

2008 No. 94

INSOLVENCY

**The Insolvency (Disqualification from Office: General) Order
(Northern Ireland) 2008**

Made - - - - - *6th March 2008*

Affirmed by resolution of the Assembly on *12th May 2008*

Coming into operation in accordance with Article 1

The Department of Enterprise, Trade and Investment makes the following Order in exercise of the powers conferred by Article 24 of the Insolvency (Northern Ireland) Order 2005(a).

Citation and commencement

1. This Order may be cited as the Insolvency (Disqualification from Office: General) Order (Northern Ireland) 2008 and shall come into operation on the day after the day on which it is affirmed by resolution of the Assembly.

Amendment to disqualification provisions

2. The Schedule (which amends or modifies the effect of disqualification provisions) shall have effect.

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 6 March 2008



Michael J Bohill

A senior officer of the Department of Enterprise, Trade and Investment

PART 1

PRIMARY LEGISLATION

The Livestock Marketing Commission Act (Northern Ireland) 1967

1. In paragraph 1(4)(a) of Part II of the Schedule (membership of the Commission) to the Livestock Marketing Commission Act (Northern Ireland) 1967(a), after “creditors” insert “or is the subject of a bankruptcy restrictions order”.

The Recreation and Youth Service (Northern Ireland) Order 1986

2. In paragraph 2(2)(b) of Part I of Schedule 1 (constitution of the Sports Council) to the Recreation and Youth Service (Northern Ireland) Order 1986(b), after “creditors” insert “or is the subject of a bankruptcy restrictions order”.

The Armagh Observatory and Planetarium (Northern Ireland) Order 1995

3. In paragraph 3(3)(b) of Schedule 1 (Governors) to the Armagh Observatory and Planetarium (Northern Ireland) Order 1995(c), after “creditors” insert “or is the subject of a bankruptcy restrictions order”.

The Arts Council (Northern Ireland) Order 1995

4. In paragraph 4(2)(b) of the Schedule (membership of the Arts Council) to the Arts Council (Northern Ireland) Order 1995(d), after “creditors” insert “or is the subject of a bankruptcy restrictions order”.

The Pensions (Northern Ireland) Order 1995

5. In Article 29 (persons disqualified for being trustees) of the Pensions (Northern Ireland) Order 1995(e)—

- (a) in paragraph (1)(b), after the word “discharged” insert “or he is the subject of a bankruptcy restrictions order”; and
- (b) in paragraph (2)(b), after the word “sequestration” insert “or the making of the bankruptcy restrictions order”.

The Museums and Galleries (Northern Ireland) Order 1998

6. In paragraph 4(2)(b) of Schedule 1 (trustees) to the Museums and Galleries (Northern Ireland) Order 1998(f), after “creditors” insert “or is the subject of a bankruptcy restrictions order”.

(a) 1967 c. 21 (N.I.)
(b) S.I. 1986/2232 (N.I. 25)
(c) S.I. 1995/1622 (N.I. 7)
(d) S.I. 1995/1623 (N.I. 8)
(e) S.I. 1995/3213 (N.I. 22)
(f) S.I. 1998/261 (N.I. 2)

PART 2
SECONDARY LEGISLATION

The National Board for Nursing, Midwifery and Health Visiting for Northern Ireland (Constitution and Administration) Order (Northern Ireland) 1993

7.—(1) The Schedule (disqualification for appointment to the Board) to the National Board for Nursing, Midwifery and Health Visiting for Northern Ireland (Constitution and Administration) Order (Northern Ireland) 1993(a) shall be amended as follows.

(2) In paragraph 1(1)(d) after the word “bankrupt” insert “or is the subject of a bankruptcy restrictions order”.

(3) After paragraph 1(2) insert—

“(2A) Where a person is disqualified under paragraph 1(1)(d) because he has been adjudged bankrupt, the disqualification shall cease—

(a) unless the bankruptcy order made against that person is previously annulled, on his discharge from bankruptcy: and

(b) if the bankruptcy order is so annulled, on the date of the order of annulment.

