

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

P R A C T I C E D I R E C T I O N

1994 NO 4

INDIVIDUAL INSOLVENCY: INDIVIDUAL VOLUNTARY ARRANGEMENT ORDERS  
WITHOUT ATTENDANCE OF PARTIES

(1) Without wishing to discourage attendance, but with a view to saving time and costs, the Master will, from the appointed day, normally be prepared, on request, to make orders in individual voluntary arrangement matters under Part VIII Chapter II of the Insolvency (Northern Ireland) Order 1989 (the 1989 Order') without the attendance of the parties or their representatives, in accordance with the following provisions.

(2) This procedure will apply only if a request pursuant to paragraph (J) hereof is lodged in court, and:

(a) the nominee's signed consent to act includes either (i) an express waiver of his right to notice of the application under Rule 5.06(4)(c) of the Insolvency Rules (Northern Ireland) 1991 (the 1991 Rules'), or (ii) an express consent to the making or extending of an interim order without his attendance;

(b) no bankruptcy order is in force against the debtor;

(c) no bankruptcy petition is outstanding against the debtor.

(d) the applicant's proposal complies with Rule 5.04 of the 1991 Rules and is drawn in terms which are clear and unambiguous (and practitioners are reminded about Rule 5.04(3) of the 1991 Rules);

(e) the nominee's report complies with Article 230(1) of the 1989 Order and Rule 5.13 of the 1991 Rules

(f) the chairman's report complies with Article 233 of the 1989 Order and Rule 5.25 of the 1991 Rules,

(g) no aspect of the matter is in dispute;

(h) the parties have not been notified by the court that their attendance is required.

(3) A request for the making of orders without the attendance of the parties shall be made in the form prescribed in the Schedule hereto and shall be lodged with, or incorporated in, the application for an interim order.

(4) Subject to paragraph (2) hereof, where such a request has been duly lodged in court and the parties have not been notified by the court that their attendance is required, the case will not appear in the Daily List and will proceed as follows:

(i) on an application for an interim order, a 14-day order will be granted and the application will be adjourned for 14 days for consideration of the nominee's report.

(ii) on consideration of a nominee's report expressing his opinion that a meeting of creditors should be summoned, a standard order will be made extending the interim order to a date three weeks after the proposed meeting of creditors and adjourning the application to that date for consideration of the report of the chairman of the meeting.

(iii) On an application for an interim order accompanied by a report of the nominee of the kind mentioned in paragraph (4)(ii) hereof and his comments on the debtor's proposal pursuant to Rule 5.13 (3) of the 1991 Rules, a "concertina" order combining the orders referred to in paragraphs (4) (i) and (ii) hereof will be made.

(iv) On consideration of a chairman's report from which it appears that the debtor's proposal has been approved with or without modifications, the court will formally record that it makes no further order.

(v) Sealed copies of the orders made in the above instances will be sent by the court by first class post to the applicant in accordance with Rule 5.05 (1) (a) of the 1991 Rules, or, where appropriate, in accordance with Rule 0.4 of the 1991 Rules, to his solicitor.

(5) Practitioners are reminded that, when a document is filed following the presentation of an application to the court, the correct case or file number, code and year should appear at the top right-hand corner. A note should also be attached stating the date and time of the next "hearing", if any.

(6) The appointed day for the purpose of this Practice Note shall be 5 September 1994.

#### S C H E D U L E

(Form of request for orders without the attendance of the parties)

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

Title and parties as *in* application for interim order

I HEREBY APPLY for orders in this matter pursuant to Practice Note 1994 No 3 without the attendance of the parties or their representatives and for this purpose I HEREBY CERTIFY that the matter and this application fully comply with all the several requirements of the said Practice Note.

**SIGNED** \_\_\_\_\_

”  
(Solicitor for] the Applicant

Applicant's [Solicitor's] telephone number:

Name of person in Solicitor's office having carriage:

Solicitor's reference:

To: The Master (Bankruptcy)  
Royal Courts of Justice  
Chichester Street  
BELFAST BT1 3JF.

A handwritten signature in black ink, appearing to read 'J Basil C Glass', written in a cursive style.

J Basil C Glass  
MASTER (BANKRUPTCY)  
DATED: 23 **June** 1994.