STATUTORY RULES OF NORTHERN IRELAND

2015 No. 159

INSOLVENCY

DISQUALIFICATIONS PROVISIONS – FOR BANKRUPTCY RESTRICTIONS ORDERS

The Insolvency (Northern Ireland) Order 2005 (Consequential Amendments) Order (Northern Ireland) 2015

Made - - - -	*12th March 2015*
Coming into operation	*21st April 2015*

The Department of Enterprise, Trade and Investment makes the following Order in exercise of the powers conferred by Article 30 of the Insolvency (Northern Ireland) Order 2005(**1**).

Citation and commencement

1. This Order may be cited as the Insolvency (Northern Ireland) Order 2005 (Consequential Amendments) Order (Northern Ireland) 2015 and comes into operation on 21st April 2015.

Consequential amendments to or in connection with disqualification provisions

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

(**1**) S.I. 2005/1455 (N.I. 10)

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 12th March 2015



Jackie Kerr
A senior officer of the Department of Enterprise,
Trade and Investment

SCHEDULE

PART 1

PRIMARY LEGISLATION

The Trustee Act (Northern Ireland) 1958

1. In section 40(2) (Power of court to appoint new trustees) of the Trustee Act (Northern Ireland) 1958(**2**), after "bankrupt" insert "or is the subject of a bankruptcy restrictions order".

The Magistrates' Courts Act (Northern Ireland) 1964

2.—(1) The Magistrates' Courts Act (Northern Ireland) 1964(**3**) is amended as follows.

(2) In section 6 (Persons disqualified for acting as justices).

(a) For subsection (3) substitute—

"(3) A person who is adjudged bankrupt shall not be capable of being appointed a justice of the peace unless and until either the adjudication of bankruptcy is annulled or he is discharged".

(b) After subsection (3) insert—

"(3A) A person who is the subject of a bankruptcy restrictions order shall not be capable of being appointed a justice of the peace".

The New Towns Act (Northern Ireland) 1965

3. In paragraph 6(a) of Schedule 4 (New Town Commissions) to the New Towns Act (Northern Ireland) 1965(**4**), after "bankrupt" insert "or is the subject of a bankruptcy restrictions order".

The Transport Act (Northern Ireland) 1967

4.—(1) The Transport Act (Northern Ireland) 1967(**5**) is amended as follows.

(2) In subsection (1A)(b)(ii) of section 7 (Conditions of road service licences), after "bankrupt" insert "or becomes subject to a bankruptcy restrictions order".

(3) In subsection (2)(a) of section 33 (Transfer of licences), after "1989" insert "or becomes subject to a bankruptcy restrictions order".

The Solicitors (Northern Ireland) Order 1976

5.—(1) The Solicitors (Northern Ireland) Order 1976(**6**) is amended as follows.

(2) In Article 13(1) (Discretion of registrar to refuse certificate in special cases) at the end of paragraph (k) insert—

"(l) where he has been the subject of a bankruptcy restrictions order; or".

(3) In Article 15(1) (Suspension of practising certificate) after "bankruptcy of a solicitor" insert "or his becoming the subject of a bankruptcy restrictions order".

(**2**) 1958 c. 23 (N.I.)
(**3**) 1964 c. 21 (N.I.)
(**4**) 1965 c. 13 (N.I.)
(**5**) 1967 c. 37 (N.I.)
(**6**) S.I. 1976/582 (N.I. 12)

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

(a) In paragraph (3) in each occasion where bankruptcy occurs after "bankruptcy" insert "or his becoming the subject of a bankruptcy restrictions order".

(5) After Article 21, insert—

"Solicitor practising whilst subject to a bankruptcy restrictions order

21A. If a solicitor continues to practise as a solicitor while subject to a bankruptcy restrictions order 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 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 [and/or an unlimited fine].".

(6) In Article 29(1) (Employment by solicitor of persons whose names have been struck off the roll etc.) after "bankrupt" insert "or the subject of a bankruptcy restrictions order".

(7) In Article 30 (Failure to disclose name having been struck off the roll etc.) after "bankrupt" insert "or is the subject of a bankruptcy restrictions order".

(8) In Article 36(2)(a) (Powers of Council to deal with property in control of certain solicitors and other persons) after "bankrupt" insert "or becomes the subject of a bankruptcy restrictions order".

(9) In Article 41(3)(a) (Extension of Bankruptcy Acts etc) after "bankrupt" insert "or is the subject of a bankruptcy restrictions order".

