

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

P R A C T I C E   N O T E

1995 No 3

INSOLVENCY : BANKRUPTCY : DIMISSAL OR WITHDRAWAL OF BANKRUPTCY  
 PETITION : ANNULLMENT OF BANKRUPTCY ORDER : VACATION OF  
 REGISTRATION AT THE REGISTRY OF DEEDS : CANCELLATION OF ENTRY AT  
 THE LAND REGISTRY : SOLICITOR HAVING AUTHORITY TO ACCEPT SERVICE  
 OF COPIES ORDER AND MASTER'S CERTIFICATE TO COMPLETE VACATION OR  
 CANCELLATION

Practitioners are reminded that under the Insolvency Rules (Northern Ireland) 1991, where a person has indicated that his solicitor is authorised to accept service on his behalf, any notice or other document required or authorised to be given to that person under the Insolvency (Northern Ireland) Order 1989, or those Rules, may be given instead to his solicitor: see Insolvency Rule 0.4.

Such an indication may be given for this purpose by filing in the Bankruptcy and Companies Office a written authority, in the form shown in the Schedule hereto, completed and signed by the debtor.

This provision may be found of particular assistance in those cases where by the Insolvency Rules the onus is placed on a debtor to ensure that the registration of a bankruptcy petition and/or a bankruptcy order at the Registry of Deeds is vacated, or, if notice thereof has been given to the Registrar of Titles, the entry relating thereto in the relevant folio at the Land Registry is cancelled. In such cases, although the debtor's attention is drawn to this by a note endorsed on the order made by the court under Insolvency Rules 6.024(1), 6.024(3), 6.040(1), 6.040(3) or 6.211, as the case may be, and it is clearly in his interest to attend to it promptly, sometimes he does not do so and the 'blot' on the title is not discovered until a transaction or dealing affecting the debtor's property is pending sometime later and the copies of the order sent by the court to the debtor have been mislaid. This situation may be avoided if the debtor's solicitor is expressly authorised to accept service on his client's behalf of the copies of the order and the Master's certificate and instructed, on receipt of them, to complete the vacation of the registration at the Registry of Deeds or the cancellation of the entry in the relevant folio at the Land Registry, as the case may be.

S C H E D U L E

Solicitor's authority

[Insert here the record number, heading and title of the proceedings to which the authority relates]

I [insert here the full name and address of the debtor] HEREBY

INSTRUCT AND AUTHORISE my solicitor(s) [insert here the full name and address of the solicitor(s)] to accept on my behalf service of two sealed copies of any order made by the court under Rule [insert here the number of the relevant Rule] of the Insolvency Rules (Northern Ireland) 1991 together with the certificate required by section 3(4) of the Registration of Deeds Act (Northern Ireland) 1970, as applied by section 3A(3) of that Act, signed by the Master, and, on receipt of same, to complete on my behalf the vacation of the registration of the bankruptcy petition and/or bankruptcy order in this matter at the Registry of Deeds or the cancellation of any entry relating thereto at the Land Registry, as the case may be.

SIGNED.....  
[insert here the full name of the debtor]

DATE:.....199 .

Filed on behalf of the debtor by his solicitor(s) [insert here the full name and address of the solicitor(s)].



J Basil C Glass  
MASTER (BANKRUPTCY)

DATE: 30 June 1995