



2011 CHAPTER 16

PART 4

ENFORCEMENT

*Post-conviction powers*

**Termination of disqualification under section 33 or 41**

**42.—**(1) A person who is disqualified by virtue of an order under section 33 or 41 may apply to the court which made the order for the termination of the order.

- (2) No application under subsection (1) may be made—
- (a) before the end of the period of one year beginning with the date on which the order is made,
  - (b) where a previous application under that subsection has been made in relation to the same order, before the end of the period of one year beginning with the date on which the previous application was determined, or
  - (c) before the end of any period specified under section 33(6), 41(3) or subsection (5) of this section in relation to the order.
- (3) On an application under subsection (1), the court may—
- (a) terminate the disqualification,
  - (b) vary the disqualification so as to make it less onerous, or
  - (c) refuse the application.

(4) When determining an application under subsection (1), the court must have regard to the character of the applicant, the conduct of the applicant since the imposition of the disqualification and any other circumstances of the case.

(5) Where the court refuses an application under subsection (1), it may specify a period during which the applicant may not make a further application under that subsection in relation to the order concerned.

(6) The court may order an applicant under subsection (1) to pay all or part of the costs of the application.