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STATUTORY RULES OF NORTHERN IRELAND

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**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<sup>(1)</sup>.

**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 21<sup>st</sup> April 2015.

**Consequential amendments to or in connection with disqualification provisions**

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

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Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 12<sup>th</sup> 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<sup>(2)</sup>, 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<sup>(3)</sup> 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<sup>(4)</sup>, 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<sup>(5)</sup> 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<sup>(6)</sup> 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”.

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(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)

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- (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—

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(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)—

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(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)

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- (a) after “bankrupt” insert “or is the subject of a bankruptcy restrictions order”
- (b) omit “or made a composition or arrangement with his creditors”
- (3) In paragraph 20 at the beginning insert—  
“”bankruptcy restrictions order” means an order made under Schedule 2A to the Insolvency (Northern Ireland) Order 1989 or Schedule 4A to the Insolvency Act 1986”.

#### **The Victims and Survivors (Northern Ireland) Order 2006**

15. In paragraph 3(6)(b) of the Schedule (The Commission for Victims and Survivors for Northern Ireland) to the Victims and Survivors (Northern Ireland) Order 2006(16) after “bankrupt” insert “or is the subject of a bankruptcy restrictions order”.

#### **The Foyle and Carlingford Fisheries (Northern Ireland) Order 2007**

16. In paragraph 2(4)(c) of Schedule 3A (Foyle and Carlingford Aquaculture Licensing Appeals Board) inserted into the Foyle Fisheries (Act) (Northern Ireland) 1952(17) by Schedule 1 to the Foyle and Carlingford Fisheries (Northern Ireland) Order 2007(18) after “a bankruptcy order is made against him ” insert “or is the subject of a bankruptcy restrictions order”.

#### **Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010**

17. In section 23(1)(f) (Revocation, suspension and curtailment of operators’ licences) of the Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010(19) after “bankrupt” insert “or has become the subject of a bankruptcy restrictions order”.

#### **Commissioner for Older People Act (Northern Ireland) 2011**

18. In paragraph 3(5)(b) of Schedule 1 (The Commissioner for Older People for Northern Ireland) to the Commissioner for Older People Act (Northern Ireland) 2011(20) after “bankrupt” insert “or is the subject of a bankruptcy restrictions order”.

#### **Transport Act (Northern Ireland) 2011**

19. In section 10(1)(d) (Revocation, suspension and curtailment of permits) of the Transport Act (Northern Ireland) 2011(21) after “bankrupt” insert “or is the subject of a bankruptcy restrictions order”.

#### **Assembly Members (Independent Financial Review and Standards) Act (Northern Ireland) 2011**

20. In section 6(2)(b) (Termination of membership of the Panel) of the Assembly Members (Independent Financial Review and Standards) Act (Northern Ireland) 2011(22) after “bankrupt” insert “or is the subject of a bankruptcy restrictions order”.

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(16) S.I. 2006/2953 (N.I. 17)

(17) 1952 c. 5 (N.I.)

(18) S.I. 2007/915 (N.I. 9)

(19) 2010 c. 2 (N.I.)

(20) 2011 c.1 (N.I.)

(21) 2011 c. 11 (N.I.)

(22) 2011 c.17 (N.I.)

### **Justice Act (Northern Ireland) 2011**

21.—(1) The Justice Act (Northern Ireland) 2011(23) is amended as follows.

(2) In paragraph 8(1)(d) of Schedule 1 (Policing and Community Safety Partnerships) after “bankrupt” insert “or P is the subject of a bankruptcy restrictions order”.

(3) In paragraph 8(1)(d) of Schedule 2 (District Policing and Community Safety Partnerships) after “bankrupt” insert “or P is the subject of a bankruptcy restrictions order”.

## **PART 2**

### **SECONDARY LEGISLATION**

#### **The Health and Personal Social Services, General Dental Services Regulations (Northern Ireland) 1993**

22. In Regulation 2 of the Health and Personal Social Services General Dental Services Regulations (Northern Ireland) 1993(24) (Interpretation), after the definition of “associateship agreement” insert—

““bankruptcy restrictions order” means an order made under Schedule 2A to the Insolvency (Northern Ireland) Order 1989 or Schedule 4A to the Insolvency Act 1986;”.

