STATUTORY INSTRUMENTS

2016 No. 356

INSOLVENCY, NORTHERN IRELAND

The Small Business, Enterprise and Employment Act 2015 (Consequential Amendments) (Reports on Conduct of Directors) (Northern Ireland) Regulations 2016

Made - - - -	*11th March 2016*
Laid before Parliament	*15th March 2016*
Coming into force - -	*6th April 2016*

The Secretary of State, in exercise of the powers conferred by section 159(1) and (2) of the Small Business, Enterprise and Employment Act 2015(**1**), makes the following Regulations.

Citation and commencement

1.—(1) These Regulations may be cited as the Small Business, Enterprise and Employment Act 2015 (Consequential Amendments) (Reports on Conduct of Directors) (Northern Ireland) Regulations 2016 and come into force on 6th April 2016.

(2) In these Regulations "the 2003 Rules" means the Insolvent Companies (Reports on Conduct of Directors) Rules (Northern Ireland) 2003(**2**).

Amendments to the 2003 Rules

2.—(1) The 2003 Rules are amended as follows.

(2) For Rule 4 substitute—

"**Conduct reports required under Article 10A(4) of the Order(3)**

4. An office-holder(**4**) must prepare a conduct report required under Article 10A(1) of the Order in the Form DCR set out in the Schedule.".

(3) For Rule 5 substitute—

(**1**) 2015 c.26.
(**2**) S.R. (NI) 2003 No 357.
(**3**) **The Company Directors Disqualification (Northern Ireland) Order 2002 (S.I. 2002/3150 (N.I. 4)); the Order was amended by the Small Business, Enterprise and Employment Act 2015 (c.26), Schedule 8.**
(**4**) "Office-holder" is defined in Article 10A(9) of the Company Directors Disqualification Order 2002; article 10A was inserted by the Small Business, Enterprise and Employment Act 2015 (c.26), Schedule 8 paragraph 5.

"**Enforcement of Article 10A(4) and (5) of the Order**

5.—(1) An office-holder who without reasonable excuse fails to comply with any of the obligations imposed by Articles 10A(4) or 10A(5) of the Order is guilty of an offence and—

(a) on summary conviction of the offence, is liable to a fine not exceeding level 3 on the standard scale, and

(b) for continued contravention is liable to a daily default fine: that is to say, he is liable on a second or subsequent summary conviction of the offence to a fine of one-tenth of level 3 on the standard scale for each day on which the contravention is continued (instead of the penalty specified in sub-paragraph (a)).

(2) Article 374 of the Insolvency (Northern Ireland) Order 1989 (summary proceedings) has effect in relation to an offence under this rule as to offences under Parts II to VII of that Order.".

(4) Rule 6 is omitted.

(5) For the forms set out in the Schedule there shall be substituted the form designated DCR as set out in the Schedule to these Regulations.

Review

3. After Rule 8 of the 2003 Rules, insert—

"**9.**—(1) A Minister of the Crown must from time to time—

(a) carry out a review of these Rules,

(b) set out the conclusions of the review in a report, and

(c) publish the report.

(2) The report must in particular—

(a) set out the objectives intended to be achieved by these Rules,

(b) assess the extent to which those objectives are achieved, and

(c) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.

(3) The first report under this rule must be published before the end of the period of 5 years beginning on 6th April 2016.

(4) Subsequent reports under this rule must be published at intervals not exceeding 5 years.

(5) In this regulation, "regulatory provision" has the meaning given by section 32(4) of the Small Business, Enterprise and Employment Act 2015."

Transitional and savings provisions

4.—(1) The amendments made by these Regulations do not apply to a person required to deliver a report within a period specified in an order made in accordance with rule 7(2) of the 2003 Rules, if the period specified in the order has not expired on 6th April 2016.

(2) When, in relation to a company (as defined in article 2(2) of the Company Directors (Northern Ireland) Order 2002(**5**)) the relevant date in rule 5(4) of the 2003 Rules occurred before 6th April 2016, the 2003 Rules continue to apply without the amendments made by these Regulations.

(**5**) 2002 No. 3150 (N.I .4).

Anna Soubry
Minister of State for Small Business, Industry and Enterprise
Department for Business, Innovation and Skills

11th March 2016

SCHEDULE Regulation 2(5)

FORM DCR Rule 4

REPORT BY OFFICE-HOLDER UNDER ARTICLE 10A(1) OF THE COMPANY DIRECTORS DISQUALIFICATION (NORTHERN IRELAND) ORDER 2002

1. Name of Company:
(please include all registered and trading names which the company has used in the last two years)

OFFICE HOLDER

2. Name of office-holder(s):

3. Name and address of office-holder(s) firm:

4. Capacity in which report is being made (tick appropriate):

Official Receiver (in the case of a company wound up by the High Court) ☐

Liquidator (in the case of a company being wound up otherwise than by the High Court) ☐

Administrator ☐

Administrative receiver ☐

5. Date Appointed:

6. Insolvency date:
(see Article 10A(10) of the Company Directors Disqualification (Northern Ireland) Order 2002)

COMPANY

7. Company registered number:

8. Current registered office address:

9. Address of any other registered office in the six months prior to the Insolvency date:

10. Principal trading address(es):

11. Nature of the company's business:

12. Date of incorporation:

13. Period of Trading: FROM_____ TO _____
(give month and year)

14. Details of any other voluntary liquidation, administration or administrative receivership the company has been in (stating type, name of office-holder(s), date of appointment and (if appropriate) date of resolution(s) for voluntary winding up):

15. Names and registered numbers of any other connected companies the company has had dealings with (include registered number). If you are not aware of any other connected companies, write **"None Known"**.