

2003 No. 346

COMPANIES

**The Company Directors Disqualification (2002 Order)
(Transitional Provisions) Order (Northern Ireland) 2003**

Made - - - - - *22nd July 2003*

Coming into operation *5th September 2003*

The Department of Enterprise, Trade and Investment, in exercise of the powers conferred on it by Article 26(3) and (4) of the Company Directors Disqualification (Northern Ireland) Order 2002(a) and of every other power enabling it in that behalf, hereby makes the following Order: –

Citation and commencement

1. This Order may be cited as the Company Directors Disqualification (2002 Order) (Transitional Provisions) Order (Northern Ireland) 2003 and shall come into operation on 5th September 2003.

Interpretation

2. In this Order “the 2002 Order” means the Company Directors Disqualification (Northern Ireland) Order 2002.

Transitional provisions

3. The transitional provisions in Articles 4 to 6 shall have effect.

4. In a case where a person subject to a disqualification order under the Companies (Northern Ireland) Order 1989(b), made on the application of the Department, the official receiver or the liquidator, has applied for leave of the High Court for the purposes of Article 4(1) of that Order before 5th September 2003, the repeal of Article 20 of the Companies (Northern Ireland) Order 1989 by Article 26(5) of, and Schedule 4 to, the 2002 Order shall not apply and Article 20 of the Companies (Northern Ireland) Order 1989, as it has effect immediately before 5th September 2003 shall continue to have effect instead of Article 21 of the 2002 Order.

5. In a case where a person is subject to a disqualification undertaking accepted under the Company Directors Disqualification Act 1986(c) before 5th September 2003, the 2002 Order shall have effect subject to the following modifications –

- (a) the words “or a disqualification undertaking” in Article 17 shall be omitted;
- (b) the words “or disqualification undertaking” in Article 19(1)(b)(ii) shall be omitted; and
- (c) the words “or disqualification undertaking” in Article 19(5) shall be omitted.

(a) S.I. 2002/3150 (N.I. 4)
(b) S.I. 1989/2404 (N.I. 18)
(c) 1986 c. 46

6. In a case where a person is subject to a disqualification undertaking accepted under the Company Directors Disqualification Act 1986 before 5th September 2003, Article 349(4)(b) of the Insolvency (Northern Ireland) Order 1989(a) shall be replaced by the following subparagraph –

“(b) he is subject to a disqualification order made under the Company Directors Disqualification Act 1986 or a disqualification order made or a disqualification undertaking accepted under the Company Directors Disqualification (Northern Ireland) Order 2002, or”

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 22nd July 2003.

(L.S.)

Michael J. Bohill

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

(a) Article 349(4)(b) was amended by paragraph 6 of Schedule 3 to the Company Directors Disqualification (Northern Ireland) Order 2002

EXPLANATORY NOTE

(This note is not part of the Order.)

The Company Directors Disqualification (2002 Order) (Commencement) Order (Northern Ireland) 2003 S.R. 2003 No. 345 (C. 25), brings the Company Directors Disqualification (Northern Ireland) Order 2002 (“the 2002 Order”) fully into operation on 5th September 2003.

This Order makes transitional provisions in connection with the coming into operation of the 2002 Order.

© Crown Copyright 2003

£1.75

Published by The Stationery Office Limited

ISBN 0-337-95184-5



Printed in the UK by The
Stationery Office Limited
under the authority and
superintendence of Carol
Tullo, Controller of
Her Majesty's Stationery
Office being the Government
Printer for Northern Ireland and
the Officer appointed to print the
Acts of the Northern Ireland Assembly
Dd. N1111. C2. 8/03. Gp. 130. 14567.