertaking providing services involving the holding of funds or securities for third parties; or a collective investment undertaking as referred to in Article 1.2 of the EC Regulation

3. The proceedings will be main or secondary or territorial proceedings for the purposes of the EC Regulation

OR

The proceedings do not fall within the EC Regulation

Under the EC Regulation:

- (i) the centre of main interests should correspond to the place where the conducts the administration of his interests on a regular basis;
- (ii) establishment is defined as "any place of operations where the carries out a non-transitory economic activity with human means and goods."

FORM 3 (cont'd)

(g) Delete as appropriate. If the partnership has a principal place of business in both Northern Ireland and in Scotland the relevant period is 1 year. In any other case it is 3 years.

4. The partnership has carried on its business in Northern Ireland at some time during the period of (g) [3 years] [1 year] ending with the day on which this petition is presented.

5. The partnership (c) is/is not an insurance undertaking; a credit institution; an investment undertaking providing services involving the holding of funds or securities for third parties; or a collective investment undertaking referred to by Article 1.2 of the EC Regulation.

(h) Insert name of person swearing affidavit

6. For the reasons stated in the affidavit of (h) _____ filed in support hereof it is considered that the EC Regulation (c) will/will not apply and that these proceedings will be (i) _____ proceedings as defined in Article 3 of the EC Regulation.

(i) Insert whether main, secondary or territorial proceedings

(j) Set out grounds on which a winding-up order is sought

7. (j) _____

8. In the circumstances the partnership should be wound up.

The petitioner(s) therefore pray(s) as follows: –

(1) that (a) _____
may be wound up by the Court under the provisions of the Insolvency (Northern Ireland) Order 1989 as modified by the Insolvent Partnership Order (Northern Ireland) 1995

OR

(2) that such other order may be made as the Court thinks fit.

Note:

It is intended to serve this petition on the partnership [and]

(k) Add full name and address of any other person on whom it is intended to serve this petition

(k) _____

ENDORSEMENT

This petition against the partnership having been presented to the Court on _____ will be heard at Royal Courts of Justice, Chichester Street, Belfast, BT1 3JF on:

Date _____

Time _____
(or as soon thereafter as the petition can be heard)

The solicitor to the petitioner is: –

Name _____

Address _____

Tel. No. _____

Fax No. (if any) _____

Reference _____

Schedule 4 para 8
Art. 104(1)(a)

**Creditor’s Petition to Wind Up Partnership (Presented in
Conjunction with Petitions against Members)**

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND
CHANCERY DIVISION (BANKRUPTCY)

(a) Insert name of partnership IN THE MATTER OF (a)
 (“the partnership”)
 AND IN THE MATTER OF THE INSOLVENT PARTNERSHIPS ORDER
 (NORTHERN IRELAND) 1995

To the High Court of Justice in Northern Ireland

(b) Insert full name(s) and address(es) of petitioner(s) The petition of (b) _____

(c) Insert the nature of the partnership’s businesses 1. The nature of the partnership’s business is/was
 (c) _____

(d) Delete as appropriate 2. (d) The centre of main interests being the place where the partnership conducts
 (e) Insert nature of partnership’s business the administration of its interests is at (e) _____

OR

(d) The centre of main interests is located outside the United Kingdom but within the European Union and the partnership have an establishment as defined by EC Regulation No. 1346/2000 within Northern Ireland at

OR

(d) The centre of main interests is located outside the European Union

OR

(d) The partnership carry on business as an insurance undertaking; a credit institution; investment undertaking providing services involving the holding of funds or securities for third parties; or a collective investment undertaking as referred to in Article 1.2 of the EC Regulation.

3. The proceedings will be main or secondary or territorial proceedings for the purposes of the EC Regulation

OR

The proceedings do not fall within the EC Regulation

Under the EC Regulation:

- (i) the centre of main interests should correspond to the place where the debtor conducts the administration of his interests on a regular basis;
- (ii) establishment is defined as “any place of operations where the debtor carries out a non-transitory economic activity with human means and goods”.

(f) Delete as appropriate. If the partnership has a principal place of business in both Northern Ireland and in Scotland the relevant period is 1 year. In any other case it is 3 years. 4. The partnership has carried on its business in Northern Ireland at some time during the period of (f) [3 years] [1 year] ending with the day on which this petition is presented.

