
STATUTORY INSTRUMENTS

2009 No. 457

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

PART II

Approval of intermediaries

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

⁽¹⁾ S.I. 1989/2405 (N.I. 19).

⁽²⁾ 1986 c.66.

⁽³⁾ 1986 c.46.

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.

(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.