



INTRODUCTION

1. The Law Society of Northern Ireland (the “Society”) is the professional body for solicitors, regulating and representing all solicitors in Northern Ireland.
2. The Society represents c.3000 solicitors working throughout Northern Ireland in approximately 450 firms in the private sector, practitioners in the public sector, in business and in the community and voluntary sector. Members of the Society thus represent members of the public, small, medium, and large enterprises, government bodies and charities; making the Society uniquely placed to offer constructive comment on policy and law reform proposals across a broad range of topics.

CALL FOR EVIDENCE – INSOLVENCY (AMENDMENT) BILL

3. The Society submitted a response to the consultation regarding the Insolvency (Amendment) Bill in December 2024. The Society welcomes the objective to update insolvency legislation, including bringing parity with provisions in England and Wales and in this Call for Evidence, has no substantive further comments to add to its initial consultation response. The Society had raised one matter regarding Statements of Affairs. This was not an objection but rather noting a potential gap in changing the current statutory basis from mandatory in all cases to when requested by the Official Receiver.
4. In relation to the proposal to change Statements of Affairs provisions from being mandatory in all cases to when requested by the Official Receiver, the Insolvency Service contacted the Society to note that in practice, the Insolvency Service utilised the Preliminary Enquiries Questionnaire, a non-statutory form rather than the Statement of Affairs. In 2023-2024 the Insolvency Service did not request or use any Statements of Affairs when processing bankruptcy cases.
5. Under Article 261 of the Insolvency (Northern Ireland) Order 1989, a bankrupt is required to submit a Statement of Affairs within 21 days of bankruptcy commencing. A failure to do so is a contempt of court. Where the Preliminary Enquiries Questionnaire is concerned, providing false information would constitute an offence under Article 10 of the Perjury (Northern Ireland) Order 1979.
6. The Society notes that the Insolvency Service is satisfied with the use in practice of the Preliminary Enquiries Questionnaire. The consultation response from the Society noted potential legal arguments by a bankrupt on the basis of using a non-statutory Preliminary Enquiries Questionnaire rather than the statutory Statement of Affairs, the criminal offence occurring in the provision of false



information in the Questionnaire rather than a failure to return within the 21 days. Arguments could also be commenced based on a bankrupt making a claim that the request to provide a Preliminary Enquiries Questionnaire was not received.

7. It would be for the Insolvency Service to confirm that it is satisfied that there are sufficient mechanisms in place and appropriate statutory safeguards to ensure that full financial disclosure takes place to allow the bankruptcy process to complete without delay or added administrative burden to receive all required financial information.
8. In relation to other aspects of the proposed Bill, the Society would also support ensuring safeguards for creditor inclusivity in digital processes where creditors who do not have digital assets are concerned.
9. More generally, on passing this Bill, the Society would also strongly support practitioner education and support when implementing any changes to allow any changes to be bedded in successfully.

The Law Society of Northern Ireland
29 September 2025