FORM 5 (cont'd)

5. The partnership (d) is/is not an insurance undertaking; a credit institution; an investment undertaking providing services involving the holding of funds or securities for third parties; or a collective investment undertaking referred to by Article 1.2 of the EC Regulation.

(g) Insert name of person swearing affidavit 6. For the reasons stated in the affidavit of (g) _____ filed in support hereof it is considered that the EC Regulation (d) will/will not apply and that these proceedings will be (h) _____ proceedings as defined in Article 3 of the EC Regulation

(h) Insert whether main, secondary or territorial proceedings

7. The partnership is justly and truly indebted to me [us] in the aggregate sum of £ _____ the above-mentioned debt is for a liquidated sum payable immediately.]

(i) Insert date of service On (i) _____ a demand was served upon the partnership by

(j) State manner of service of demand (j) _____ in respect of the above-mentioned debt. To the best of my knowledge and belief the demand has not been complied with.

(k) Insert full name of partnership On (i) _____ (a) demand(s) was/were served upon (k) _____ (a) member(s) of the partnership by (j) _____

_____ in respect of the above-mentioned debt. To the best of my knowledge and belief the demand(s) (d) has/have not been complied with.

8. The partnership is unable to pay its debts and in the circumstances the partnership should be wound up.

The petitioner(s) therefore pray(s) as follows: –

(1) that (a) _____ may be wound up by the Court under the provisions of the Insolvency (Northern Ireland) Order 1989 as modified by the Insolvent Partnerships Order (Northern Ireland) 1995

OR

(2) that such other order may be made as the Court thinks fit.

NOTE 1:

Petitions are also being presented against the following members of the partnership:

NAME	ADDRESS	TYPE OF PETITION (WINDING-UP OR BANKRUPTCY)	DATE DEMAND SERVED

NOTE 2:

It is intended to serve this petition on the partnership

ENDORSEMENT

This petition against the partnership having been presented to the Court on _____ will be heard at Royal Courts of Justice, Chichester Street, Belfast, BT1 3JF

on:

Date _____

Time _____

(or as soon thereafter as the petition can be heard)

The solicitor to the petitioner is: –

Name _____

Address _____

Tel. No. _____

Fax No. (if any) _____

Reference _____

Schedule 4 para 8
Art. 104(1)(a)

**Creditor's Petition to Wind Up Corporate Member
(Presented in Conjunction with Petition against Partnership)**

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND
CHANCERY DIVISION (BANKRUPTCY)

(a) Insert name of corporate member subject to winding-up petition IN THE MATTER OF (a) ("the company")
AND IN THE MATTER OF THE INSOLVENT PARTNERSHIPS ORDER (NORTHERN IRELAND) 1995

To the High Court of Justice in Northern Ireland

(b) Insert full name(s) and address(es) of petitioner(s) The petition of (b) _____

(c) Insert date of incorporation 1. The company was incorporated on (c) _____

(d) Insert title of Companies Act or Order under which the company was incorporated under (d) _____

(e) Insert address of registered office 2. The registered office of the company is at (e) _____

3. The nominal capital of the company is £ _____ divided into _____ shares of £ _____ each. The amount of the capital paid up or credited as paid up is £ _____

4. The principal objects for which the company was established are as follows: –

_____ and other objects in the memorandum of association of the company.

(f) Delete as appropriate 5. The company (f) is/is not an insurance undertaking; a credit institution; an investment undertaking providing services involving the holding of funds or securities for third parties; or a collective investment undertaking referred to in Article 1.2 of the EC Regulation.

(g) Insert name of person swearing affidavit 6. For the reasons stated in the affidavit of (g) _____ filed in support hereof it is considered that the EC Regulation (f) will/will not apply and that these proceedings will be (h) _____ proceedings as defined in Article 3 of the EC Regulation

(h) Insert whether main, secondary or territorial proceedings

(i) Insert full name of partnership against which winding-up petition has been presented to this Court 7. The subject of this petition is a member of (i) _____ which has carried on business in Northern Ireland at some time during the period of (j) [3 years] [1 year] ending with (k) _____, the day on which a winding-up petition was presented to this Court against the partnership.

(j) Delete as appropriate. If the partnership has a principal place of business in both Northern Ireland and in Scotland the relevant period is 1 year. In any other case it is 3 years.

