

2010 No. 184

COMPANIES

The Companies (Disqualification Orders) Regulations (Northern Ireland) 2010

Made - - - - - *17th May 2010*

Coming into operation - *18th June 2010*

The Department of Enterprise, Trade and Investment^(a) makes the following Regulations in exercise of the powers conferred upon it by Article 22(1) of the Company Directors Disqualification (Northern Ireland) Order 2002^(b).

Citation and commencement

1. These Regulations may be cited as the Companies (Disqualification Orders) Regulations (Northern Ireland) 2010 and shall come into operation on 18th June 2010.

Interpretation

2. In these Regulations—

“disqualification order” means an order of the court under any of Articles 5 to 9, 11, 13A and 14 of the Order;

“disqualification undertaking” means an undertaking accepted by the Department under Article 10, 11 or 13B of the Order;

“grant of leave” means a grant by the High Court of leave to any person in relation to a disqualification order or a disqualification undertaking for the purposes of Article 3(1)(a), 4(1)(a) or 13B(4) of the Order;

“the Order” means the Company Directors Disqualification (Northern Ireland) Order 2002.

Revocation

3. The Companies (Disqualification Orders) Regulations (Northern Ireland) 2003^(c) are hereby revoked.

Application

4. These Regulations apply—

(a) in relation to a disqualification order made after the coming into operation of these Regulations; and

(a) Formerly the Department of Economic Development; S.I. 1999/283 (N.I. 1), Article 3(5)

(b) S.I. 2002/3150 (N.I. 4), as amended by the Company Directors Disqualification (Amendment) (Northern Ireland) Order 2005 S.I. 2005/1454 (N.I. 9).

(c) S.R. 2003 No.347

- (b) in relation to—
 - (i) a grant of leave made after the coming into operation of these Regulations; or
 - (ii) any action taken by a court after the coming into operation of these Regulations in consequence of which a disqualification order or a disqualification undertaking is varied or ceases to be in force,

whether the disqualification order or disqualification undertaking to which the grant of leave or the action relates was made by the court or accepted by the Department before or after the coming into operation of these Regulations.

Forms

5.—(1) The form set out in Schedule 1 is the form prescribed for the purpose of Article 22(1)(a) of the Order where the person against whom the disqualification order is made is an individual, and the particulars contained therein are the particulars prescribed for that purpose.

(2) The form set out in Schedule 2 is the form prescribed for the purpose of Article 22(1)(a) of the Order where the person against whom the disqualification order made is a body corporate and the particulars contained therein are the particulars prescribed for that purpose.

(3) The form set out in Schedule 3 is the form prescribed for the purpose of Article 22(1)(c) and (d) of the Order where a grant of leave is made by the High Court in relation to a disqualification order or a disqualification undertaking, and the particulars contained therein are the particulars prescribed for that purpose.

(4) The form set out in Schedule 4 is the form prescribed for the purpose of Article 22(1)(b) of the Order where any action is taken by a court in consequence of which a disqualification order is or a disqualification undertaking is varied or ceases to be in force, and the particulars contained therein are the particulars prescribed for that purpose.

Time for delivery of particulars

6. The time within which the clerk of the court is to furnish to the Department and to the Secretary of State the particulars prescribed by regulation 5 is the period of 14 days beginning with the day on which the disqualification order or grant of leave is made, or on which action is taken by the Court in consequence of which the disqualification order or disqualification undertaking is varied or ceases to be in force.

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 17th May 2010.



Michael J. Bohill

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

SCHEDULE 1

In accordance with the Companies (Disqualification Orders) Regulations (Northern Ireland) 2010.

DQ01n

Disqualification order against an individual in Northern Ireland



✓ **What this form is for**
You may use this form to give notice of a disqualification order against an individual in Northern Ireland.

✗ **What this form is NOT for**
You cannot use this form to file a disqualification order against a corporate body or firm in Northern Ireland. To do this, please use form DQ02n 'Disqualification order against a corporate body or firm in Northern Ireland'.

