

BANKRUPTCY AND COMPANIES MASTER'S COURT

NEW CREDITORS' WINDING UP PETITIONS

COVID - 19 Guidance

13 March 2023

This guidance supplements the Masters' Courts guidance available on the JudiciaryNI website.

New creditors' winding up petitions which meet the criteria set out below may be presented from **Monday 17th April 2023**. Practitioners should read the following carefully and ensure that it is fully understood. They should also bear in mind that petitions can only be processed and listed in accordance with court resources. Delays in listing may arise, particularly if petitions are presented in significant numbers. Client expectation should be managed accordingly.

The new protocol: Requirements, hearings, and final orders

1. Requirements

For the time being, only petitions meeting the following criteria will be accepted for presentation:

- (i) The petition is in the new form contained within the provisions of The Insolvency (Amendment) Rules (Northern Ireland) 2023; **AND**
- (ii) The subject debt, both at the formal demand and petition stage, arises from a court judgment, decree or other court similar court order (e.g., a Certificate of Taxation, Tribunal Award). The relevant court order **MUST** accompany the petition for checking by court staff when the petition is presented. The only exception to this is HMRC petitions as tax determinations arise on foot of the relevant tax legislation (i.e. by operation of statute); **AND**
- (iii) The petition is grounded on a formal demand made on or after the date of this Notice.

Petitions which do not comply with the above will not be accepted by the court office.

2. Hearings

Petitions will be heard remotely. The remote platform currently available is WebEx. **Parties must not attend court** on the date and time given for the hearing of the petition.

3. Final Orders

Final orders will only be made on foot of petitions where the Master is satisfied that it is right and just in all the circumstances to do so.

Additional guidance on hearings will appear in updated Masters' Courts guidance available on the JudiciaryNI website.

MASTER KELLY