8. The partnership is justly and truly indebted to me [us] in the aggregate sum of £ _____. The above-mentioned debt is for a liquidated sum payable immediately. On (k) _____ a demand was served upon the company and the partnership by (l) _____

(k) Insert appropriate date

(l) State manner of service of demand in respect of the above-mentioned debt. To the best of my knowledge and belief the demand has not been complied with.

FORM 6 (cont'd)

9. The partnership is unable to pay its debts and in the circumstances the corporate member should be wound up.

The petitioner(s) therefore pray(s) as follows: –

(1) that (a) _____
may be wound up by the Court under the provisions of the Insolvency (Northern Ireland) Order 1995

OR

(2) that such other order may as the Court thinks fit.

NOTE 1:

Petitions are also being presented against the following members of the partnership:

NAME	ADDRESS	TYPE OF PETITION (WINDING-UP OR BANKRUPTCY)	DATE DEMAND SERVED

NOTE 2:

It is intended to serve this petition on (a) _____

ENDORSEMENT
<p>This petition having been presented to the Court on _____ will be heard at Royal Courts of Justice, Chichester Street, Belfast, BT1 3JF on:</p> <p>Date _____ Time _____ (or as soon thereafter as the petition can be heard)</p> <p>The solicitor to the petitioner is: –</p> <p>Name _____ Address _____ _____ _____</p> <p>Tel. No. _____ Fax No. (if any) _____ Reference _____</p>

Schedule 4 para 8
Art. 104(1)(c)

**Creditor’s Bankruptcy Petition against Individual
Member (Presented in Conjunction with Petition
against Partnership)**

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND
CHANCERY DIVISION (BANKRUPTCY)

(a) Insert name of individual member subject to petition
IN THE MATTER OF (a)
AND IN THE MATTER OF THE INSOLVENT PARTNERSHIPS ORDER
(NORTHERN IRELAND) 1995

To the High Court of Justice in Northern Ireland

(b) Insert full name(s) and address(es) of petitioner(s)
I/We (b) _____

petition the Court that a bankruptcy order may be made against

(c) Insert full name, place of residence and occupation of individual member
(c) _____

(d) Insert in full any other name(s) by which the member is or has been known
[also known as (d) _____
_____]

(e) Insert trading name (adding “with another or others”, if this is so), business address and nature of business
[and carrying on business as (e) _____
_____]

(f) Insert any former address(es) at which the member has resided after the time at which the petition debt of the partnership (i) was incurred
[and lately residing at (f) _____

_____]

(g) Give same details as specified in note (e) above for any other businesses which have been carried on at or after the time at which the petition debt of the partnership (i) was incurred or at which the member may have incurred debts or liabilities still unpaid or unsatisfied
[and lately carrying on business as (g) _____

_____]

FORM 7 (cont'd)

(h) Delete as appropriate (h) The debtor's centre of main interests, being the place where he conducts the administration of his interests, is located within the United Kingdom, at _____

OR

The debtor's centre of main interests is located outside the United Kingdom but within the European Union and he has an establishment as defined by EC Regulation No. 1346/2000 within Northern Ireland at _____

OR

The debtor's centre of main interests is located outside the European Union

OR

The debtor carries on business as an insurance undertaking; a credit institution; an investment undertaking providing services involving the holding of funds or securities for third parties; or a collective investment undertaking as referred to in Article 1.2 of the EC Regulation.

The proceeding will be main OR secondary OR territorial proceedings for the purposes of the EC Regulation,

OR

The proceedings do not fall within the EC Regulation.

Under the EC Regulation:

- (i) the centre of main interests should correspond to the place where the debtor conducts the administration of his interests on a regular basis;
- (ii) establishment is defined as "any place of operations where the debtor carries out a non-transitory economic activity with human means and goods".

On the grounds that:

(i) Insert full name of partnership against which winding-up petition has been presented to this Court he is a member of (i) _____ which has carried on business in Northern Ireland at some time during the period of (j) [3 years] [1 year] ending with (k) _____, the day on which a winding-up petition was presented to this Court against the partnership.

(j) Delete as appropriate. If the partnership has a principal place of business in both Northern Ireland and in Scotland the relevant period is 1 year. In any other case it is 3 years. The partnership is justly and truly indebted to me [us] in the aggregate sum of £ _____.

The above-mentioned debt is for a liquidated sum payable immediately.

(k) Insert appropriate date. On (k) _____ a demand was served upon the member and the partnership by (l) _____

(l) State manner of service of demand in respect of the above-mentioned debt.

