

---

STATUTORY INSTRUMENTS

---

**2009 No. 457**

**The Debt Relief Orders (Designation of  
Competent Authorities) Regulations 2009**

**PART II**

Approval of intermediaries

**Approval by competent authority**

**8.—**(1) A competent authority may approve an individual to act as an intermediary between a person wishing to make an application for a debt relief order and the official receiver subject as follows.

(2) An individual may be approved—

- (a) if the individual makes an application to a competent authority to be approved as an intermediary in accordance with the Act and these regulations; and
- (b) it appears to the competent authority that the individual is a fit and proper person to act as intermediary between a person wishing to make an application for a debt relief order and the official receiver.

**Ineligibility**

**9.** Individuals of any of the following descriptions are ineligible to be approved by a competent authority to act as intermediaries—

- (a) individuals convicted of any offence involving fraud or other dishonesty or violence whose convictions are not spent;
- (b) individuals who have committed any offence in any enactment contained in insolvency legislation;
- (c) individuals who, in the course of carrying on any trade, profession or vocation or in the course of the discharge of any functions relating to any office or employment have engaged in any deceitful or oppressive or otherwise unfair or improper practices, whether unlawful or not, or which otherwise cast doubt upon their probity;
- (d) individuals who have no experience, education or other training in the provision of debt management or debt counselling services;
- (e) individuals who have not acted with the independence, integrity and the skills appropriate to the proper performance of the duties of a provider of debt management or debt counselling services or of an approved intermediary;
- (f) undischarged bankrupts;
- (g) individuals in respect of whom there is or has been in force a bankruptcy restrictions order or undertaking or an interim bankruptcy restrictions order or undertaking or any

- bankruptcy restrictions order or undertaking made under the Insolvency (Northern Ireland) Order 1989(1) or the Bankruptcy (Scotland) Act 1985(2)
- (h) individuals to whom a moratorium period applies or in respect of whom a debt relief order or application for a debt relief order, has been made;
  - (i) individuals in respect of whom there is or has been in force a debt relief restrictions order or undertaking or an interim debt relief restrictions order or undertaking;
  - (j) individuals who are or have been subject to a disqualification order or undertaking accepted under the Company Directors Disqualification Act 1986(3) or to a disqualification order made under Part 11 of the Companies (Northern Ireland) Order 1989(4) or to a disqualification undertaking accepted under the Company Directors Disqualification (Northern Ireland) Order 2002(5)
  - (k) individuals who are patients within meaning of section 329(1) of the Mental Health (Care and Treatment) (Scotland) Act 2003(6) or have had a guardian appointed to them under the Adults with Incapacity (Scotland) Act 2000(7);
  - (l) individuals who lack capacity within the meaning of the Mental Health Capacity Act 2005(8) to act as intermediaries between a person wishing to make an application for a debt relief order and the official receiver;
  - (m) individuals who, subject to any exemption from the requirement to possess or be covered by a relevant consumer credit licence which would otherwise apply to or in relation to them, neither possess nor are validly covered by such a licence; and
  - (n) individuals who are not covered, either individually or by way of a group policy, by public liability or personal indemnity insurance.

#### **Applications to a competent authority for approval to act as intermediary**

**10.**—(1) Applications to a competent authority by an individual for approval to act as an intermediary shall be in writing and contain—

- (a) the individual's full name and address, date of birth and gender;
- (b) any name or names used by the applicant for any purpose, if different from the above;
- (c) a description of the individual's current occupation or activities;
- (d) a description giving reasons why the individual should be considered suitable for approval;
- (e) whether the individual is a member of a relevant body and if so which;
- (f) the individual's educational and professional qualifications;
- (g) the source of the individual's income and the individual's current financial status;
- (h) details of the individual's expertise in the provision of debt management or debt counselling services including details of any education, training and development which the individual has undergone and any qualifications the individual has acquired in connection with the provision of debt management or debt counselling services;
- (i) details of any consumer credit licence which the individual has in place or of any exemption claimed by him or her from the requirement to possess or be covered by such

---

(1) S.I. 1989/2405 (N.I. 19).  
(2) 1986 c.66.  
(3) 1986 c.46.  
(4) S.I. 1989/2404 (N.I. 18).  
(5) S.I.2002/3150 (N.I. 4).  
(6) 2003 asp 3.  
(7) 2000 asp 4.  
(8) 2005 c.9.

a licence (as the case may be), or, if none, how the individual proposes to secure that he or she has in place, or is validly covered by, a consumer credit licence;

- (j) details of any public liability or personal indemnity insurance which the individual has in place, or, if none, how the individual proposes to secure that he or she has in place, or is validly covered by, appropriate public liability or personal indemnity insurance;
- (k) copies of—
  - (i) documents confirming the individual’s name, address and date of birth;
  - (ii) material relating to the educational, training and development experience referred to in sub-paragraph (h);
  - (iii) material relating to the individual’s professional or other qualifications.

(2) In this regulation, “relevant body” means a body concerned with the regulation of persons who provide or ensure the provision of debt management or debt counselling services.

(3) The application may be accompanied by further information in support of the application; and the Secretary of State may request the applicant body to supply further information or evidence.

#### **Procedure for withdrawal of approval to act as intermediary**

**11.** A competent authority shall withdraw an approval to act as intermediary from any individual—

- (a) where the individual so requests or with the individual’s consent;
- (b) where it becomes clear to the competent authority after approval that the individual—
  - (i) was ineligible at the time of approval, or
  - (ii) has become ineligible for approval;
  - (iii) is at any time not or no longer a fit and proper person to act as intermediary;
  - (iv) has failed to comply with any provision of Part 7A of the Act or any rule, regulations or orders made under it, including these regulations;
  - (v) has furnished the competent authority with any false, inaccurate or misleading information.

(2) The competent authority may from time to time request an approved intermediary to supply such information or evidence about that intermediary or his or her activities as may be required by that authority for the purpose of ensuring that the requirements of these Regulations are being met.