STATUTORY RULES OF NORTHERN IRELAND

2016 No. 108

INSOLVENCY

DISQUALIFICATION PROVISIONS – FOR DEBT RELIEF ORDERS AND DEBT RELIEF RESTRICTIONS ORDERS

The Debt Relief Act (Northern Ireland) 2010 (Consequential Amendments) Order (Northern Ireland) 2016

Laid before the Assembly in draft

Made - - - -	*2nd March 2016*
Coming into operation	*7th March 2016*

The Department of Enterprise, Trade and Investment makes the following Order in exercise of the powers conferred by section 5 of the Debt Relief Act (Northern Ireland) 2010(**1**).

Citation and commencement

1. This Order may be cited as the Debt Relief Act (Northern Ireland) 2010 (Consequential Amendments) Order (Northern Ireland) 2016 and comes into operation on 7th March 2016.

Consequential amendments to or in connection with disqualification provisions

2. The Schedule, (which amends the effect of disqualification provisions) shall have effect.

(**1**) 2010 c.16 (N.I.)

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 2 March 2016

L.S.

Wendy Johnston
A senior officer of the Department of Enterprise,
Trade and Investment

SCHEDULE

PART 1

PRIMARY LEGISLATION

The Foyle Fisheries Act (Northern Ireland) 1952

1. In paragraph 2(4)(c) of Schedule 3A (Foyle and Carlingford Aquaculture Licensing Appeals Board) to the Foyle Fisheries Act (Northern Ireland) 1952(**2**), for "or he is the subject of a bankruptcy restrictions order," substitute "or he is the subject of a bankruptcy restrictions order, or a debt relief order has been made in respect of him or he has become the subject of a debt relief restrictions order,".

The Trustee Act (Northern Ireland) 1958

2. In section 40(2) (power of court to appoint new trustees) of the Trustee Act (Northern Ireland) 1958(**3**), after "bankruptcy restrictions order" insert "or in relation to whom a moratorium period under a debt relief order applies or who is subject to a debt relief restrictions order".

The Magistrates' Courts Act (Northern Ireland) 1964

3. In section 6 (persons disqualified for acting as justices) of the Magistrates' Courts Act (Northern Ireland) 1964(**4**)—

(a) after subsection (3) insert—

"(3ZA) A person in relation to whom a moratorium period under a debt relief order applies shall not be capable of being appointed a justice of the peace.";

(b) in subsection (3A) after "bankruptcy restrictions order" insert "or who is subject to a debt relief restrictions order".

The New Towns Act (Northern Ireland) 1965

4. In paragraph 6(a) of Schedule 4 (New Town Commissions) to the New Towns Act (Northern Ireland) 1965(**5**), after "bankruptcy restrictions order" insert "or has had a debt relief order made in respect of him or is the subject of a debt relief restrictions order,".

The Livestock Marketing Commission Act (Northern Ireland) 1967

5. In paragraph 1(4)(a) of Part II of the Schedule (membership of the Commission) to the Livestock Marketing Commission Act (Northern Ireland) 1967(**6**), after "bankrupt" insert "or has had a debt relief order made in respect of him", and after "bankruptcy restrictions order" insert "or a debt relief restrictions order".

The Transport Act (Northern Ireland) 1967

6.—(1) The Transport Act (Northern Ireland) 1967(**7**) is amended as follows.

(**2**) 1952 c. 5 (N.I.); Schedule 3A was inserted by the Foyle and Carlingford Fisheries (Northern Ireland) Order 2007 (S.I. 2007/915 (N.I. 9)) ,Schedule 1; and paragraph 2(4)(c) of Schedule 3A was amended by S.R. 2015 No.159, paragraph 16 of the Schedule
(**3**) 1958 c. 23 (N.I.) as amended by S.R. 2015 No.159, paragraph 1 of the Schedule
(**4**) 1964 c. 21 (N.I.) as amended by S.R. 2015 No.159, paragraph 2 of the Schedule
(**5**) 1965 c. 13 (N.I.) as amended by S.R. 2015 No.159, paragraph 3 of the Schedule
(**6**) 1967 c.21 (N.I.) as amended by S.R. 2008 No.94, paragraph 1 of the Schedule
(**7**) 1967 c. 37 (N.I.); section 7(1A)(b)(ii) and 33(2)(a) were amended by S.R. 2015 No.159, paragraph 4 of the Schedule

(2) In subsection (1A)(b)(ii) of section 7 (conditions of road service licences), after "bankruptcy restrictions order" insert " or he is a person in relation to whom a moratorium period under a debt relief order applies or becomes subject to a debt relief restrictions order".

(3) In subsection (2)(a) of section 33 (transfer of licences), after "bankruptcy restrictions order" insert "or has had a debt relief order made in respect of him, or becomes subject to a debt relief restrictions order".

The Solicitors (Northern Ireland) Order 1976

7.—(1) The Solicitors (Northern Ireland) Order 1976(**8**) is amended as follows.

(2) In Article 13(1) (discretion of registrar to refuse certificate in special cases), after paragraph (l) insert—

"(m) where a debt relief order has been made in respect of him and at the end of the moratorium period applicable to the order he has been discharged from all the qualifying debts specified in the order; or

(n) where he has been the subject of a debt relief restrictions order.".