To the best of my knowledge and belief the demand has not been complied with nor set aside in accordance with the Rules and no application made to set it aside is outstanding.

The partnership is unable to pay its debts and in the circumstances a bankruptcy order should be made against (a) _____

NOTE 1:

Petitions are also being presented against the following members of the partnership:

NAME	ADDRESS	TYPE OF PETITION (WINDING-UP OR BANKRUPTCY)	DATE DEMAND SERVED

NOTE 2:

It is intended to serve this petition on (a) _____

ENDORSEMENT

This petition having been presented to the Court on _____
 it is ordered that the petition shall be heard as follows:

Date _____

Time _____

Place Royal Courts of Justice, Chichester Street, Belfast, BT1 3JF

and you, the above-named (m) _____

are to take notice that if you intend to oppose the petition you must not later than 7 days before the date fixed for the hearing:

- (i) file in Court a notice in Form 6.20 in Schedule 2 to the Insolvency Rules (Northern Ireland) 1991 specifying the grounds on which you object to the making of a bankruptcy order; and
- (ii) send a copy of the notice to the petitioner or his solicitor.

The solicitor to the petitioner is (n): –

Name _____

Address _____

Tel. No. _____

Fax No. (if any) _____

Reference _____

(m) Insert name of member

(n) Only to be completed where the petitioning creditor is represented by a solicitor

Schedule 6 para 2
Art. 104(1)(a)

**Members' Petition to Wind up Partnership (Presented
in Conjunction with Petitions against Members)**

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND
CHANCERY DIVISION (BANKRUPTCY)

(a) Insert name of
partnership subject
to petition

IN THE MATTER OF (a)
("the partnership")
AND IN THE MATTER OF THE INSOLVENT PARTNERSHIPS ORDER
(NORTHERN IRELAND) 1995

To the High Court of Justice in Northern Ireland

(b) Insert full name(s)
and address(es) of
petitioner(s)

The petition of (b) _____

(c) Insert the nature of
the partnership's
business

1. The nature of the partnership's business is/was (c) _____

(d) Insert address of
principal place of
business

2. The principal place of business of the partnership is at (d) _____

(e) Delete as appropriate.
If the partnership has
a principal place of
business in both
Northern Ireland and
in Scotland the
relevant period is 1
year. In any other
case it is 3 years

3. The partnership has carried on its business in Northern Ireland at some time during
the period of (e) [3 years] [1 year] ending with the day on which this petition is
presented.

This petition is presented by the members of the partnership.

Note: the petition should
be presented by all
members unless the
Court has otherwise
directed under Article
104(3) of the Insolvency
(Northern Ireland) Order
1989 as modified by the
Insolvent Partnerships
Order (Northern Ireland)
1995

4. The partnership (f) is/is not an insurance undertaking; a credit institution; an
investment undertaking providing services involving the holding of funds or securities
for third parties; or a collective investment undertaking referred to in Article 1.2 of
the EC Regulation.

(f) Delete as appropriate

(g) Insert name of person
swearing affidavit

5. For the reasons stated in the affidavit of (g) _____ filed
in support hereof it is considered that the EC Regulation (f) will/will not apply and
that these proceedings will be (h) _____ proceedings as defined in
Article 3 of the EC Regulation

(h) Insert whether main,
secondary or
territorial
proceedings

6. The partnership is unable to pay its debts and in the circumstances the partnership
should be wound up.

The petitioner(s) therefore pray(s) as follows: –

(1) that (a) _____
may be wound up by the Court under the provisions of the Insolvency (Northern
Ireland) Order 1989 as modified by the Insolvent Partnerships Order (Northern
Ireland) 1995

OR

(2) that such other order may be made as the Court thinks fit.

NOTE 1:

Petitions are also being presented against the following members of the partnership:

NAME	ADDRESS	TYPE OF PETITION (WINDING-UP OR BANKRUPTCY)

NOTE 2:

It is intended to serve this petition on the partnership.

