

These notes refer to the Insolvency (Amendment) Act (Northern Ireland) 2016 (c.2) which received Royal Assent on 29 January 2016

Insolvency (Amendment) Act (Northern Ireland) 2016

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 17: Recognised professional bodies: revocation of recognition

This section inserts new Articles 350L, 350M and 350N into the Insolvency Order. It relates to removal of a recognised professional body's recognition and subsequently, its ability to regulate and approve a person to act as an insolvency practitioner. The revocation of the recognition to authorise insolvency practitioners can be at the instigation of the Department (Article 350L) or at the instigation of the recognised professional body itself (Article 350N). At present, revocation of recognition is the only sanction available to the Department.

Currently, the Department is not required to follow a statutory procedure before revoking a recognised professional body's recognition. The new Articles inserted by this section introduce the conditions to be met before a revocation order is made, the procedure to be followed and the date from which a revocation order comes into effect. This section allows for two types of revocation order: a revocation order and a partial revocation order. Partial revocation of a body's recognition will mean that the recognised professional body is no longer recognised as capable of providing insolvency practitioners with both full and partial authorisation, only as capable of providing partial authorisations of the kind specified. Full authorisation enables individuals to act in relation to both company and personal insolvency, whilst partial authorisation enables individuals to act only in relation to either company or personal insolvency.