

SCHEDULES

SCHEDULE 6

Article 13(3).

EFFECT OF BANKRUPTCY RESTRICTIONS ORDER AND UNDERTAKING

Disqualification for acting as receiver or manager

1. or Article 41 of the 1989 Order (receiver and manager: disqualification) substitute—

“Disqualification of bankrupt

41.—(1) A person shall be guilty of an offence if he acts as receiver or manager of the property of a company on behalf of debenture holders while—

- (a) he is an undischarged bankrupt, or
- (b) a bankruptcy restrictions order is in force in respect of him.

(2) This Article does not apply to a receiver or manager acting under an appointment made by the High Court.”.

Bankruptcy offences after discharge

2. After Article 321(3) of the 1989 Order (bankruptcy offences: general: no liability after discharge) insert—

“(3A) Paragraph (3) is without prejudice to any provision of this Chapter which applies to a person in respect of whom a bankruptcy restrictions order is in force.”.

3. At the end of Article 331 of the 1989 Order (obtaining credit and doing business) insert—

“(5) This Article applies to the bankrupt after discharge while a bankruptcy restrictions order is in force in respect of him.

(6) For the purposes of paragraph (1)(a) as it applies by virtue of paragraph (5), the relevant information about the status of the person in question is the information that a bankruptcy restrictions order is in force in respect of him.”.

Disqualification for acting as insolvency practitioner

4. At the end of Article 349 of the 1989 Order (disqualification for insolvency practitioner) insert—

“(5) A person is not qualified to act as an insolvency practitioner while a bankruptcy restrictions order is in force in respect of him.”.

Prohibition against involvement in company

5. For Article 15(1) of the [Company Directors Disqualification \(Northern Ireland\) Order 2002 \(NI 4\)](#) (bankrupt) substitute—

Draft Legislation: This is a draft item of legislation and has not yet been made as a UK Statutory Instrument.

“(1) It is an offence for a person to act as director of a company or directly or indirectly to take part in or be concerned in the promotion, formation or management of a company, without the leave of the High Court, at a time when—

- (a) he is an undischarged bankrupt, or
- (b) a bankruptcy restrictions order is in force in respect of him.”.