
STATUTORY INSTRUMENTS

2002 No. 3150

The Company Directors Disqualification (Northern Ireland) Order 2002

Miscellaneous and general

Admissibility in evidence of statements

23.—(1) In any proceedings (whether or not under this Order), any statement made in pursuance of a requirement imposed by or under Articles [F1 8A to 14, 17A] or 19 [F2 to 19C] or Schedule 1 or by or under rules made for the purposes of this Order under [F3 the Insolvency (Northern Ireland) Order 1989], may be used in evidence against any person making or concurring in making the statement.

(2) However, in criminal proceedings in which any such person is charged with an offence to which this paragraph applies—

- (a) no evidence relating to the statement may be adduced, and
- (b) no question relating to it may be asked,

by or on behalf of the prosecution, unless evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person.

(3) Paragraph (2) applies to any offence other than—

- (a) an offence which is—
 - (i) created by rules made for the purposes of this Order under [F4 the Insolvency (Northern Ireland) Order 1989], and
 - (ii) designated for the purposes of this paragraph by such rules or by regulations;
- (b) an offence which is—
 - (i) created by regulations made under any such rules, and
 - (ii) designated for the purposes of this paragraph by such regulations; or
- (c) an offence under Article 10 of the Perjury (Northern Ireland) Order 1979 (NI 19) (false statements made otherwise than on oath).

(4) Regulations under paragraph (3)(a)(ii) shall after being made be laid before the Assembly.

F1 Words in art. 23(1) substituted (1.10.2015) by [Small Business, Enterprise and Employment Act 2015](#) (c. 26), s. 164(1), [Sch. 8 para. 9\(14\)\(a\)](#); S.I. 2015/1689, reg. 2(h)

F2 Words in art. 23(1) inserted (1.10.2015) by [Small Business, Enterprise and Employment Act 2015](#) (c. 26), s. 164(1), [Sch. 8 para. 9\(14\)\(b\)](#); S.I. 2015/1689, reg. 2(h)

F3 Words in art. 23(1) substituted (1.10.2009) by [Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009](#) (S.I. 2009/1941), art. 2(1), [Sch. 1 para. 209](#) (with art. 10)

F4 Words in art. 23(3)(a)(i) substituted (1.10.2009) by [Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009](#) (S.I. 2009/1941), art. 2(1), [Sch. 1 para. 209](#) (with art. 10)

Status: Point in time view as at 01/10/2015.

Changes to legislation: There are currently no known outstanding effects for the The Company Directors Disqualification (Northern Ireland) Order 2002, Miscellaneous and general. (See end of Document for details)

Modifications etc. (not altering text)

- C1** Art. 23 applied by [S.I. 1989/638, reg. 20\(2\)](#) (as inserted (1.10.2009) by [European Economic Interest Grouping \(Amendment\) Regulations 2009 \(S.I. 2009/2399\)](#)), {reg. 21(4)} (with reg. 2))

[^{F5}Legal professional privilege

23A. In proceedings against a person for an offence under this Order nothing in this Order is to be taken to require any person to disclose any information that he is entitled to refuse to disclose on grounds of legal professional privilege.]

- F5** Art. 23A inserted (6.4.2008) by [Companies Act 2006 \(Consequential Amendments etc\) Order 2008 \(S.I. 2008/948\)](#), arts. 2(2), 3(1)(b), **Sch. 1 para. 226(4)** (with arts. 6, 11, 12)

Interaction with [^{F6}the Insolvency (Northern Ireland) Order 1989]

24.—(1) Articles 4, [^{F7}8A to 14, 17A] , 18, 19 [^{F8}to 19C] and 23 and Schedule 1, and Articles 3 and 21 as they apply for the purposes of those provisions, are deemed included in Parts II to VII of [^{F9}the Insolvency (Northern Ireland) Order 1989] for the purposes of the following Articles of that Order—

Article 359 (power to make insolvency rules);

Article 361 (fees orders);

Article 364 (orders extending provisions about insolvent companies to insolvent partnerships);

Article 366 (modifications of such provisions in their application to recognised banks).