(3) In Article 15(1) (suspension of practising certificate), after "bankruptcy restrictions order" insert "or the making of a debt relief order in respect of him or his becoming the subject of a debt relief restrictions order,".

(4) In Article 16 (duration of suspension of practising certificate)—

(a) after paragraph (2) insert—

"(2A) The suspension of a practising certificate by virtue of Article 15(1) by reason of the making of a debt relief order shall terminate —

(a) where the debt relief order is revoked on the grounds mentioned in Article 208L(2)(c) or (d) of the Insolvency (Northern Ireland) Order 1989 and a copy of the notice provided to the debtor under Rule 5A.20 of the Insolvency Rules (Northern Ireland) 1991 is served on the Society or the debt relief order is revoked by the High Court under Article 208M(6)(e) of that Order and a copy of the Court order is served on the Society;

(b) the debt relief order is revoked and a period of one year has elapsed beginning with the effective date of that order.",

(b) in paragraph (3) after "bankruptcy restrictions order", on each occasion where it occurs, insert "or the making of a debt relief restrictions order".

(5) In the cross-heading before Article 21A, after "bankruptcy restrictions order" insert "or subject to a debt relief restrictions order".

(6) In Article 21A (solicitor practising whilst subject to a bankruptcy restrictions order)—

(a) after "bankruptcy restrictions order" insert "or a debt relief restrictions order";

(b) omit "[and/or an unlimited fine]".

(7) After Article 21A, insert—

"Solicitor practising within the moratorium period which follows the making of a debt relief order

21B. If a solicitor continues to practise as a solicitor while a moratorium period under a debt relief order applies to him and without having had the suspension of his practising certificate terminated under Article 16(4) or (7) or, if his practising certificate has effect subject to terms

(**8**) S.I. 1976/582 (N.I. 12); Articles 13(1), 15(1), 16(3), 29(1), 30 , 36(2)(a) and 41(3)(a) were amended, and Article 21A was inserted, by S.R. 2015 No.159, paragraph 5 of the Schedule

and conditions by virtue of a direction under Article 16(4)(c) or (7), without complying with those terms or conditions,

he shall be guilty of an offence and shall be liable, on conviction on indictment, to imprisonment for a term not exceeding two years".

(8) In Article 29(1) (employment by solicitor of persons whose names have been struck off the roll etc.), after "bankruptcy restrictions order" insert "or a moratorium period under a debt relief order applies to him or he is the subject of a debt relief restrictions order".

(9) In Article 30 (failure to disclose name having been struck off the roll etc.), after "bankruptcy restrictions order" insert "or a moratorium period under a debt relief order applies to him or he is the subject of a debt relief restrictions order".

(10) In Article 36(2)(a) (powers of Council to deal with property in control of certain solicitors and other persons), after "bankruptcy restrictions order" insert "or has a debt relief order made in respect of him or becomes the subject of a debt relief restrictions order".

(11) In Article 41(3)(a) (extension of Bankruptcy Acts etc), after "bankrupt restrictions order" insert "or a debt relief order has been made in respect of him or he is the subject of a debt relief restrictions order".

The Health and Safety at Work (Northern Ireland) Order 1978

8. In paragraph 6(1)(c) of Schedule 2 (members of the Health and Safety Executive for Northern Ireland) to the Health and Safety at Work (Northern Ireland) Order 1978(**9**), after "bankruptcy restrictions order" insert "or a debt relief order has been made in respect of him or he is the subject of a debt relief restrictions order".

The Probation Board (Northern Ireland) Order 1982

9. In paragraph 3(4)(b) of Schedule 1 (the Probation Board for Northern Ireland) to the Probation Board (Northern Ireland) Order 1982(**10**), after "bankruptcy restrictions order" insert "or has had a debt relief order has been made in respect of him or is the subject of a debt relief restrictions order".

The Recreation and Youth Service (Northern Ireland) Order 1986

10. In paragraph 2(2)(b) of Part 1 of Schedule 1 (constitution of the Sports Council) to the Recreation and Youth Service (Northern Ireland) 0rder 1986(**11**), after "bankrupt" insert "or has had a debt relief order made in respect of him", and after "bankruptcy restrictions order" insert "or a debt relief restrictions order".

The Enduring Powers of Attorney (Northern Ireland) Order 1987

11. In paragraph (6)(a) of Article 4 (characteristics of an enduring power) of the Enduring Powers of Attorney (Northern Ireland) Order 1987(**12**), after "bankruptcy restrictions order" insert "or a person in relation to whom a moratorium period under a debt relief order applies or who is subject to a debt relief restrictions order".

(**9**) S.I. 1978/1039 (N.I.9) as amended by S.R. 2015 No.159, paragraph 6 of the Schedule
(**10**) S.I. 1982/713 (N.I. 10) as amended by S.R. 2015 No.159, paragraph 7 of the Schedule
(**11**) S.I. 1986/2232 (N.I. 25) as amended by S.R. 2008 No.94, paragraph 2 of the Schedule
(**12**) S.I. 1987/1627 (N.I. 16) as amended by S.R. 2015 No.159, paragraph 8 of the Schedule