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STATUTORY INSTRUMENTS

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**2005 No. 1455**

**The Insolvency (Northern Ireland) Order 2005**

*Individuals*

**Disqualification for office: general**

24.—(1) A Northern Ireland department may make, subject to affirmative resolution, an order under this Article in relation to a disqualification provision.

(2) A “disqualification provision” is a provision which disqualifies (whether permanently or temporarily and whether absolutely or conditionally) a bankrupt or a class of bankrupts from—

- (a) being elected or appointed to an office or position,
- (b) holding an office or position, or
- (c) becoming or remaining a member of a body or group.

(3) In paragraph (2) the reference to a provision which disqualifies a person conditionally includes a reference to a provision which enables him to be dismissed.

(4) An order under paragraph (1) may repeal or revoke the disqualification provision.

(5) An order under paragraph (1) may amend, or modify the effect of, the disqualification provision—

- (a) so as to reduce the class of bankrupts to whom the disqualification provision applies;
- (b) so as to extend the disqualification provision to some or all individuals who are subject to a bankruptcy restrictions regime;
- (c) so that the disqualification provision applies only to some or all individuals who are subject to a bankruptcy restrictions regime;
- (d) so as to make the application of the disqualification provision wholly or partly subject to the discretion of a specified person, body or group.

(6) An order by virtue of paragraph (5)(d) may provide for a discretion to be subject to—

- (a) the approval of a specified person or body;
- (b) appeal to a specified person or body.

(7) An order by virtue of paragraph (5)(d) made with the concurrence of the Lord Chancellor may provide for a discretion to be subject to appeal to a specified court or tribunal.

(8) The Northern Ireland department making the order may specify itself for the purposes of paragraph (5)(d) or (6)(a) or (b).

(9) In this Article “bankrupt” means an individual—

- (a) who has been adjudged bankrupt by the High Court in Northern Ireland or by a court in England and Wales,
- (b) whose estate has been sequestrated by a court in Scotland, or
- (c) who has made an agreement with creditors of his for a composition of debts, for a scheme of arrangement of affairs, for the grant of a trust deed or for some other kind of settlement or arrangement.

- (10) In this Article “bankruptcy restrictions regime” means an order or undertaking—
- (a) under Schedule 2A to the 1989 Order (bankruptcy restrictions orders),
  - (b) under Schedule 4A to the Insolvency Act 1986 (c. 45) (corresponding provision in England and Wales), or
  - (c) under any system operating in Scotland which appears to the Northern Ireland department making the order to be equivalent to the system operating under Schedule 2A of the 1989 Order.
- (11) In this Article—
- “body” includes, except in paragraph (2)(c), the Assembly, and
- “provision” means any statutory provision—
- (a) which deals with a transferred matter within the meaning of the Northern Ireland Act 1998 (c. 47), and
  - (b) which was passed or made before the day appointed for the coming into operation of this Article.
- (12) An order under this Article—
- (a) may make provision generally or for a specified purpose only,
  - (b) may make different provision for different purposes, and
  - (c) may make transitional, consequential or incidental provision.