

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 3

INSOLVENCY: BANKRUPTCY: BANKRUPTCY ORDER: BANKRUPT'S
APPLICATION TO STAY ADVERTISING: CIRCUMSTANCES IN WHICH
EXPEDITED APPLICATION MAY BE MADE

Unless the court directs to the contrary, the Official Receiver must promptly comply with the obligations imposed by Rules 6.031 (2) or 6.043 (2), as the case may be, of the Insolvency Rules (Northern Ireland) 1991 (the 1991 Rules').

Ordinarily, an application for an order staying the action of the Official Receiver under the applicable Rule (herein referred to as an 'application to stay advertising') is listed for hearing before the Master at the first available date, subject to due notice being given to the notice parties in accordance with the provisions of Rule 7.08 of the 1991 Rules. In practice, if the fact of short notice is not in issue, this usually results in a hearing three or four days after the filing of the application.

There are occasions when, because of the imminence of the date by which the Official Receiver must complete arrangements for inserting advertisements of the bankruptcy order in the Belfast Gazette and a local newspaper, or otherwise, there may be a need for an expedited hearing. The purpose of this Note is to make specific provision for, and regulate, a procedure for an expedited hearing in certain limited circumstances.

Accordingly, with effect from 5 September 1994, in a case which appears to be one of extreme urgency, where there has been no delay on the part of the bankrupt or his solicitor in bringing the application, and where the evidence grounding the parallel substantive application to annul or rescind the bankruptcy order is such that there is a very strong probability that that application will be successful, then, at the request of the bankrupt's solicitor, and, subject to the Official Receiver consenting to accept short notice, but without prejudice to the court's discretion to refuse: (a) to permit an expedited hearing, or (b) to grant the application to stay advertising, or (c) to grant the parallel substantive application to annul or rescind the bankruptcy order, the application to stay advertising will be listed for hearing as soon as the then current business of the court permits and, if possible, within one hour of the filing of the application.



J Basile Glass
MASTER (BANKRUPTCY)

DATED: 23 June 1994