ENDORSEMENT
This petition been presented to the Court on _____ will be heard at Royal Courts of Justice, Chichester Street, Belfast, BT1 3JF on:
Date _____
Time _____ (or as soon thereafter as the petition can be heard)
The solicitor to the petitioner is: –
Name _____
Address _____ _____ _____
Tel. No. _____
Fax No. (if any) _____
Reference _____

Schedule 6 para 2
Art. 104(1)(b)

**Members' Petition to Wind Up Corporate Member
(Presented in Conjunction with Petition against Partnership)**

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND
CHANCERY DIVISION (BANKRUPTCY)

(a) Insert name of corporate member subject to winding-up petition

IN THE MATTER OF (a)
("the company")
AND IN THE MATTER OF THE INSOLVENT PARTNERSHIPS ORDER
(NORTHERN IRELAND) 1995

To the High Court of Justice in Northern Ireland

(b) Insert full name(s) and address(es) of petitioner(s)

The petition of (b) _____

(c) Insert date of incorporation

1. The company was incorporated on (c) _____

(d) Insert title of Companies Act or Order under which the company was incorporated

under (d) _____

(e) Insert address of registered office

2. The registered office of the company is at (e) _____

3. The nominal capital of the company is £ _____ divided into _____ shares of £ _____ each. The amount of the capital paid up or credited as paid up is £ _____

4. The principal objects for which the company was established are as follows:

and other objects stated in the memorandum of association of the company.

(f) Delete as appropriate

5. The company (f) is/is not an insurance undertaking; a credit institution; an investment undertaking providing services involving the holding of funds or securities for third parties; or a collective investment undertaking referred to in Article 1.2 of the EC Regulation.

(g) Insert name of person swearing affidavit

6. For the reasons stated in the affidavit of (g) _____ filed in support hereof it is considered that the EC Regulation (f) will/will not apply and that these proceedings will be (h) _____ proceedings as defined in Article 3 of the EC Regulation

(h) Insert whether main, secondary or territorial proceedings

(i) Insert full name of partnership against which winding-up petition has been presented to this Court

7. The subject of this petition is a member of (i) _____ which has carried on business in Northern Ireland at some time during the period of (j) [3 years] [1 year] ending with (k) _____, the day on which a winding-up petition was presented to this Court against the partnership.

(j) Delete as appropriate. If the partnership has a principal place of business in both Northern Ireland and in Scotland the relevant period is 1 year. In any other case it is 3 years.

8. A petition has been presented against the partnership by its members and this petition is presented in conjunction with that petition.

(k) Insert appropriate date.

FORM 12 (cont'd)

Note: the petition should be presented by all members unless the Court has otherwise directed under Article 104(3) of the Insolvency (Northern Ireland) Order 1989 as modified by the Insolvent Partnerships Order (Northern Ireland) 1995. If the Court has so directed, then each member against whom a petition is being presented should state that he is willing for an insolvency order to be made against him.

9. The partnership is unable to pay its debts, each member is willing for an insolvency order to be made against that member and in the circumstances the corporate member should be wound up.

The petitioner(s) therefore pray(s) as follows: –

(1) that (a) _____ may be wound up by the Court under the provisions of the Insolvency (Northern Ireland) Order 1989 as modified by the Insolvent Partnerships Order (Northern Ireland) 1995

OR

(2) that such other order may be made as the Court thinks fit.

NOTE 1:

Petitions are also being presented against the following members of the partnership:

NAME	ADDRESS	TYPE OF PETITION (WINDING-UP OR BANKRUPTCY)

NOTE 2:

It is intended to serve this petition on (a) _____

ENDORSEMENT	
This petition having been presented to the Court on _____ will be heard at Royal Courts of Justice, Chichester Street, Belfast, BT1 3JF on:	
Date	_____
Time	_____
(or as soon thereafter as the petition can be heard)	
The solicitor to the petitioner is: –	
Name	_____
Address	_____

Tel. No.	_____
Fax No. (if any)	_____
Reference	_____

Schedule 6 para 2
Art. 104(1)(c)

**Member’s Bankruptcy Petition against Individual Member (Presented in
Conjunction with Petition against Partnership)**

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND CHANCERY
DIVISION (BANKRUPTCY)

(a) Insert name of
individual member
subject to petition

IN THE MATTER OF (a)
AND IN THE MATTER OF THE INSOLVENT PARTNERSHIPS ORDER
(NORTHERN IRELAND) 1995

To the High Court of Justice in Northern Ireland

(b) Insert full name(s)
and address(es) of
petitioner(s)

I/We (b) _____

(c) Insert full name,
place of residence
and occupation of
individual member

petition the Court that a bankruptcy order may be made against (c) _____

(d) Insert in full any
other name(s) by
which the member is
or has been known

[also known as (d) _____
_____]