#### **The Health and Social Services Trusts (Membership and Procedure) Regulations (Northern Ireland) 1994**

23. In Regulation 1(2) of the Health and Social Services Trusts (Membership and Procedure) Regulations (Northern Ireland) 1994(25) (Citation, commencement and interpretation), after the definition of the “1997 Order” insert—

““bankruptcy restrictions order” means an order made under Schedule 2A to the Insolvency (Northern Ireland) Order 1989 or Schedule 4A to the Insolvency Act 1986;”.

#### **The Northern Ireland Disability Council Regulations (Northern Ireland) 1997**

24.—(1) The Northern Ireland Disability Council Regulations (Northern Ireland) 1997(26) are amended as follows.

(2) In Regulation 1(2) (Citation, commencement and interpretation) at the beginning insert—

“bankruptcy restrictions order” means an order made under Schedule 2A to the Insolvency (Northern Ireland) Order 1989 or Schedule 4A to the Insolvency Act 1986;”.

(3) In Regulation 2 (Removal from office of a member of the Council) after paragraph (b) insert—

“(ba) he is the subject of a bankruptcy restrictions order; and”.

#### **The Pharmaceutical Services Regulations (Northern Ireland) 1997**

25.—(1) The Pharmaceutical Services Regulations (Northern Ireland) 1997(27) are amended as follows.

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(23) 2011 c. 24 (N.I.)  
(24) S.R. 1993 No. 326  
(25) S.R. 1994 No. 63  
(26) S.R. 1997 No. 200  
(27) S.R. 1997 No. 381

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(2) In Regulation 2(1) (Interpretation) after the definition of “appropriate non-proprietary name” insert—

““bankruptcy restrictions order” means an order made under Schedule 2A to the Insolvency (Northern Ireland) Order 1989 or Schedule 4A to the Insolvency Act 1986;”

(3) In paragraph 6(b) of Schedule 5 (Pharmaceutical committee) after “bankrupt” insert “or is the subject of a bankruptcy restrictions order”.

### **Police (Recruitment) (Northern Ireland) Regulations 2001**

26. In paragraph 3(b)(iii) of Schedule 3 (Independent Assessor) to the Police (Recruitment) (Northern Ireland) Regulations 2001(28) after “bankrupt” insert “or is the subject of a bankruptcy restrictions order”.

### **The Northern Ireland Social Care Council (Appointments and Procedure) Regulations (Northern Ireland) 2001**

27. In Regulation 1(2) of the Northern Ireland Social Care Council (Appointments and Procedure) Regulations (Northern Ireland) 2001(29) (Citation, commencement and interpretation), after the definition of “the Council” insert—

““bankruptcy restrictions order” means an order made under Schedule 2A to the Insolvency (Northern Ireland) Order 1989 to Schedule 4A of the Insolvency Act 1986;”.

### **Royal Ulster Constabulary GC Foundation Regulations 2002**

28. In Regulation 5(4)(b) (Terms of Office) of the Royal Ulster Constabulary GC Foundation Regulations 2002(30) after “bankrupt” insert “or is the subject of a bankruptcy restrictions order”.

### **The Northern Ireland Practice and Education Council for Nursing and Midwifery (Appointments and Procedure) Regulations (Northern Ireland) 2002**

29. In Regulation 1(2) of the Northern Ireland Practice and Education Council for Nursing and Midwifery (Appointments and Procedure) Regulations (Northern Ireland) 2002(31) (Citation, commencement and interpretation), after the definition of “the Council” insert—

““bankruptcy restrictions order” means an order made under Schedule 2A to the Insolvency (Northern Ireland) Order 1989 or Schedule 4A to the Insolvency Act 1986;”.

### **The Regulation and Improvement Authority (Appointments and Procedure) Regulations (Northern Ireland) 2004**

30. In Regulation 1(2) of the Regulation and Improvement Authority (Appointments and Procedure) Regulations (Northern Ireland) 2004(32) (Citation, commencement and interpretation), after the definition of “the Authority” insert—

““bankruptcy restrictions order” means an order made under Schedule 2A to the Insolvency (Northern Ireland) Order 1989 or Schedule 4A to the Insolvency Act 1986;”.

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(28) S.R. 2001 No. 140  
(29) S.R. 2001 No. 313  
(30) S.R. 2002 No. 260  
(31) S.R. 2002 No. 386  
(32) S.R. 2004 No. 37



### **The Northern Ireland Medical and Dental Training Agency (Establishment and Constitution) Order (Northern Ireland) 2004**

31.—(1) The Northern Ireland Medical and Dental Training Agency (Establishment and Constitution) Order (Northern Ireland) 2004(33) is amended as follows.

