
STATUTORY INSTRUMENTS

2005 No. 1454

**The Company Directors Disqualification
(Amendment) (Northern Ireland) Order 2005**

Supplementary

4.—(1) The [Company Directors Disqualification \(Northern Ireland\) Order 2002 \(NI 4\)](#) shall be amended as follows.

(2) In Article 2 (interpretation), in paragraph (2)—

(a) at the appropriate place in alphabetical order there shall be inserted—

““the OFT” means the Office of Fair Trading;” and

(b) for the definition of “regulations” there shall be substituted—

““regulations” means—

(a) in Article 13D, regulations made by the Secretary of State, and

(b) in other provisions of this Order, regulations made by the Department subject (except in Article 23(3)) to negative resolution;”.

(3) In Article 3 (general provision about disqualification orders), in paragraph (1) for “Article 9” there shall be substituted “Articles 9 and 13A”.

(4) In Article 12 (variation etc. of disqualification undertaking), after paragraph (2) there shall be inserted the following paragraph—

“(3) Paragraph (2) does not apply to an application in the case of an undertaking given under Article 13B, and in such a case on the hearing of the application whichever of the OFT or a specified regulator (within the meaning of Article 13E) accepted the undertaking—

(a) shall appear and call the attention of the Court to any matters which appear to it to be relevant;

(b) may give evidence or call witnesses.”.

(5) In Article 20 (application for a disqualification order), in paragraph (3) for “the Department or the official receiver or the liquidator” there shall be substituted “a person falling within paragraph (4)”.

(6) After paragraph (3) of that Article there shall be inserted the following paragraph—

“(4) The following fall within this paragraph—

(a) the Department;

(b) the official receiver;

(c) the OFT;

(d) the liquidator;

(e) a specified regulator (within the meaning of Article 13E).”.

(7) In Article 21 (applications for leave under an order or undertaking) the existing provision shall be numbered as paragraph (1) and after that paragraph there shall be inserted—

“(2) Paragraph (1) does not apply to an application for leave for the purposes of Article 3(1)(a) if the application for the disqualification order was made under Article 13A.

(3) In such a case and in the case of an application for leave for the purposes of Article 13B(4) on the hearing of the application whichever of the OFT or a specified regulator (within the meaning of Article 13E) applied for the order or accepted the undertaking (as the case may be)—

- (a) must appear and draw the attention of the Court to any matters which appears to it to be relevant;
- (b) may give evidence or call witnesses.”.

(8) In Article 22 (register of disqualification orders and undertakings) for paragraph (3) there shall be substituted—

“(3) The Department shall include in the register such particulars as it considers appropriate of—

- (a) disqualification undertakings accepted by it under Article 10 or 11;
- (b) disqualification undertakings accepted by the OFT or a specified regulator under Article 13B;
- (c) cases in which leave has been granted as mentioned in paragraph (1)(d).”.