STATUTORY RULES OF NORTHERN IRELAND

2026 No. 180 (C. 10)

INSOLVENCY

The Insolvency (Amendment) (2026 Act) (Commencement No. 1 and Transitional Provisions) Order (Northern Ireland) 2026

Made - - - - 15th October 2026

The Department for the Economy(**a**) makes the following order in exercise of the powers conferred by section 120(2) and (3) of the Insolvency (Amendment) Act (Northern Ireland) 2026(**b**).

Citation and Interpretation

1.—(1) This Order may be cited as the Insolvency (Amendment) (2026 Act) (Commencement No. 1 and Transitional Provisions) Order (Northern Ireland) 2026.

(2) In this Order—

"the Act" means the Insolvency (Amendment) Act (Northern Ireland) 2026;

"the 1989 Order" means the Insolvency (Northern Ireland) Order 1989(**c**);

"the 1995 Order" means the Insolvent Partnerships Order (Northern Ireland) 1995(**d**);

"the 2002 Order" means the Company Directors Disqualification (Northern Ireland) Order 2002(**e**).

Provisions coming into operation on 16th October 2026

2.—(1) The day appointed for the coming into operation of the provisions of the Act mentioned in paragraph (2) is 16th October 2026.

(2) The provisions to which paragraph (1) applies are—

(a) section 1 (introductory);

(b) section 2 (power for administrator to bring claim for fraudulent or wrongful trading);

(c) section 3 (power for liquidator or administrator to assign cause of action);

(d) section 4 (application of proceeds of office-holder claims);

(e) section 5 (exercise of powers by liquidator: removal of need for sanction);

(f) section 6 (exercise of powers by trustee in bankruptcy: removal of need for sanction);

(g) section 50(4) (release of liquidator following rescission of winding-up order made by the High Court);

(**a**) Formerly the Department of Enterprise, Trade and Investment; see section 1(3) of the Departments Act (Northern Ireland) 2016 (2016 c. 5 (N.I.)).
(**b**) 2026 c.6 (N.I.).
(**c**) S.I. 1989/2405 (N.I. 19).
(**d**) S.R. 1995 No. 225.
(**e**) S.I. 2002/3150 (N.I. 4).

(h) section 62 (provision that may be included in company insolvency rules);

(i) section 87 (provision that may be included in individual insolvency rules);

(j) section 88 (extension of administrator's term of office);

(k) section 89 (administration: payments to unsecured creditors);

(l) section 90 (creditors not required to prove small debts: company insolvency);

(m) section 91 (creditors not required to prove small debts: individual insolvency);

(n) section 93 (abolition of fast-track voluntary arrangements);

(o) section 102 (miscellaneous provision about insolvency law) insofar as it relates to the provisions in Schedule 3 to the Act which are brought into operation by sub-paragraph (v);

(p) section 103 (notice of proposed resolution for voluntary winding up);

(q) section 104 (notice of result of resolution to wind up voluntarily);

(r) section 105 (presentation of bankruptcy petition: conditions to be satisfied);

(s) section 106 (orders relating to recognized professional bodies to be subject to negative resolution);

(t) section 116 (supplemental and transitional provisions);

(u) section 117 (amendments to the Schedules to the 1995 Order) insofar as ir relates to the paragraphs in Schedule 4 to the Act which are brought into operation by sub-paragraph (w);

(v) In Schedule 3 (miscellaneous amendments of insolvency law)

  (i) paragraph 1 insofar as it relates to paragraph 2 of that Schedule;

  (ii) paragraph 2;

  (iii) paragraph 6;

  (iv) paragraph 9;

  (v) Part 5, except paragraph 23(a).

(w) in Schedule 4 (insolvent partnerships: amendments to Schedules in the 1995 Order)

  (i) paragraph 1 insofar as it relates to paragraphs (2), (3) and 7(4) and (5) of Schedule 4;

  (ii) paragraph 2;

  (iii) paragraph 3;

  (iv) paragraph 7(1) insofar as it relates to paragraph 7(4) and (5):

  (v) paragraph 7(4) and (5);

  (vi) paragraph 11 insofar as it relates to paragraphs 12, 14 to 19, 23(1) and (2), 25, 27 and 31 of Schedule 4;

  (vii) paragraph 12;

  (viii) paragraphs 14 to 19;

  (ix) paragraph 23(1) insofar as it relates to sub-paragraph (2) of that paragraph;