(2) In Article 1(2) (Citation, commencement and interpretation) after the definition of “the Agency” insert—

““bankruptcy restrictions order” means an order made under Schedule 2A to the Insolvency (Northern Ireland) Order 1989 or Schedule 4A to the Insolvency Act 1986;”.

(3) In Article 5 (Disqualification for appointment) after paragraph (1)(b) insert —

“(ba) a person who is the subject of a bankruptcy restrictions order;”.

### **The Lay Magistrates (Eligibility) (Northern Ireland) Order 2004**

32.—(1) The Lay Magistrates (Eligibility) (Northern Ireland) Order 2004(34) is amended as follows.

(2) In Article 2 (Eligibility of persons for appointment as Lay Magistrates)—

(a) for paragraph (i) substitute—

“(i) 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 sub-paragraph (i) insert—

“(ia) if he is the subject of a bankruptcy restrictions order under Schedule 2A to the Insolvency (Northern Ireland) Order 1989 or Schedule 4A to the Insolvency Act 1986; or”.

### **The Regulation and Improvement Authority (Registration) Regulations (Northern Ireland) 2005**

33.—(1) The Regulation and Improvement Authority (Registration) Regulations (Northern Ireland) 2005(35) are amended as follows.

(2) In Regulation 2(1) (Interpretation) after the definition of “applicant” insert—

““bankruptcy restrictions order” means an order made under Schedule 2A to the Insolvency (Northern Ireland) Order 1989 or Schedule 4A to the Insolvency Act 1986;”.

(3) In paragraph 4(b) of Schedule 1 (Information to be supplied on an application for registration as a person who carries on an establishment or agency) after “bankrupt” insert “or is the subject of a bankruptcy restrictions order”.

### **The Nursing Homes Regulations (Northern Ireland) 2005**

34.—(1) The Nursing Homes Regulations (Northern Ireland) 2005(36) are amended as follows.

(2) In Regulation 2(1) (Interpretation) at the beginning insert—

““bankruptcy restrictions order” means an order made under Schedule 2A to the Insolvency (Northern Ireland) Order 1989 or Schedule 4A to the Insolvency Act 1986;”.

(3) In Regulation 7 (Fitness of registered provider) after paragraph (4)(a) insert—

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(33) S.R. 2004 No.62  
(34) S.R. 2004 No. 246  
(35) S.R. 2005 No. 99  
(36) S.R. 2005 No.160

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“(ab) he is the subject of a bankruptcy restrictions order; or”.

### **The Residential Care Homes Regulations (Northern Ireland) 2005**

35.—(1) The Residential Care Homes Regulations (Northern Ireland) 2005<sup>(37)</sup> are amended as follows.

(2) In Regulation 2(1) (Interpretation) at the beginning insert—

““bankruptcy restrictions order” means an order made under Schedule 2A to the Insolvency (Northern Ireland) Order 1989 or Schedule 4A to the Insolvency Act 1986;”.

(3) In Regulation 7 (Fitness of registered provider) after paragraph (4)(a) insert—

“(ab) he is the subject of a bankruptcy restrictions order; or”.

### **The Independent Health Care Regulations (Northern Ireland) 2005**

36.—(1) The Independent Health Care Regulations (Northern Ireland) 2005<sup>(38)</sup> are amended as follows.

(2) In Regulation 2(1) (Interpretation) after the definition of “agency” insert—

““bankruptcy restrictions order” means an order made under Schedule 2A of the Insolvency (Northern Ireland) Order 1989 or Schedule 4A of the Insolvency Act 1986;”.

(3) In Regulation 10 (Fitness of registered person provider) after paragraph (4)(a) insert—

“(ab) he is the subject of a bankruptcy restrictions order; or”.

### **The Nursing Agencies Regulations (Northern Ireland) 2005**

37.—(1) The Nursing Agencies Regulations (Northern Ireland) 2005<sup>(39)</sup> are amended as follows.

(2) In Regulation 2(1) (Interpretation) after the definition of “agency” insert—

““bankruptcy restrictions order” means an order made under Schedule 2A to the Insolvency (Northern Ireland) Order 1989 or Schedule 4A to the Insolvency Act 1986;”.