(e) Insert trading name
(adding “with
another or others”, if
this is so), business
address and nature of
business

[and carrying on business as (e) _____
_____]

(f) Insert any former
address(es) at which
the member has
resided after the time
at which the petition
debt of the
partnership (i) was
incurred

[and lately residing at (f) _____

_____]

(g) Give same details as
specified in note (e)
above for any other
businesses which
have been carried on
at or after the time at
which the petition
debt of the
partnership (i) was
incurred or at which
the member may
have incurred debts
or liabilities still
unpaid or unsatisfied

[and lately carrying on business as (g) _____

_____]

(h) The debtor’s centre of main interest being the place where he conducts the
administration of his interests, is located within the United Kingdom, at

(h) Delete as appropriate

OR

The debtor’s centre of main interests is located outside the United Kingdom but within
the European Union and he has an establishment as defined by EC Regulation No.
1346/2000 within Northern Ireland at _____

OR

The debtor’s centre of main interests is located outside the European Union

OR

The debtor carries on business as an insurance undertaking; a credit institution; an
investment undertaking providing services involving the holding of funds or securities
for third parties; or a collective investment undertaking as referred to Article 1.2 of
the EC Regulation

The proceedings will be main OR secondary OR territorial proceedings for the
purposes of the EC Regulation

(i) Insert full name of partnership against which winding-up petition has been presented to this Court

OR

The proceedings do not fall within the EC Regulation.

(j) Delete as appropriate. If the partnership has a principal place of business in both Northern Ireland and in Scotland the relevant period is 1 year. In any other case it is 3 years.

Under the EC Regulation;

- (i) the centre of main interests should correspond to the place where the debtor conducts the administration of his interests on a regular basis;
- (ii) establishment is defined as “any place of operations where the debtor carries out a non-transitory economic activity with human means and goods”.

(k) Insert an appropriate date

On the grounds that:

Note: the petition should be presented by all members unless the Court has otherwise directed under Article 104(3) of the Insolvency (Northern Ireland) Order 1989 as modified by the Insolvent Partnerships Order (Northern Ireland) 1995. If the Court has so directed, then each member against whom a petition is being presented should state that he is willing for an insolvency order to be made against him

he is a member of (i) _____ which has carried on business in Northern Ireland at some time during the period of (j) [3 years] [1 year] ending with (k) _____, the day on which a winding-up petition was presented to this Court against the partnership.

A petition has been presented against the partnership by its members and this petition is presented in conjunction with that petition.

The partnership is unable to pay its debts, each member is willing for an insolvency order to be made against that member and in the circumstances a bankruptcy order should be made against (a) _____

NOTE 1:

Petitions are also being presented against the following members of the partnership:

NAME	ADDRESS	TYPE OF PETITION (WINDING-UP OR BANKRUPTCY)

NOTE 2:

It is intended to serve this petition on (a) _____

ENDORSEMENT

This petition having been presented to the Court on _____
it is ordered that the petition shall be heard as follows:

Date _____

Time _____

Place Royal Courts of Justice, Chichester Street, Belfast, BT1 3JF

(1) Insert name of member

and you, the above-named (1) _____

are to take notice that if you intend to oppose the petition you must not later than 7 days before the date fixed for the hearing:

- (i) file in Court a notice in Form 6.20 in Schedule 2 to the Insolvency Rules (Northern Ireland) 1991 specifying the grounds on which you object to the making of a bankruptcy order; and
- (ii) send a copy of the notice to the petitioner or his solicitor.

(m) Only to be completed where the petitioning creditor is represented by a solicitor

The solicitor to the petitioner is (m): –

Name _____

Address _____

Tel. No. _____

Fax No. (if any) _____

Reference _____

Schedule 7 para 3
Art. 238(3)(a)

Joint Bankruptcy Petition against Individual Members

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND CHANCERY
DIVISION (BANKRUPTCY)

(a) Insert name of
partnership subject
to petition

IN THE MATTER OF (a)
("the partnership")
AND IN THE MATTER OF THE INSOLVENT PARTNERSHIPS ORDER
(NORTHERN IRELAND) 1995

Details of members

(b) Insert separately for
each member their full
name, any other
names by which they
are or have been
known and their
occupation

*(1) I, (b) _____

(c) _____

(c) Insert separately for
each member their
residential address

(d) Excluding the
partnership, insert
separately for each
member the trade
name, business
address and nature of
any business carried
on at, or after, the
time the partnership
debts were incurred.