  (x) paragraph 23(2);

  (xi) paragraph 25;

  (xii) paragraph 27;

  (xiii) paragraph 31;

  (xiv) paragraph 32 insofar as it relates to paragraphs 34 and 36 of Schedule 4;

  (xv) paragraph 34;

  (xvi) paragraph 35, insofar is it inserts paragraph 8E into Schedule 3 to the 1995 Order;

  (xvii) paragraph 36;

(xviii) paragraph 37 insofar as it relates to paragraphs 38, 39, 41, 42, 52, 56 to 58, 60, 62 and 63 of Schedule 4;

(xix) paragraph 38;

(xx) paragraph 39;

(xxi) paragraph 41;

(xxii) paragraph 42;

(xxiii) paragraph 52;

(xxiv) paragraphs 56 to 58;

(xxv) paragraph 60;

(xxvi) paragraphs 62 to 67;

(xxvii) paragraph 68 insofar as it relates to paragraphs 69, 71, 81 and 82 of Schedule 4;

(xxviii) paragraph 69;

(xxix) paragraph 71;

(xxx) paragraphs 81 and 82;

(xxxi) paragraph 84 insofar as it relates to paragraphs 85 and 87 to 94 of Schedule 4;

(xxxii) paragraph 85;

(xxxiii) paragraphs 87 to 95.

Provisions coming into operation on 24th December 2026

3.—(1) The day appointed for the coming into operation of the provisions of the Act mentioned in paragraph (2) is 24th December 2026.

(2) The provision to which paragraph (1) applies are—

(a) section 102 (miscellaneous provision about insolvency law) insofar as it relates to the paragraphs in Schedule 3 to the Act which are brought into operation by sub-paragraph (c).

(b) section 117 (amendments to the Schedules to the 1995 Order) insofar as it relates to the paragraphs in Schedule 4 to the Act which are brought into operation by sub-paragraph (d).

(c) in Schedule 3 (miscellaneous amendments of insolvency law)—

(i) paragraph 1 insofar as it relates to paragraphs (3) and (4) of Schedule 3;

(ii) paragraphs 3 and 4;

(iii) paragraph 7;

(iv) paragraph 8.

(d) in Schedule 4 (insolvent partnerships: amendments to Schedules in the 1995 Order)—

(i) paragraph 11 insofar as it relates to paragraph 29 of Schedule 4;

(ii) paragraph 29 of Schedule 4;

(iii) paragraph 84 insofar as it relates to paragraph 86 of Schedule 4;

(iv) paragraph 86.

Provisions coming into operation on 16th October 2026 for the purpose of enabling the exercise of any power to make provision by regulations, rules or order or to prepare and issue guidance

4.—(1) The day appointed for the coming into operation of the provisions of the Act mentioned in paragraph (2) for the purpose only of enabling the exercise of any power to make provision by regulations, rules or order made by statutory rule or to prepare and issue guidance is 16th October 2026.

(2) The provisions to which paragraph (1) applies are—

(a) section 7 (abolition of requirements to hold meetings: company insolvency);

(b) section 8 (abolition of requirements to hold meetings: individual insolvency);

(c) section 9 (ability for creditors to opt not to receive certain notices: company insolvency);

(d) section 10 (ability for creditors to opt not to receive certain notices: individual insolvency);

(e) section 16 (decisions of meetings);

(f) section 17 (approval of arrangement);

(g) section 18 (effect of approval);

(h) section 19 (challenge of decisions);

(i) section 21 (administration) insofar as it relates to paragraph 22 of Schedule 1 to the Act;

(j) section 24 (committee of creditors);

(k) section 25 (progress report to company);

(l) section 27 (effect of company's insolvency);

(m) section 31 (directors' statement of affairs to creditors);

(n) section 32 (appointment of liquidator);

(o) section 33 (appointment of liquidation committee);

(p) section 36 (final meeting prior to dissolution);

(q) section 38 (functions of official receiver in relation to office of liquidator);

(r) section 40 (choice of liquidator at meetings of creditors and contributories);

(s) section 42 (liquidation committee);

(t) section 44 (delegation of High Court's powers to liquidator);

(u) section 48 (removal of liquidator: winding up by the High Court);

(v) section 49 (release of liquidator: voluntary winding up);

(w) section 50(1) to (3) (release of liquidator: winding up by the High Court);

(x) section 61 (representation of corporations at meetings);

(y) section 67 (report of decisions to High Court);

(z) section 70 (challenge of meeting's decision);

(aa) section 78 (trustee's vacation of office);

(bb) section 79 (release of trustee);

(cc) section 80 (vacancy in office of trustee);

(dd) section 81 (creditors' committee);

(ee) section 117 (amendments to the Schedules to the 1995 Order) insofar as it relates to the paragraphs in Schedule 4 to the Act which are brought into operation by sub-paragraph (gg):

(ff) in Schedule 1, paragraph 22 (amendments to Schedule B1 to the 1989 Order);

(gg) in Schedule 4 (insolvent partnerships: amendments to Schedules in the 1995 Order).