(3) In Regulation 7 (Fitness of registered provider) after paragraph (4)(a) insert —

“(ab) he is the subject of a bankruptcy restrictions order; or”.

### **The Children’s Homes Regulations (Northern Ireland) 2005**

38.—(1) The Children’s Homes Regulations (Northern Ireland) 2005<sup>(40)</sup> are amended as follows.

(2) In Regulation 2(1) (Interpretation) after the definition of “the Children Order” insert—

““bankruptcy restrictions order” means an order made under Schedule 2A to the Insolvency (Northern Ireland) Order 1989 or Schedule 4A to the Insolvency Act 1986;”.

(3) In Regulation 6 (Fitness of registered provider) after paragraph (4)(a) insert—

“(ab) he is the subject of a bankruptcy restrictions order;”.

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<sup>(37)</sup> S.R. 2005 No. 161

<sup>(38)</sup> S.R. 2005 No. 174

<sup>(39)</sup> S.R. 2005 No. 175

<sup>(40)</sup> S.R. 2005 No. 176

### **The Railways Infrastructure (Access, Management and Licensing of Railway Undertakings) Regulations (Northern Ireland) 2005**

39. In paragraph 2(a) of Schedule 4 (Qualifications for European Licence) to the Railways Infrastructure (Access, Management and Licensing of Railway Undertakings) Regulations (Northern Ireland) 2005(41), after “bankrupt” insert “or is the subject of a bankruptcy restrictions order”

### **The Adult Placement Agencies Regulations (Northern Ireland) 2007**

40.—(1) The Adult Placement Agencies Regulations (Northern Ireland) 2007(42) are amended as follows.

- (2) In Regulation 2(1) (Interpretation) after the definition of “approval panel” insert—  
““bankruptcy restrictions order” means an order made under Schedule 2A to the Insolvency (Northern Ireland) Order 1989 or Schedule 4A to the Insolvency Act 1986;”.
- (3) In Regulation 7 (Fitness of registered provider) after paragraph (4)(a) insert—  
“(ab) he is the subject of a bankruptcy restrictions order; or”.

### **The Day Care Setting Regulations (Northern Ireland) 2007**

41.—(1) The Day Care Setting Regulations (Northern Ireland) 2007(43) are amended as follows.

- (2) In Regulation 2(1) (Interpretation) after the definition of “the Order” insert—  
““bankruptcy restrictions order” means an order made under Schedule 2A to the Insolvency (Northern Ireland) Order 1989 or Schedule 4A to the Insolvency Act 1986;”.
- (3) In Regulation 8 (Fitness of registered provider) after paragraph (4)(a) insert—  
“(ab) he is the subject of a bankruptcy restrictions order; or”.

### **The Domiciliary Care Agencies Regulations (Northern Ireland) 2007**

42.—(1) The Domiciliary Care Agencies Regulations (Northern Ireland) 2007(44) are amended as follows.

- (2) In Regulation 2(1) (Interpretation) after the definition of “agency premises” insert—  
““bankruptcy restrictions order” means an order made under Schedule 2A to the Insolvency (Northern Ireland) Order 1989 or Schedule 4A to the Insolvency Act 1986;”.
- (3) In Regulation 8 (Fitness of registered provider) after paragraph (4)(a) insert—  
“(ab) he is the subject of a bankruptcy restrictions order; or”.

### **The Residential Family Centres Regulations (Northern Ireland) 2007**

43.—(1) The Residential Family Centres Regulations (Northern Ireland) 2007(45) are amended as follows.

- (2) In Regulation 2(1) (Interpretation) at the beginning insert—  
““bankruptcy restrictions order” means an order made under Schedule 2A to the Insolvency (Northern Ireland) Order 1989 or Schedule 4A to the Insolvency Act 1986;”.
- (3) In Regulation 7 (Fitness of registered provider) after paragraph (4)(a) insert—

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(41) [S.R. 2005 No. 537](#)

(42) [S.R. 2007 No. 221](#)

(43) [S.R. 2007 No. 234](#)

(44) [S.R. 2007 No.235](#)

(45) [S.R. 2007 No. 236](#)

“(ab) he is the subject of a bankruptcy restrictions order; or”.

#### **The General Ophthalmic Services Regulations (Northern Ireland) 2007**

44.—(1) The General Ophthalmic Services Regulations (Northern Ireland) 2007<sup>(46)</sup> are amended as follows.

