

EXPLANATORY MEMORANDUM TO

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

SR 2010 No. 184

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Enterprise, Trade and Investment ("the Department") to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Article 22(1) of the Company Directors Disqualification (Northern Ireland) Order 2002 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The purpose of these regulations is to prescribe the particulars of the making of disqualification orders, the granting of leave in relation to such orders or disqualification undertakings, and 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.
- 2.2. They also prescribe the form, and time within which, such particulars are to be furnished.

3. Background

- 3.1. These Regulations revoke and replace the Companies (Disqualification Orders) Regulations (Northern Ireland) 2003 (S.R. 2003 No. 347) ("the 2003 Regulations") and take into account certain changes which were introduced by the Company Directors Disqualification (Amendment) (Northern Ireland) Order 2005 (S.I.2005/1454 (N.I. 9) ("the 2005 Order"), which inserted 5 new Articles into the Company Directors Disqualification (Northern Ireland) Order 2002 (S.I. 2002/3150 (N.I. 4) ("the CDDO"). The effect of these new Articles was to enable the disqualification of company directors who have been involved in infringement of competition law.
- 3.2. Key changes from the 2003 Regulations are as follows:
- 3.3. 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 CDDO to be furnished to the Department and the Secretary of State; and
- 3.4. The interpretation has been amended to take account of Articles 13A and 13B of the CDDO which deal with competition disqualification orders and undertakings.

4. Consultation

- 4.1. No formal consultation has been undertaken in relation to these Regulations. A consultation exercise was carried out during the making of

the 2005 Order and no change to the Order was required following this exercise.

- 4.2. The changes made in this statutory rule, update administrative forms and procedures used by Government officials and clerks of the courts, who have been informed of the changes.

5. Equality Impact

- 5.1. An equality impact assessment has not been prepared as the Regulations do not have any differential impact in terms of equality.

6. Regulatory Impact

- 6.1. A Regulatory Impact Assessment has not been prepared as there is no impact on business, charities, social enterprise or voluntary bodies.

7. Financial Implications

- 7.1. There are no identifiable costs to the public or the Assembly.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. In the view of the Department, this Order is compatible with section 24 of the Northern Ireland Act 1998

9. EU Implications

- 9.1. Not applicable.

10. Parity or Replicatory Measure

- 10.1. These Regulations replicate what has been done in GB through provisions contained in the Companies (Disqualification Orders) Regulations 2009, as it is desirable to maintain parity insolvency legislation.

11. Additional Information

- 11.1. Not applicable.