1 Disqualification Order (Northern Ireland) 2002

Please tick the Article of the Company Directors Disqualification (Northern Ireland) Order (CDDNIO) 2002 under which the order was made:

- | | | | |
|-----------------------------|------------------------------|-------------------------------|------------------------------|
| <input type="checkbox"/> A5 | <input type="checkbox"/> A6 | <input type="checkbox"/> A7 | <input type="checkbox"/> A8 |
| <input type="checkbox"/> A9 | <input type="checkbox"/> A11 | <input type="checkbox"/> A13A | <input type="checkbox"/> A14 |

→ **Filling in this form**
Please complete in typescript or in bold black capitals.

All fields are mandatory unless specified or indicated by *

2 Individual's details

Please give the name of the individual against whom the order was made.

Title *

Forename(s)

Surname

Date of birth

d	d	m	m	y	y	y	y
---	---	---	---	---	---	---	---

Nationality

3 Individual's address

Building name/
number

Street

Post town

County/Region

Postcode

Country

❗ **Address**
Please show the last known address of the disqualified director (e.g. as shown on documents submitted to the court).

4 Disqualification details									
Date of order ❶	<table border="1"> <tr> <td>d</td><td>d</td><td>m</td><td>m</td><td>y</td><td>y</td><td>y</td><td>y</td> </tr> </table>	d	d	m	m	y	y	y	y
d	d	m	m	y	y	y	y		
Period of disqualification ❷									
Disqualification start date ❸	<table border="1"> <tr> <td>d</td><td>d</td><td>m</td><td>m</td><td>y</td><td>y</td><td>y</td><td>y</td> </tr> </table>	d	d	m	m	y	y	y	y
d	d	m	m	y	y	y	y		
Company/LLP name ❹									
Case number									

❶ **Date of order**
Please enter the date on which the order was made.

❷ **Period of disqualification**
Please enter the period of disqualification specified in the order.

❸ **Disqualification start date**
Unless the court indicates otherwise, this will be 21 days from the date of the order.

❹ **Company/LLP name**
Please give the name(s) of the company(ies)/LLP(s) in respect of the conduct leading to disqualification.

5 Signature	
Signature	
Name/Position	
Court	

DQ01n

Disqualification order against an individual in Northern Ireland

 Presenter information
You do not have to give any contact information, but providing your contact details will assist Companies House if a query arises on the form.
Court Officer Contact
Court Name
Address
Post town
County/Region
Postcode
Country
DX
Telephone

 Checklist
We may return forms completed incorrectly or with information missing.
Please make sure you have remembered the following:
<input type="checkbox"/> You have indicated which Article of the CDDNIO applies in section 1.
<input type="checkbox"/> You have provided details of the individual as required by sections 2 and 3.
<input type="checkbox"/> You have completed the required information in section 4.
<input type="checkbox"/> You have signed the form.

 Where to send
When completed and signed, please send to: Secretary of State, C/O The Subpoena Clerk, The Registrar of Companies, Companies House, Crown Way, Cardiff, Wales, CF14 3UZ. DX 33050 Cardiff.
Also send a copy to the Department of Enterprise, Trade and Investment, Insolvency Service, Fermanagh House, Ormeau Avenue, Belfast, BT2 8NJ.

SCHEDULE 2

In accordance with the Companies (Disqualification Orders) Regulations (Northern Ireland) 2010.

DQ02n

Disqualification order against a corporate body in Northern Ireland



✓ **What this form is for**
You may use this form to give notice of a disqualification order against a corporate body in Northern Ireland.

✗ **What this form is NOT for**
You cannot use this form to file a disqualification order against an individual in Northern Ireland. To do this, please use form DQ01n 'Disqualification order against an individual in Northern Ireland'.

1 Disqualification Order (Northern Ireland) 2002

Please tick the Article of the Company Directors Disqualification (Northern Ireland) Order (CDDNIO) 2002 under which the order was made:

- A5 A6 A7 A8
 A9 A11 A13A A14

→ **Filling in this form**
Please complete in typescript or in bold black capitals.

