

**2003 No. 547**

**INSOLVENCY**

**The Insolvency Practitioners (Amendment) Regulations  
(Northern Ireland) 2003**

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

*Coming into operation* 2nd February 2004

The Department of Enterprise, Trade and Investment<sup>(a)</sup> in exercise of the powers conferred on it by Articles 349(3) and 363 of the Insolvency (Northern Ireland) Order 1989<sup>(b)</sup> and of every other power enabling it in that behalf, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Insolvency Practitioners (Amendment) Regulations (Northern Ireland) 2003 and shall come into operation on 2nd February 2004.

**Amendments to the 1991 Regulations**

2. The Insolvency Practitioners Regulations (Northern Ireland) 1991<sup>(c)</sup> (“the 1991 Regulations”) are amended as set out in regulations 3 to 5.

3. In regulation 12 of the 1991 Regulations, after paragraph (c) there is inserted –

“or

(d) a nominee in relation to a voluntary arrangement under Part II or Part VIII of the Order subsequently becomes supervisor of the arrangement;”.

4. In regulation 13A of the 1991 Regulations, after paragraph (2) there is inserted –

“(3) In this regulation a reference to an insolvency practitioner obtaining his release or discharge includes any case where the insolvency practitioner –

(a) has acted as nominee in relation to a voluntary arrangement under Part II or Part VIII of the Order; and

(b) is replaced by another insolvency practitioner (whether acting as nominee or supervisor in relation to the voluntary arrangement in question).”.

5. In Part II of Schedule 2 to the 1991 Regulations –

(a) after paragraph 1(a)(ix) there is inserted –

“(x) a nominee in relation to a voluntary arrangement proposed under Part II or Part VIII of the Order;”;

(b) for the words “paragraph 1(a)(i)–(iv) and (vi)–(viii)” in paragraph 2(a) there is substituted the words “paragraph 1(a)(i)–(iv), (vi)–(viii) and (x)”.

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(a) Formerly the Department of Economic Development; see S.I. 1999/283 (N.I. 1); Article 3(5)

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

(c) S.R. 1991 No. 302 as amended by S.R. 1993 Nos. 317 and 454

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.)*

These Regulations make amendments to the Insolvency Practitioners Regulations (Northern Ireland) 1991 in the light of the amendments made by Article 6 of the Insolvency (Northern Ireland) Order 2002 to Article 3 of the Insolvency (Northern Ireland) Order 1989 which defines the meaning of “act as an insolvency practitioner”. The requirements of the 1991 Regulations relating to security or caution are extended to cover cases where a person acts as a nominee in relation to a voluntary arrangement under Part II or Part VIII of the Insolvency (Northern Ireland) Order 1989.

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