

**2003 No. 546**

**INSOLVENCY**

**The Insolvency (2002 Order) (Transitional Provisions) Order  
(Northern Ireland) 2003**

*Made* - - - - - *22nd December 2003*

*Coming into operation* *2nd February 2004*

The Department of Enterprise, Trade and Investment, in exercise of the powers conferred on it by Article 12 of the Insolvency (Northern Ireland) Order 2002<sup>(a)</sup> and of every other power enabling it in that behalf, hereby makes the following Order:

**Citation, commencement and interpretation**

**1.**—(1) This Order may be cited as the Insolvency (2002 Order) (Transitional Provisions) Order (Northern Ireland) 2003 and shall come into operation on 2nd February 2004.

(2) In this Order, references to Articles and Schedules are references to Articles of, and Schedules to, the Insolvency (Northern Ireland) Order 2002.

(3) In this Order –

“administration order” has the same meaning in this Order as it has in Article 21(2) of the Insolvency (Northern Ireland) Order 1989<sup>(b)</sup>;

“the appointed day” means 2nd February 2004; and

“the Insolvency Rules” means the Insolvency Rules (Northern Ireland) 1991<sup>(c)</sup>.

**Transitional provisions**

**2.** The transitional provisions in Articles 3 to 7 shall have effect.

**3.**—(1) In a case where a proposal is made by a debtor and before the appointed day the intended nominee has endorsed a copy of the written notice of the proposal under Rule 5.05(3) of the Insolvency Rules the amendments made to the Insolvency (Northern Ireland) Order 1989 by Article 5 and Schedule 3 and the repeal made by Article 13 and Schedule 4 in respect of Article 229(1)(d) of the Insolvency (Northern Ireland) Order 1989 shall not apply and the provisions of the Insolvency (Northern Ireland) Order 1989 as they have effect immediately before the appointed day shall continue to have effect.

(2) In this Article, “proposal” has the same meaning as it has in Article 227 of the Insolvency (Northern Ireland) Order 1989.

**4.** The amendments made by Article 6(1) to Article 3 of the Insolvency (Northern Ireland) Order 1989 shall not apply in any case where –

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(a) S.I. 2002/3152 (N.I. 6)

(b) S.I. 1989/2405 (N.I. 19)

(c) S.I. 1991 No. 364 as amended by S.R. 1994 No. 26, S.R. 1995 No. 291, S.R. 2000 No. 247 and S.R. 2002 No. 261

- (a) a person acts as a nominee (within the meaning of Article 14(2) of the Insolvency (Northern Ireland) Order 1989) and that case falls within paragraph (1) of Article 7 of this Order; or
- (b) a person acts as a nominee (within the meaning of Article 227(2) of the Insolvency (Northern Ireland) Order 1989) and that case falls within paragraph (1) of Article 3 of this Order,

and in such cases Article 3 of the Insolvency (Northern Ireland) Order 1989 as it has effect immediately before the appointed day shall continue to have effect.

5. In a case where a petition for an administration order has been presented before the appointed day the amendments made to Articles 23(1) and 24(3) of the Insolvency (Northern Ireland) Order 1989 by Article 7 shall not apply and Articles 23(1) and 24(3) of the Insolvency (Northern Ireland) Order 1989 as they have effect immediately before the appointed day shall continue to have effect.

6. Where –

- (a) the High Court has directed a liquidator to refer a matter under Article 182(1) of the Insolvency (Northern Ireland) Order 1989,
- (b) a liquidator has reported a matter under Article 182(3) of the Insolvency (Northern Ireland) Order 1989, or
- (c) the High Court has directed a liquidator to make a report under Article 182(5) of the Insolvency (Northern Ireland) Order 1989,

before the appointed day, the amendments and repeals, as the case may be, made to Article 182 of the Insolvency (Northern Ireland) Order 1989 by Article 8 and Schedule 4 shall not apply and Article 182 of the Insolvency (Northern Ireland) Order 1989 as it has effect immediately before the appointed day shall continue to have effect.

7.—(1) In a case where –

- (a) a proposal is made by the directors of a company and before the appointed day the intended nominee has endorsed a copy of the written notice of the proposal under Rule 1.04(3) of the Insolvency Rules;
- (b) a proposal is made by the liquidator or the administrator (acting as nominee) and before the appointed day the liquidator or administrator (as the case may be) has sent out a notice summoning the meetings under Article 16 of the Insolvency (Northern Ireland) Order 1989 as required by Rule 1.11 of the Insolvency Rules; or
- (c) a proposal is made by the liquidator or the administrator of a company (not acting as the nominee) and before the appointed day the intended nominee has endorsed a copy of the written notice of the proposal under Rule 1.12(2) of the Insolvency Rules,

the amendments made to the Insolvency (Northern Ireland) Order 1989 by Part I of Schedule 2 and the repeal made by Article 13 and Schedule 4 in respect of Article 18(2) and (3) of the Insolvency (Northern Ireland) Order 1989 shall not apply and the provisions of the Insolvency (Northern Ireland) Order 1989 as they have effect immediately before the appointed day shall continue to have effect.

(2) The provisions of paragraph (1) shall –

- (a) apply in relation to building societies<sup>(a)</sup> as they apply in relation to companies; and
- (b) in their application to building societies, have effect with the substitution for “company” of “building society”.

(3) In this Article “proposal” has the same meaning as it has in Article 14(2) of the Insolvency (Northern Ireland) Order 1989.

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(a) The provisions of Part II (other than Article 14A) of the Insolvency (Northern Ireland) Order 1989 are applied to building societies by section 90A of, and Schedule 15A to, the Building Societies Act 1986 (c. 53) as inserted by section 39 of, and Parts I and III of Schedule 6 to, the Building Societies Act 1997 (c. 32)

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 22nd December 2003.

(L.S.)

*Michael J. Bohill*

A senior officer of the Department of Enterprise, Trade and Investment

## **EXPLANATORY NOTE**

*(This note is not part of the Order.)*

The Insolvency (2002 Order) (Commencement) Order (Northern Ireland) 2003 (S.R. 2003 No. 545 (C. 40)) brings the Insolvency (Northern Ireland) Order 2002 (“the 2002 Order”) fully into operation on 2nd February 2004.

This Order makes transitional provisions in connection with the coming into operation of the 2002 Order.

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