All fields are mandatory unless specified or indicated by *

2 Corporate details

Please give the name of the corporate body against whom the order was made.

Corporate body name

Registered number (if any)

Country of registration

3 Address ①

Building name/number

Street

Post town

County/Region

Postcode

Country

① **Registered or principal address**
Please enter the address of the registered or principal office in Northern Ireland of the corporate body at the date of the order.

4

Disqualification details

Date of order ❶

d	d	m	m	y	y	y	y
---	---	---	---	---	---	---	---

Period of disqualification ❷

--	--	--	--	--	--	--	--

Disqualification start date ❸

d	d	m	m	y	y	y	y
---	---	---	---	---	---	---	---

Company/LLP name ❹

--	--	--	--	--	--	--	--

Case number

--	--	--	--	--	--	--	--

- ❶ **Date of order**
Please enter the date on which the order was made.
- ❷ **Period of disqualification**
Please enter the period of disqualification specified in the order.
- ❸ **Disqualification start date**
Unless the court indicates otherwise, this will be 21 days from the date of the order.
- ❹ **Company/LLP name**
Please give the name(s) of the company(ies)/LLP(s) in respect of the conduct leading to disqualification.

5

Signature

Signature

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Name/Position

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Court

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DQ02n

Disqualification order against a corporate body in Northern Ireland

 Presenter information
You do not have to give any contact information, but providing your contact details will assist Companies House if a query arises on the form.
Court Officer Contact
Court name
Address
Post town
County/Region
Postcode
Country
DX
Telephone

 Where to send
When completed and signed, please send to: Secretary of State, C/O The Subpoena Clerk, The Registrar of Companies, Companies House, Crown Way, Cardiff, Wales, CF14 3UZ. DX 33050 Cardiff.
Also send a copy to the Department of Enterprise, Trade and Investment, Insolvency Service, Fermanagh House, Ormeau Avenue, Belfast, BT2 8NJ.

 Checklist
We may return forms completed incorrectly or with information missing.
Please make sure you have remembered the following:
<input type="checkbox"/> You have indicated which Article of the CDDNIO applies in section 1.
<input type="checkbox"/> You have provided details of the corporate body as required by sections 2 and 3.
<input type="checkbox"/> You have completed the required information in section 4.
<input type="checkbox"/> You have signed the form.

SCHEDULE 3

In accordance with the Companies (Disqualification Orders) Regulations (Northern Ireland) 2010.

DQ03n

Grant of leave in relation to a disqualification order or disqualification undertaking in Northern Ireland



✓ What this form is for
You may use this form to give notice of a grant of leave in relation to a disqualification order or disqualification undertaking in Northern Ireland.

✗ What this form is NOT for
You cannot use this form to give notice of a variation or cessation of a disqualification order or disqualification undertaking in Northern Ireland. To do this, please use form DQ04n 'Variation or cessation of a disqualification order or disqualification undertaking in Northern Ireland'.

1 Disqualification details

Disqualification order/undertaking date **❶**

d	d	m	m	y	y	y	y
---	---	---	---	---	---	---	---

Leave granted in relation to: **❷**

Disqualification order.
 Disqualification undertaking.

Name of the court **❸**

→ **Filling in this form**
Please complete in typescript or in bold black capitals.

All fields are mandatory unless specified or indicated by *

❶ Date of disqualification order/acceptance
Please enter the date of disqualification order or acceptance by the Department of Enterprise, Trade & Investment of undertaking in relation to which leave was granted.

❷ Please tick one box.

❸ Name of court
Please enter the name of the court which made the disqualification order in relation to which leave was granted.

2 Name of person to whom leave was granted

Title *

Forename(s) **❹**

Surname/Corporate name

Date of birth **❹**

d	d	M	m	y	y	y	y
---	---	---	---	---	---	---	---

Nationality **❹**

Registered number (if any)

Country of registration

❹ The forename(s), date of birth and nationality fields only need to be completed for an individual.