(2) In Regulation 2 (Interpretation) after the definition of “authority” insert—

““bankruptcy restrictions order” means an order made under Schedule 2A to the Insolvency (Northern Ireland) Order 1989 or Schedule 4A to the Insolvency Act 1986;”.

(3) For paragraph 6(b) of Schedule 2 (Constitution of ophthalmic committee) substitute—

“(ab) has become the subject of a bankruptcy restrictions order; or”.

#### **The Regional Agency for Public Health and Social Well-being (Membership) Regulations (Northern Ireland) 2009**

45. In Regulation 1(2) (Citation, commencement and interpretation) of the Regional Agency for Public Health and Social Well-being (Membership) Regulations (Northern Ireland) 2009<sup>(47)</sup>, in the definition of “bankruptcy restrictions order” after “1989” insert “or Schedule 4A of the Insolvency Act 1986”.

#### **The Regional Health and Social Care Board (Membership) Regulations (Northern Ireland) 2009**

46. In Regulation 1(2) (Citation, commencement and interpretation) of the Regional Health and Social Care Board (Membership) Regulations (Northern Ireland) 2009<sup>(48)</sup>, in the definition of “bankruptcy restrictions order” after “1989” insert “or Schedule 4A of the Insolvency Act 1986”.

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

47. In Regulation 1(2) (Citation, commencement and interpretation) of the Regional Business Services Organisation (Membership and Procedure) Regulations (Northern Ireland) 2009<sup>(49)</sup>, in the definition of “bankruptcy restrictions order” after “1989” insert “or Schedule 4A of the Insolvency Act 1986”.

#### **The Patient and Client Council (Membership and Procedure) Regulations (Northern Ireland) 2009**

48. In Regulation 1(2) (Citation, commencement and interpretation) of the Patient and Client Council (Membership and Procedure) Regulations (Northern Ireland) 2009<sup>(50)</sup>, in the definition of “bankruptcy restrictions order” after “1989” insert “or Schedule 4A of the Insolvency Act 1986”.

#### **The Local Commissioning Groups (Membership) Regulations (Northern Ireland) 2009**

49. In Regulation 1(2) (Citation, commencement and interpretation) of the Local Commissioning Groups (Membership) Regulations (Northern Ireland) 2009<sup>(51)</sup>, in the definition of “bankruptcy restrictions order” after “1989” insert “or Schedule 4A of the Insolvency Act 1986”.

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<sup>(46)</sup> S.R. 2007 No. 436

<sup>(47)</sup> S.R. 2009 No. 93

<sup>(48)</sup> S.R. 2009 No. 95

<sup>(49)</sup> S.R. 2009 No. 97

<sup>(50)</sup> S.R. 2009 No. 98

<sup>(51)</sup> S.R. 2009 No. 395

## **The Tenancy Deposit Schemes Regulations (Northern Ireland) 2012**

50.—(1) The Tenancy Deposit Schemes Regulations (Northern Ireland) 2012<sup>(52)</sup> are amended as follows.

- (2) In Regulation 2 (Interpretation) after “approved tenancy deposit scheme” insert—  
“bankruptcy restrictions order” means an order made under Schedule 2A of the Insolvency (Northern Ireland) Order 1989 or Schedule 4A of the Insolvency Act 1986;”.
- (3) In Regulation 3(2)(b) (Appointment of Scheme Administrator) after “bankrupt” insert “or is the subject of a bankruptcy restrictions order”.

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### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

Individuals who are bankrupt may be prevented by certain statutory provisions (“disqualification provisions”) from being elected or appointed to, or holding, an office of position, or from becoming or remaining a member of a body or group.

Article 30 of the Insolvency (Northern Ireland) Order 2005 gives the Department the power to make orders making supplementary, incidental or consequential provisions for the general purposes or for any particular purpose of the Order or in consequence of any provision made by or under it or for giving full effect to it.

Such Orders may amend, repeal or modify any statutory provision, including the Order itself, and may make incidental, supplementary, consequential, transitional, transitory or saving provisions.

The Schedule to this Order, which was made under Article 30 of the Insolvency (Northern Ireland) Order 2005 amends certain disqualification provisions which did not meet the criteria for being amended under a specific power provided by Article 24 of that Order.

A regulatory impact assessment has not been prepared for this Order as it has no impact on the costs of business.

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<sup>(52)</sup> S.R. 2012 No. 373