(2B) Where a person is disqualified under paragraph 1(1)(d) because he has made a composition or arrangement with his creditors his disqualification shall cease on his discharge from the composition or arrangement.”.

The Health and Personal Social Services General Dental Services Regulations (Northern Ireland) 1993

8. In paragraph 6(b) of Schedule 8 (membership of the Dental Committee) to the Health and Personal Social Services General Dental Services Regulations (Northern Ireland) 1993(b) substitute—

“(b) is the subject of a bankruptcy restrictions order.”.

The Health and Social Services Trusts (Membership and Procedure) Regulations (Northern Ireland) 1994

9.—(1) The Health and Social Services Trusts (Membership and Procedure) Regulations (Northern Ireland) 1994(c) shall be amended as follows.

(2) For regulation 11(1)(b) (disqualification for appointment of chairman and non-executive directors) substitute—

“(b) he is the subject of a bankruptcy restrictions order;”.

(3) In regulation 12 (cessation of disqualification) omit paragraphs (1) and (2).

The Northern Ireland Social Care Council (Appointments and Procedure) Regulations (Northern Ireland) 2001

10.—(1) The Northern Ireland Social Care Council (Appointments and Procedure) Regulations (Northern Ireland) 2001(d) shall be amended as follows.

(2) In regulation 4 (disqualification for appointment)—

(a) for paragraph (1)(b) substitute—

“(b) a person who is the subject of a bankruptcy restrictions order;”;

(a) S.R. 1993 No. 115
(b) S.R. 1993 No.326
(c) S.R. 1994 No. 63
(d) S.R. 2001 No. 313

(b) omit paragraphs (3) and (4).

(3) In regulation 6(6) (termination of tenure of office of chairman and members), for the words “is adjudged bankrupt or makes a composition or arrangement with his creditors” substitute “becomes the subject of a bankruptcy restrictions order”.

The Northern Ireland Practice and Education Council for Nursing and Midwifery (Appointments and Procedure) Regulations (Northern Ireland) 2002

11.—(1) The Northern Ireland Practice and Education Council for Nursing and Midwifery (Appointments and Procedure) Regulations (Northern Ireland) 2002(a) shall be amended as follows.

(2) In regulation 4 (disqualification for appointment)—

(a) for paragraph (1)(b) substitute—

“(b) a person who is the subject of a bankruptcy restrictions order”;

(b) omit paragraphs (3) and (4).

(3) In regulation 6(6) (termination of tenure of office of chairman and members), for the words “is adjudged bankrupt or makes a composition or arrangement with his creditors” substitute “becomes the subject of a bankruptcy restrictions order”.

The Regulation and Improvement Authority (Appointments and Procedure) Regulations (Northern Ireland) 2004

12.—(1) The Regulation and Improvement Authority (Appointments and Procedure) Regulations (Northern Ireland) 2004(b) shall be amended as follows.

(2) In regulation 4 (disqualification for appointment)—

(a) for paragraph (1)(b) substitute—

“(b) a person who is the subject of a bankruptcy restrictions order”;

(b) omit paragraphs (3) and (5).

(3) In regulation 6(6) (termination of tenure of office of chairman and members), for the words “is adjudged bankrupt or makes a composition or arrangement with his creditors” substitute “becomes the subject of a bankruptcy restrictions order”.

(a) S.R. 2002 No. 386
(b) S.R. 2004 No. 37

EXPLANATORY NOTE

(This note is not part of the Order)

Individuals who are bankrupt may be prevented by certain statutory provisions (“disqualification provisions”) from being elected or appointed to, or holding, an office or position, or from becoming or remaining a member of a body or group. Article 24 of the Insolvency (Northern Ireland) Order 2005 confers a power to amend such a disqualification provision so that as well as, or instead of, it applying to individuals who are bankrupt it applies to individuals who are subject to a bankruptcy restrictions regime.

The Schedule to this Order amends certain disqualification provisions.

A regulatory impact assessment has not been produced for this Order as it has no impact on the costs of business.