3**Name in which disqualification order was made**

Is the name in which the disqualification order was made different to that shown in section 2?

- **Yes** Please enter the name and relevant details below.
 → **No** Go to Section 4.

❶ The forename(s), date of birth and nationality fields only need to be completed for an individual.

Title *

Forename(s) ❶

Surname/Corporate name

Date of birth ❶

d	d	m	m	y	y	y	y
---	---	---	---	---	---	---	---

Nationality ❶

Registered number (if any)

4**Disqualification details**

Date on which leave was granted

Company/Limited Liability Partnership (LLP) name ❷

d	d	m	m	y	y	y	y
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❷ **Company/LLP name**
 Please give the name of the company or LLP in respect of which leave was granted. In the case of leave to promote or form a company or LLP, please give the proposed name or, if not available, a brief description of the activities of the intended company or LLP.

Expiry date of leave

d	d	m	m	y	y	y	y
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5**Activity for which leave was granted**

Please tick the appropriate box(es) to indicate the activity for which leave was granted.

- Promotion.
 Formation.
 Directorship or other participation in management of a company.
 Designated member/member or other participation in management of an LLP.
 Receivership in relation to a company or LLP.

6**Signature**

Signature

Name/Position

Court

DQ03n

Grant of leave in relation to a disqualification order or disqualification undertaking in Northern Ireland

 Presenter information
You do not have to give any contact information, but providing your contact details will assist Companies House if a query arises on the form.
Court Officer Contact
Court name
Address
Post town
County/Region
Postcode
Country
DX
Telephone

 Where to send
When completed and signed, please send to: Secretary of State, C/O The Subpoena Clerk, The Registrar of Companies, Companies House, Crown Way, Cardiff, Wales, CF14 3UZ. DX 33050 Cardiff.
Also send a copy to the Department of Enterprise, Trade and Investment, Insolvency Service, Fermanagh House, Ormeau Avenue, Belfast BT2 8NJ.

 Checklist
We may return forms completed incorrectly or with information missing.
Please make sure you have remembered the following:
<input type="checkbox"/> You have provided all the information required in section 1.
<input type="checkbox"/> You have given the name of the person to whom the leave is granted in sections 2 and/or 3.
<input type="checkbox"/> You have completed section 4 in full.
<input type="checkbox"/> You have ticked the relevant box(es) in section 5.
<input type="checkbox"/> You have signed the form.

SCHEDULE 4

In accordance with the Companies (Disqualification Orders) Regulations (Northern Ireland) 2010.

DQ04n

Variation or cessation of a disqualification order or disqualification undertaking in Northern Ireland



✓ What this form is for
You may use this form to give notice of a variation or cessation of a disqualification order or disqualification undertaking in Northern Ireland.

✗ What this form is NOT for
You cannot use this form to give notice of a grant of leave in relation to a disqualification order or disqualification undertaking in Northern Ireland. To do this, please use form DQ03n 'Grant of leave in relation to a disqualification order or disqualification undertaking in Northern Ireland'.

1 Disqualification details

Original disqualification order/undertaking date **1**

d	d	m	m	y	y	y	y
---	---	---	---	---	---	---	---

Variation or cessation of **2**

Disqualification order.
 Disqualification undertaking.

→ Filling in this form
Please complete in typescript or in bold black capitals.

All fields are mandatory unless specified or indicated by *

1 Date of disqualification order/undertaking
Please enter the date on which the disqualification order was originally made by the court or disqualification undertaking was accepted by the Department of Enterprise, Trade and Investment.

