STATUTORY RULES OF NORTHERN IRELAND

2009 No. 97

The Regional Business Services Organisation (Membership and Procedure) Regulations (Northern Ireland) 2009

Disqualification for appointment

4.—(1) Subject to regulation 5, a person shall be disqualified for appointment under regulation 2(1) if that person—

(a) has within five years of the day the appointment would otherwise have taken effect been convicted, whether in the United Kingdom or elsewhere, of any offence and has been given a sentence of imprisonment (whether suspended or not) for a period not less than three months without the option of a fine;

(b) has been dismissed, other than by reason of redundancy, from any paid employment with the Department, a health and social care body or a health service body;

(c) is the subject of a bankruptcy restrictions order;

(d) is subject to a disqualification under the Company Directors Disqualification (Northern Ireland) Order 2002(**1**), the Company Directors Disqualification Act 1986(**2**), or to an order made under section 429(2)(b) of the Insolvency Act 1986(**3**) (failure to pay under county court administration order);

(e) has been—

(i) removed from the office of charity trustee or trustee for a charity in Northern Ireland or by an order made by the Charity Commissioners or the High Court in England and Wales on the grounds of any misconduct or mismanagement in the administration of the charity for which that person was responsible or to which that person was privy; or which that person by his conduct contributed to or facilitated; or

(ii) removed under section 7 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990(**4**) (powers of the Court of Session to deal with management of charities) from being concerned in the management or control of any body;

(f) is a Chair, chairman, member or non-executive director of a health and social care body or a health service body;

(g) holds any paid employment or office with the Department, a health and social care body or a health service body;

(h) is a person who has been removed from office as the Chair, chairman, member or non-executive director of a health and social care body or a health service body.

(2) For the purposes of paragraph (1)(a)—

(a) the date of conviction shall be deemed to be the date on which the ordinary period allowed for making an appeal or application with respect to the conviction expires or, if such

(**1**) S.I. 2002/3150 (N.I. 4)
(**2**) 1986 c.46
(**3**) 1986 c.45
(**4**) 1990 c.40

an appeal or application is made, the date on which the appeal or application is finally disposed of or abandoned or fails by reason of its not being prosecuted; and

(b) there shall be disregarded—

(i) any conviction by or before a court outside the United Kingdom for an offence in respect of conduct which, if it had taken place in any part of the United Kingdom, would not have constituted an offence under the law in force in that part of the United Kingdom; and

(ii) any sentence of imprisonment passed by such a court on a person who at the time the sentence was passed was under 21 years of age.

(3) For the purposes of paragraph (1)(b)—

(i) a person shall not be treated as having been in paid employment by reason only of his being a Chair, chairman, member or non-executive director of a health and social care body or a health service body; and

(ii) "dismissed" excludes dismissal which was established to have been unfair in industrial tribunal proceedings.