(i) paragraph 1 insofar as it relates to paragraphs (6), 7(1) and (2), 8(3) and (4) and 9(4) of Schedule 4;

(ii) paragraph 6;

(iii) paragraph 7(1) insofar as it relates to paragraph 7(2);

(iv) paragraph 7(2);

(v) paragraph 8(3) and (4);

(vi) paragraph 9(4);

(vii) paragraph 11 insofar as it relates to paragraph 21(1) and (3) of Schedule 4;

(viii) paragraph 21(1) insofar as it relates to sub-paragraph (3) of that paragraph;

(ix) paragraph 21(3);

(x) paragraph 32 insofar as it relates to paragraph 35 of Schedule 4;

(xi) paragraph 35 of Schedule 4;

(xii) paragraph 37 insofar as it relates to paragraphs 43, 49 and 61 of Schedule 4;

(xiii) paragraph 43;

(xiv) paragraph 49;

(xv) paragraph 61.

Transitional provisions

5.—(1) Articles 208ZA to 208ZC of the 1989 Order and the amendments to Article 178 of that Order (as made by section 2 of the Act) apply in respect of the carrying on of any business of the company on or after 16th October 2026.

(2) Article 208ZD of the 1989 Order (as inserted by section 3 of the Act) applies in respect of a company which enters administration or goes into liquidation on or after 16th October 2026.

(3) Article 150ZB of the 1989 Order (as inserted by section 4 of the Act) applies in respect of a company which enters administration or goes into liquidation on or after 16th October 2026.

(4) The substitution of paragraphs (5) to (5D) of Article 10 of the 2002 Order by paragraph 7(2) of Schedule 3 to the Act shall not have effect in respect of a person who is or has been a director of—

(a) a company that has become insolvent (within the meaning of Article 9(2) of the 2002 Order), or;

(b) an overseas company that has become insolvent (within the meaning of Article 9(2A) of the 2002 Order);

(c) a company or overseas company which has been dissolved without becoming insolvent

before 16th October 2026, and in such a case paragraphs (5) and (5A) of Article 10 as they had effect immediately before 16th October 2026 shall continue to have effect.

(5) The amendment made by paragraph 41 of Schedule 4 to the Act to modified Article 241(3) set out in paragraph 6(3) of Schedule 4 to the 1995 Order—

(a) shall only apply in the case of petitions presented after 16th October 2026;

(b) shall not apply where the petition is founded on a statutory or written demand which was served prior to 16th October 2026, and in such a case the "bankruptcy level" shall remain as £750.

(6) Paragraph 85 of Schedule 4 to the Act does not apply in relation to a case in which—

(a) a winding-up order was made in relation to a partnership;

(b) an order was made for the business of a partnership to be wound up (without the partnership being wound up as an unregistered company) or;

(c) a partnership entered administration

before 16th October 2026, and in such a case the modified version of Article 9 of the 2002 Order in Schedule 8 to the 1995 Order, which had effect before 16th October 2026, shall continue to have effect.

(7) Paragraph 86 of Schedule 4 to the Act does not apply in relation to a case in which—

(a) a winding-up order was made in relation to a partnership;

(b) an order was made for the business of a partnership to be wound up (without the partnership being wound up as an unregistered company) or;

(c) a partnership entered administration

before 16th October 2026, and in such a case the modified version of Article 10 of the 2002 Order in Schedule 8 to the 1995 Order, which had effect before 16th October 2026, shall continue to have effect.

(8) Paragraph 87 of Schedule 4 to the Act does not apply in relation to a case in which—

(a) a winding-up order was made in relation to a partnership;

(b) an order was made for the business of a partnership to be wound up (without the partnership being wound up as an unregistered company) or;

(c) a partnership entered administration

before 16th October 2026, and in such a case the modified version of Article 10A of the 2002 Order in Schedule 8 to the 1995 Order, which had effect before 16th October 2026 shall continue to have effect.