(2) Article 378 of that Order (Crown application) applies to Articles 4, [^{F7}8A to 14, 17A] , 18, 19 [^{F8}to 19C] and 23 and Schedule 1, and Articles 3 and 21 as they apply for the purposes of those provisions, as it does to the provisions of that Order which are there mentioned.

- F6** Words in art. 24 heading substituted (1.10.2009) by [Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 2(1), **Sch. 1 para. 209** (with art. 10)
- F7** Words in art. 24(1)(2) substituted (1.10.2015) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), s. 164(1), **Sch. 8 para. 9(15)(a)**; S.I. 2015/1689, reg. 2(h); S.I. 2015/1689, reg. 2(h)
- F8** Words in art. 24(1)(2) inserted (1.10.2015) by virtue of [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), s. 164(1), **Sch. 8 para. 9(15)(b)**; S.I. 2015/1689, reg. 2(h); S.I. 2015/1689, reg. 2(h)
- F9** Words in art. 24(1) substituted (1.10.2009) by [Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 2(1), **Sch. 1 para. 209** (with art. 10)

[^{F10}Bank insolvency

24A Section 121 of the Banking Act 2009 provides for this Act to apply in relation to bank insolvency as it applies in relation to liquidation.]

- F10** Art. 24A inserted (21.2.2009) by virtue of [Banking Act 2009 \(c. 1\)](#), **ss. 121(4), 134, 263(1)** (with s. 247); S.I. 2009/296, **art. 3**, Sch. para. 2

[^{F11}Bank administration

24B Section 155 of the Banking Act 2009 provides for this Act to apply in relation to bank administration as it applies in relation to liquidation.]

F11 Art. 24B inserted (21.2.2009) by virtue of [Banking Act 2009 \(c. 1\)](#), **ss. 155(4)**, 167, 263(1) (with s. 247); S.I. 2009/296, **art. 3**, Sch. para. 3

[^{F12}Building society insolvency and special administration

24C. Section 90E of the Building Societies Act 1986 provides for this Act to apply in relation to building society insolvency and building society special administration as it applies in relation to liquidation.]

F12 Art. 24C inserted (29.3.2009) by virtue of [Building Societies \(Insolvency and Special Administration\) Order 2009 \(S.I. 2009/805\)](#), **arts. 12**, 17

[^{F13}Application of Order to building societies

24D.—(1) This Order applies to building societies as it applies to companies.

(2) References in this Order to a company, or to a director or an officer of a company, include, respectively, references to a building society within the meaning of the Building Societies Act 1986 or to a director or officer, within the meaning of that Act, of a building society.

(3) In relation to a building society the definition of “shadow director” in Article 2(2) applies with the substitution of “building society” for “company”.

^{F14}(4)]

F13 Arts. 24D, 24E inserted (1.10.2009) by [Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 2(1), **Sch. 1 para. 212** (with art. 10)

F14 Art. 24D(4) omitted (1.10.2015) by virtue of [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), s. 164(1), **Sch. 8 para. 9(16)**; S.I. 2015/1689, reg. 2(h)

Application of Order to open-ended investment companies

^{F15}**24E.**

F15 Art. 24E omitted (1.10.2015) by virtue of [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), s. 164(1), **Sch. 8 para. 9(17)**; S.I. 2015/1689, reg. 2(h)

Application of Order to incorporated friendly societies

25 ^{F16}.—(1) This Order applies to incorporated friendly societies as it applies to companies.

(2) References in this Order to a company, or to a director or an officer of a company include, respectively, references to an incorporated friendly society within the meaning of the Friendly Societies Act 1992 (c. 40) or to a member of the committee of management or officer, within the meaning of that Act, of an incorporated friendly society.

Status: Point in time view as at 01/10/2015.