[and carrying on/lately carrying on business as
(d) _____

_____]

(e) Delete as appropriate

(e) The debtor's centre of main interests, being the place where he conducts the
administration of his interests, is located within the United Kingdom,
at _____

OR

The debtor's centre of main interests is located outside the United Kingdom but within
the European Union and he has an establishment as defined by EC Regulation
No. 1346/2000 within Northern Ireland at _____

OR

The debtor's centre of main interests is located outside the European Union

OR

The debtor carries on business as an insurance undertaking; a credit institution; an
investment undertaking providing services involving the holding of funds or securities
for third parties; or a collective investment undertaking as referred to in Article 1.2
of the EC Regulation.

The proceedings will be main OR secondary OR territorial proceedings for the
purposes of the EC Regulation

OR

The proceedings do not fall within the EC Regulation.

Under the EC Regulation:

- (i) The centre of main interests should correspond to the place where the debtor
conducts the administration of his interests on a regular basis;
- (ii) establishment is defined as "any place of operations where the debtor carries
out a non-transitory economic activity with human means and goods".

AND

- (b) Insert separately for each member their full name, any other names by which they are or have been known and their occupation *(2) I,(b) _____

- (c) _____

- (c) Insert separately for each member their residential address _____

- (d) Excluding the partnership, insert separately for each member the trading name, business address and nature of any business carried on at, or after, the time the partnership debts were incurred. [and carrying on/lately carrying on business as (d) _____
_____]
- (e) Delete as appropriate (e) The debtor's centre of main interest being the place where he conducts the administration of his interests, is located within the United Kingdom, at _____

OR

The debtor's centre of main interests is located outside the United Kingdom but within the European Union and he has an establishment as defined by EC Regulation No 1346/2000 within Northern Ireland at _____

OR

The debtor's centre of main interests is located outside the European Union

OR

The debtor carries on business as an insurance undertaking; a credit institution; an investment undertaking providing services involving the holding of funds or securities for third parties; or a collective investment undertaking as referred to Article 1.2 of the EC Regulation.

The proceedings will be main OR secondary OR territorial proceedings for the purposes of the EC Regulation

OR

The proceedings do not fall within the EC Regulation

AND

- (b) Insert separately for each member their full name, any other names by which they are or have been known and their occupation *(3) I, (b) _____

- (c) _____

- (c) Insert separately for each member their residential address _____

- (d) Excluding the partnership, insert separately for each member the trading name, business address and nature of any business carried on at, or after, the time the partnership debts were incurred. [and carrying on/lately carrying on business as (d) _____
_____]
- (e) Delete as appropriate (e) The debtor's centre of main interests being the place where he conducts the administration of his interests, is located within the United Kingdom, at _____

OR

The debtor's centre of main interests is located outside the United Kingdom but within the European Union and he has an establishment as defined by EC Regulation No. 1346/2000 within Northern Ireland at _____

OR

The debtor's centre of main interests is located outside the European Union

OR

The debtor carries on business as an insurance undertaking; a credit institution; an investment undertaking providing services involving the holding of funds or securities for third parties; or a collective investment undertaking as referred to Article 1.2 of the EC Regulation.

The proceedings will be main OR secondary OR territorial proceedings for the purposes of EC Regulation

OR

The proceedings do not fall within the EC Regulation.

Under the EC Regulation:

- (i) The centre of main interests should correspond to the place where the debtor conducts the administration of his interests on a regular basis;
- (ii) establishment is defined as "any place of operations where the debtor carries out a non-transitory economic activity with human means and goods".

(f) Insert trading name, business address(es) and nature of partnership business the subject of this petition.

We, being all the members of (f) _____

Notes

(1) The petition should be presented by all members unless the Court has otherwise directed under Article 240(1) of the Insolvency (Northern Ireland) Order 1989 as modified by the Insolvent Partnerships Order (Northern Ireland) 1995.

(2) If this petition is not signed by all the partners presenting it, it must be accompanied by an affidavit in Form 15 made by the partner or one of the partners who signs the petition showing that all the partners are individual members and not limited partners and that all the partners presenting the petition concur in presentation (Art. 238(4))

and all of us being individual members and none of us being limited partners and being unable to pay the debts of the partnership

and the members of the partnership having carried on its business in Northern Ireland at some time during the period of 3 years ending with the day on which this petition is presented

Petition the Court that bankruptcy orders be made against us and that the trustee of our estates wind up the partnership business and administer the partnership property.