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

6. In paragraph 6(1)(c) of Schedule 2 (The Health and Safety Executive for Northern Ireland) to the Health and Safety at Work (Northern Ireland) Order 1978(**7**) after "bankrupt" insert "or is the subject of a bankruptcy restrictions order".

The Probation Board (Northern Ireland) Order 1982

7. In paragraph 3(4)(b) of Schedule 1 (The Probation Board for Northern Ireland) to the Probation Board (Northern Ireland) Order 1982(**8**) after "bankrupt" insert "or is the subject of a bankruptcy restrictions order".

The Enduring Powers of Attorney (Northern Ireland) Order 1987

8. In paragraph (6)(a) of Article 4 (Characteristics of an enduring power) of the Enduring Powers of Attorney (Northern Ireland) Order 1987(**9**) after "bankrupt" insert "or subject to a bankruptcy restrictions order".

The Criminal Justice Act 1988

9.—(1) The Criminal Justice Act 1988(**10**) is amended as follows.

(2) In section 172(6) (Extent) after "168" insert "and paragraph 5(bb) of Schedule 12"

(3) In Schedule 12 (Assessors of compensation for miscarriages of justice), after paragraph 5(ba) insert—

(**7**) S.I. 1978/1039 (N.I.9)
(**8**) S.I. 1982/713 (N.I. 10)
(**9**) S.I. 1987/1627 (N.I. 16)
(**10**) 1988 c. 33: as amended by S.I. 2012/2404, Article 24(3) inserted paragraph 5(ba) into Schedule 12

"(bb) he has become the subject of a bankruptcy restrictions order under Schedule 2A to the Insolvency (Northern Ireland) Order 1989".

The Housing (Northern Ireland) Order 1992

10. In paragraph (4)(a) of Article 25 (Department's power to act for protection of registered housing associations) of the Housing (Northern Ireland) Order 1992(**11**), after "bankrupt" insert "or is the subject of a bankruptcy restrictions order".

The Public Processions (Northern Ireland) Act 1998

11. In paragraph 3(4)(b) of Schedule 1 (Membership of the Commission) to the Public Processions (Northern Ireland) Act 1998(**12**), after "bankrupt" insert "or has become the subject of a bankruptcy restrictions order".

The Justice (Northern Ireland) Act 2002

12.—(1) The Justice (Northern Ireland) Act 2002(**13**) is amended as follows.

(2) In section 9 (Lay magistrates)—

(a) for subsection 5(c) substitute—

"(c) if he is an undischarged bankrupt or his estate has been sequestrated and he has not been discharged or he has made a composition or arrangement with, or granted a trust deed for, his creditors,".

(b) after subsection 5(c) insert—

"(ca) if he is the subject of a bankruptcy restrictions order, or".

(3) In paragraph 2(4)(c) of Schedule 2 (Judicial Appointments Commission), after "against him" insert "or he has become the subject of a bankruptcy restrictions order".

(4) In paragraph 5(2)(e) of Schedule 3A (The Northern Ireland Judicial Appointments Ombudsman) after "bankrupt" insert "or is the subject of a bankruptcy restrictions order".

(5) In paragraph 1(4)(c) of Schedule 8 (Chief Inspector of Criminal Justice) after "against him" insert "or he has become the subject of a bankruptcy restrictions order".

(6) In paragraph 1(4)(c) of Schedule 9 (Law Commission) after "against him" insert "or he has become the subject of a bankruptcy restrictions order".

The Commissioner for Children and Young People (Northern Ireland) Order 2003

13. In paragraph 3(5)(b) of Schedule 2 (The Commissioner for Children and Young People for Northern Ireland) to the Commissioner for Children and Young People (Northern Ireland) Order 2003(**14**) after "bankrupt" insert "or is the subject of a bankruptcy restrictions order".

The Fire and Rescue Services (Northern Ireland) Order 2006

14.—(1) Schedule 1 (The Northern Ireland Fire and Rescue Service Board) to the Fire and Rescue Services (Northern Ireland) Order 2006(**15**) is amended as follows.

(2) In paragraph 3(4)(b) (non-executive member of the board)—

(**11**) S.I. 1992/1725 (N.I. 15)
(**12**) 1998 c. 2 (N.I.)
(**13**) 2002 c.26 (N.I.)
(**14**) S.I. 2003/439 (N.I. 11)
(**15**) S.I. 2006/1254 (N.I. 9)