Draft Order laid before Parliament under section 266(5) of the Enterprise Act 2002, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2011 No.

PARLIAMENT
INSOLVENCY

The Insolvency Act 1986 (Disqualification from Parliament) Order 2011

Made - - - -	*2011*
Coming into force - -	*2011*

It appears to the Secretary of State that the system of bankruptcy restrictions orders and undertakings operating in Northern Ireland under Schedule 2A to the Insolvency (Northern Ireland) Order 1989(**1**) is equivalent to the system operating in England and Wales under Schedule 4A to the Insolvency Act 1986(**2**).

The Secretary of State makes the following Order in exercise of the powers conferred by section 266(3) of the Enterprise Act 2002.

In accordance with section 266(5) of that Act, a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament:

Citation and commencement

1. This Order may be cited as the Insolvency Act 1986 (Disqualification from Parliament) Order 2011 and shall come into force on the day after the day on which it is made.

Amendments to the Insolvency Act 1986

2. The Insolvency Act 1986 has effect subject to the following amendments (which provide for sections 426A and 426B of that Act to have effect in relation to bankruptcy restrictions orders made and undertakings accepted in Northern Ireland and make provision consequential on that effect).

3. In section 426A (disqualification from Parliament (England and Wales))(**3**)—

(**1**) S.I. 1989/2405 (N.I. 19); Schedule 2A was inserted by article 13 of S.I. 2005/1455 (N.I. 10).
(**2**) 1986 c. 45; Schedule 4A was inserted by section 257 of the Enterprise Act 2002 (c. 40).
(**3**) Section 426A was inserted by section 266(1) of the Enterprise Act 2002 and amended by the Tribunals, Courts and Enforcement Act 2007 (c. 15), section 108(3) and Schedule 20, paragraphs 1 and 12.

(a) in the heading for "(England and Wales)" substitute "(England and Wales and Northern Ireland)";

(b) after subsection (6) insert—

"(7) If the Department of Enterprise, Trade and Investment for Northern Ireland accepts a bankruptcy restrictions undertaking made by a member of the House of Commons or the House of Lords under Schedule 2A to the Insolvency (Northern Ireland) Order 1989, the Department shall notify the Speaker of that House.

(8) In this section a reference to a bankruptcy restrictions order or an interim order includes a reference to a bankruptcy restrictions order or an interim order made under Schedule 2A to the Insolvency (Northern Ireland) Order 1989.".

4. In section 426B (devolution)(**4**)—

(a) in subsection (1) after "If a court" insert "in England and Wales";

(b) after subsection (1) insert—

"(1A) If the High Court in Northern Ireland makes a bankruptcy restrictions order or interim order under Schedule 2A to the Insolvency (Northern Ireland) Order 1989 in respect of a member of the Scottish Parliament or the National Assembly for Wales, the Court shall notify the presiding officer of that body.";

(c) at the end insert—

"(3) If the Department of Enterprise, Trade and Investment for Northern Ireland accepts a bankruptcy restrictions undertaking made by a member of the Scottish Parliament or the National Assembly for Wales under Schedule 2A to the Insolvency (Northern Ireland) Order 1989, the Department shall notify the presiding officer of that body.".

5. In section 427 (disqualification from Parliament (Scotland and Northern Ireland))—

(a) in the heading omit "and Northern Ireland";

(b) in subsection (1)(**5**) omit "a court in Northern Ireland adjudges an individual bankrupt or";

(c) in subsection (2)—

(i) in paragraph (a) for "the adjudication is annulled or the award recalled" substitute "the award is recalled";

(ii) in paragraph (b) omit "annulment,";

(d) in subsection (4) omit "adjudication or";

(e) in subsection (5) omit "adjudication or" in both places it occurs;

(f) in subsection (6)—

(i) omit "adjudication or" in each place it occurs;

(ii) in each of paragraphs (a) and (b), omit "annulled,";

(g) in subsection (6C)(**6**) for the words preceding paragraph (a) substitute—

"(6C) Subsections (4) to (6) have effect in relation to a member of the Northern Ireland Assembly but as if—".

6. In section 441(1)(a) (extent (Northern Ireland)), after "426, " insert "426A, 426B,".

(**4**) Section 426B was inserted by section 266(1) of the Enterprise Act 2002 and amended by the Tribunals, Courts and Enforcement Act 2007, section 108(3) and Schedule 20, paragraphs 1 and 13.
(**5**) Section 427(1) was amended by section 266(2)(a) of the Enterprise Act 2002.
(**6**) Section 427(6C) was inserted by section 99 of the Northern Ireland Act 1998 (c. 47).