2 Variation or cessation
Please tick one box.

2 Name of person subject to disqualification order or disqualification undertaking

Title * _____

Forename(s) **3** _____

Surname/Corporate name _____

Date of birth **3**

d	d	M	m	y	y	y	y
---	---	---	---	---	---	---	---

Nationality **3** _____

Registered number (if any) _____

Country of registration _____

3 The forename(s), date of birth and nationality fields only need to be completed for an individual.

3 Details of the court

Name of the Court **4** _____

Date of action taken by the court

d	d	m	m	y	y	y	y
---	---	---	---	---	---	---	---

Case number _____

4 Please give the name of the court where action was taken to cease or vary the order or undertaking.

4 **Details of cessation or variation**

Please tick a box to indicate the result of the court's action. ❶

A. Order or undertaking ceased to be in force.
 B. Order or undertaking varied.

Did you tick B 'Order or undertaking varied'?

→ Yes Please complete section 5 'Order or undertaking varied'.
 → No Please go to section 6 'Signature'.

❶ Please tick one box.

5 **Order or undertaking varied**

Period of disqualification ❷
 Start date ❸

d	d	m	m	y	y	y	y
---	---	---	---	---	---	---	---

❷ **Period of disqualification**
 Please state the period of disqualification now specified in the order or undertaking.

❸ **Start date**
 Please insert the start date of the period of disqualification. Unless the Court ordered otherwise, the period of disqualification would have begun 21 days from the date of the original order.

6 **Signature**

Signature _____

Name/Position _____

Court _____

DQ04n

Variation or cessation of a disqualification order or disqualification undertaking in Northern Ireland

Presenter information

You do not have to give any contact information, but providing your contact details will assist Companies House if a query arises on the form.

Court Officer Contact

Court name

Address

Post town

County/Region

Postcode

Country

DX

Telephone

Checklist

We may return forms completed incorrectly or with information missing.

Please make sure you have remembered the following:

- You have provided the details of the original disqualification order or undertaking required in section 1.
- You have given the name of the person subject to the disqualification order or undertaking.
- You have completed section 3 of the form in full.
- You have ticked the box in section 4 to confirm whether the order or undertaking has been varied or ceased to be in force.
- You have signed the form.

Where to send

When completed and signed, please send to:

Secretary of State, C/O The Subpoena Clerk,
The Registrar of Companies, Companies House,
Crown Way, Cardiff, Wales, CF14 3UZ.
DX 33050 Cardiff.

Also send a copy to the Department of
Enterprise, Trade and Investment, Insolvency
Service, Fermanagh House, Ormeau Avenue,
Belfast, BT2 8NJ.

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations revoke and replace the Companies (Disqualification Orders) Regulations (Northern Ireland) 2003 (S.R. 2003 No. 347) (“the 2003 Regulations”). They come into operation on 18th June 2010, and apply to any disqualification order made after that date, and to any grant of leave or action taken by a court after that date in consequence of which a disqualification order or undertaking (whenever made or accepted) is varied or ceases to have effect.

The Company Directors Disqualification (Northern Ireland) Order 2002 (S.I. 2002/3150 (N.I. 4)) (“the Order”) gives specified courts power to make a disqualification order against and, gives the Department of Enterprise, Trade and Investment (“the Department”) power to accept an undertaking from, any person that, for a specified period, they will not—

- (a) without the leave of the court, be a director of a company, act as a receiver of a company’s property or in any way take part in the promotion, formation or management of a company; or
- (b) act as an insolvency practitioner.

These Regulations prescribe the particulars of—

- (c) disqualification orders;
- (d) the granting of leave in relation to such orders or disqualification undertakings; and
- (e) any action taken by a court in consequence of which such orders or undertakings are varied or cease to be in force;

which court clerks are required to furnish to the Department and the Secretary of State. They also prescribe the form, and time within which, such particulars are to be furnished.

Key changes from the 2003 Regulations are:

- (f) the forms in Schedules 1 to 4 have been amended so as to provide for particulars in relation to competition disqualification orders made under Article 13A of the Order to be furnished to the Department of Enterprise, Trade and Investment and the Secretary of State; and
- (g) the interpretation has been amended to take account of Articles 13A and 13B of the Order which deal with competition disqualification orders and undertakings.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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2010 No. 184

COMPANIES

The Companies (Disqualification Orders) Regulations (Northern
Ireland) 2010

£5.75