(9) Paragraph 89 of Schedule 4 to the Act does not apply in relation to a case in which—

(a) a winding-up order was made in relation to a partnership;

(b) an order was made for the business of a partnership to be wound up (without the partnership being wound up as an unregistered company) or;

(c) a partnership entered administration

before 16th October 2026.

(10) Paragraph 90 of Schedule 4 to the Act does not apply in relation to a case in which—

(a) a winding-up order was made in relation to a partnership;

(b) an order was made for the business of a partnership to be wound up (without the partnership being wound up as an unregistered company) or;

(c) a partnership entered administration

before 16th October 2026, and in such a case the modified version of Article 13 of 2002 Order in Schedule 8 to 1995 Order, which had effect before 16th October 2026 shall continue to have effect.

(11) Paragraph 91 of Schedule 4 to the Act does not apply in relation to a case in which—

(a) a winding-up order was made in relation to a partnership;

(b) an order was made for the business of a partnership to be wound up (without the partnership being wound up as an unregistered company) or;

(c) a partnership entered administration

before 16th October 2026.

(12) Paragraph 92 of Schedule 4 to the Act does not apply in relation to a case in which—

(a) a winding-up order was made in relation to a partnership;

(b) an order was made for the business of a partnership to be wound up (without the partnership being wound up as an unregistered company) or;

(c) a partnership entered administration

before 16th October 2026.

(13) Paragraph 94 of Schedule 4 to the Act does not apply in relation to a case in which—

(a) a winding-up order was made in relation to a partnership;

(b) an order was made for the business of a partnership to be wound up (without the partnership being wound up as an unregistered company) or;

(c) a partnership entered administration

before 16th October 2026, and in such a case the modified version of Schedule 1 to the 2002 Order in Schedule 8 to the 1995 Order, which had effect before 16th October 2026, shall continue to have effect.

Sealed with the Official Seal of the Department for the Economy on 15th October 2026



Dr Caoimhe Archibald
Minister for the Economy

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is the first commencement order made under the Insolvency (Amendment) Act (Northern Ireland) 2026 ("the 2026 Act").

Article 2 brings into operation the provisions of the 2026 Act listed in that Article on 16th October 2026.

Thes provisions in the 2026 Act which are brought into operation by Article 2 either amend existing provisions in, or insert new provisions into, the Insolvency (Northern Ireland) Order 1989 ("the 1989 Order"), the Company Directors Disqualification (Northern Ireland) Order 2002 ("the 2002 Order") and the Insolvent Partnerships Order (Northern Ireland) 1995 ("the 1995 Order").

Some of the provisions in the 2026 Act which are brought into operation by Article 2 also include minor amendments to legislation other than the 1989, the 2002 and the 1995 Orders. Section 93 includes amendments to the Insolvency (Northern Ireland) Order 2005 and the Insolvency (Amendment) Act (Northern Ireland) 2016. Among the provisions in Schedule 3 which are brought into operation are paragraph 9, which includes an amendment to the Small Business, Enterprise and Employment Act 2015, paragraph 14(4) which amends the Youth Justice and Criminal Evidence Act 1999, paragraph 16(2) which amends both the Criminal Justice (Northern Ireland) Order 1994 and the Insolvency (Northern Ireland) Order 1989 (Amendment No. 2) Regulations (Northern Ireland) 2002, and paragraph 19 which amends the Insolvency (Northern Ireland) Order 2005.

Article 3 brings into operation the provisions of the 2026 Act listed in that Article on 24th December 2026.

The provisions which are brought into operation by Article 3 are in Schedules 3 and 4 to the 2026 Act.

The provisions in Schedule 3 which are brought into operation are paragraphs 3, 4, 7 and 8. Paragraphs 3 and 4 amend the 1989 Order. Paragraph 7 amends the 2002 Order and makes a minor consequential amendment to the Rating (Coronavirus) and Directors Disqualification (Dissolved Companies) Act 2021. Paragraph 8 amends the Insolvent Companies (Reports on Conduct of Directors) Rules (Northern Ireland) 2003.

Article 4 provides for the partial commencement of the provisions listed in that Article on 16th October 2026 for the purpose of enabling the exercise of delegated powers or the preparation and issue of statutory guidance.

Article 5 contain transitional provisions.

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