Changes to legislation: There are currently no known outstanding effects for the The Company Directors Disqualification (Northern Ireland) Order 2002, Miscellaneous and general. (See end of Document for details)

(3) In relation to an incorporated friendly society every reference to a shadow director shall be omitted.

[^{F17}(3A) In relation to an incorporated friendly society, this Order applies as if Articles 11A to 11E were omitted.]

^{F18}(4)

F16	Mod. SR 2004/307
F17	Art. 25(3A) inserted (1.10.2015) by Small Business, Enterprise and Employment Act 2015 (c. 26) , s. 164(1), Sch. 8 para. 9(18)(a) ; S.I. 2015/1689, reg. 2(h)
F18	Art. 25(4) omitted (1.10.2015) by virtue of Small Business, Enterprise and Employment Act 2015 (c. 26) , s. 164(1), Sch. 8 para. 9(18)(b) ; S.I. 2015/1689, reg. 2(h)

[^{F19}**Application of Order to registered societies**

25A.—(1) This Order applies to societies registered under the Industrial and Provident Societies Act (Northern Ireland) 1969 (c. 24) (“registered societies”) as it applies to companies.

(2) In its application to registered societies, this Order shall have effect as follows—

- (a) references in this Order to a company, or to a director or an officer of a company shall include, respectively, references to a registered society or to a member of the committee of management or officer, within the meaning of the Industrial and Provident Societies Act (Northern Ireland) 1969 (c. 24), of a registered society;
- (b) in Article 5(1) “striking off of a company” shall include the cancellation of the registration of a registered society under that Act;
- (c) in Articles 6(1) and 8(1) “the companies legislation” shall include that Act;
- ^{F20}(d)
- (e) references to the registrar shall have effect as references to the registrar as defined in section 101(1) of that Act;
- (f) references to a shadow director shall be omitted.

[Articles 11A to 11E are to be disregarded.]

^{F21}(g)

^{F22}(3)]

F19	Art. 25A inserted (1.7.2006) by Industrial and Provident Societies (Northern Ireland) Order 2006 (S.I. 2006/314 (N.I. 3)) , arts. 1(3), 8 ; S.R. 2006/242, art. 2
F20	Art. 25A(2)(d) omitted (1.10.2015) by virtue of Small Business, Enterprise and Employment Act 2015 (c. 26) , s. 164(1), Sch. 8 para. 9(19)(a) ; S.I. 2015/1689, reg. 2(h)
F21	Art. 25A(2)(g) inserted (1.10.2015) by Small Business, Enterprise and Employment Act 2015 (c. 26) , s. 164(1), Sch. 8 para. 9(19)(b) ; S.I. 2015/1689, reg. 2(h)
F22	Art. 25A(3) omitted (1.10.2015) by virtue of Small Business, Enterprise and Employment Act 2015 (c. 26) , s. 164(1), Sch. 8 para. 9(19)(c) ; S.I. 2015/1689, reg. 2(h)

Transitional provisions, savings, amendments and repeals

26.—(1) The transitional provisions and savings in Schedule 2 shall have effect for the purposes of this Order.

(2) The statutory provisions specified in Schedule 3 shall have effect subject to the amendments specified there, being amendments consequential on the provisions of this Order.

(3) The Department may by order, subject to negative resolution, make—

- (a) any supplementary, incidental or consequential provision, and
- (b) any transitory, transitional or saving provision,

which it considers necessary or expedient for the purposes of this Order.

(4) An order under paragraph (3) may—

- (a) modify, exclude or apply (with or without modifications) any statutory provision;
- (b) make consequential amendments, repeals and revocations of any such provision.

(5) Subject to paragraph (1) and any transitory, transitional or saving provision made under paragraph (3), the statutory provisions specified in Schedule 4 are hereby repealed to the extent specified in column 2 of that Schedule.

Status:

Point in time view as at 01/10/2015.

Changes to legislation:

There are currently no known outstanding effects for the The Company Directors Disqualification (Northern Ireland) Order 2002, Miscellaneous and general.