Signature(s) _____
(member(s) of partnership)

Date _____

Schedule 7 para 3
Art. 238(5)

**Bankruptcy Orders on Joint Bankruptcy Petition
Presented by Individual Members**

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND
CHANCERY DIVISION (BANKRUPTCY)

(a) Insert names of
individual members

IN THE MATTER OF (a)
AND IN THE MATTER OF THE INSOLVENT PARTNERSHIPS ORDER
(NORTHERN IRELAND) 1995

(b) Insert date

Upon the petition of the above-named individual members of a partnership ("the
partnership") which was presented on (b) _____
And upon hearing _____

(c) Insert full
description of
individual members
as set out in the
petition

And upon reading the petition and statements of affairs
It is ordered that (c) _____

and (c) _____

[and (c) _____
_____]

(d) Insert name of any
bankrupt in respect of
whom a certificate of
summary
administration is
issued under Art. 249
of the Insolvency
(Northern Ireland)
Order 1989 as
modified by the
Insolvent
Partnerships Order
(Northern Ireland)
1995

be adjudged bankrupt.
[And it is certified that the estate(s) of (d) _____
_____]
the bankrupt(s) be administered in a summary manner].

(e) Delete as appropriate
(f) Insert name of
debtor(s)
(g) Insert whether main,
secondary or
territorial proceedings

And the Court being satisfied that the EC Regulation (e) does/does not apply and it
is ordered that the proceedings in relation to (f) _____
_____ are (g) _____ proceedings as defined in Article 3 of the EC Regulation

And it is also ordered that the trustee of the bankrupts' estates be trustee of the
partnership estate and that he wind up the affairs of the partnership and administer
the partnership property.

Date _____
Time _____ hours

Important Notice to Bankrupts
The Official Receiver is by virtue of this order trustee of the bankrupts' estates and
trustee of the partnership. You are requested to attend upon the Official Receiver at
(h) _____

(h) Insert address of
Official Receiver's
office

immediately after you have received this order.
The Official Receiver's offices are open Monday to Friday (except on holidays) from
10.00 to 16.00 hours.

(i) Order to be endorsed where individual members are represented by a solicitor

ENDORSEMENT (i)

The solicitor(s) to the individual members is (are): –

Name of individual members: _____

Name of solicitor: _____

Address _____

Telephone No. _____

Fax No. _____

Reference _____

Name of individual member: _____

Name of solicitor: _____

Address _____

Telephone No. _____

Fax No. _____

Reference _____

Name of individual member: _____

Name of solicitor: _____

Address _____

Telephone No. _____

Fax No. _____

Reference _____

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order amends the Insolvent Partnerships Order (Northern Ireland) 1995 (S.R.1995 No. 225) (“the 1995 Order”) in the light of Council Regulation (EC) No. 1346/2000 of 29th May 2000 on insolvency proceedings (O.J. No. L160, 30.06.00, p. 1) (“the EC Regulation”) which came into force on 31st May 2002.

The EC Regulation aims to provide for the efficient and effective functioning of cross-border insolvency proceedings in the European Union.

The amendments made by this Order are –

- to provide in the 1995 Order that a liquidator appointed in proceedings by virtue of Article 3(1) of the EC Regulation and a temporary administrator (within the meaning of Article 38 of the EC Regulation) are included among those entitled to present a petition or petitions under the Order (Articles, 3, 4 and 5(2)) (“main proceedings” and “temporary administrator” are defined in the EC Regulation);
- to clarify the scope of the jurisdiction of the High Court in Northern Ireland where the EC Regulation applies (Article 5(1));
- to substitute the forms of the 1995 Order with forms which require consideration of whether the EC Regulation applies to the proceedings in question (Article 6).

© Crown Copyright 2003

£4.50

Published by The Stationery Office Limited

ISBN 0-337-95038-5



Printed in the UK by The
Stationery Office Limited
under the authority and
superintendence of Carol
Tullo, Controller of
Her Majesty's Stationery
Office being the Government
Printer for Northern Ireland and
the Officer appointed to print the
Acts of the Northern Ireland Assembly
Dd. N916. C2. 3/03. Gp. 130. 14567.