

SCHEDULES

SCHEDULE 1

Section 5

AMENDMENTS TO SCHEDULE 1 TO THE 1990 ACT RELATING TO MEMBERSHIP OF THE AUTHORITY

- 1 Schedule 1 to the 1990 Act (supplementary provision about Authority) is amended as follows.
- 2 After paragraph 4 (appointment of members) insert—
- “4A (1) A person (“P”) is disqualified for being appointed as chairman, deputy chairman, or as any other member of the Authority if—
- (a) P is the subject of a bankruptcy restrictions order or interim order,
 - (b) a bankruptcy order has been made against P by a court in Northern Ireland, P’s estate has been sequestered by a court in Scotland, or under the law of Northern Ireland or Scotland, P has made a composition or arrangement with, or granted a trust deed for, P’s creditors, or
 - (c) in the last five years P has been convicted in the United Kingdom, the Channel Islands or the Isle of Man of an offence and has had a qualifying sentence passed on P.
- (2) Where P is disqualified under sub-paragraph (1)(b) because a bankruptcy order has been made against P or P’s estate has been sequestered, the disqualification ceases—
- (a) on P obtaining a discharge, or
 - (b) if the bankruptcy order is annulled or the sequestration of P’s estate is recalled or reduced, on the date of that event.
- (3) Where P is disqualified under sub-paragraph (1)(b) because of P having made a composition or arrangement with, or granted a trust deed for, P’s creditors, the disqualification ceases—
- (a) at the end of the period of five years beginning with the date on which the terms of the deed of composition or arrangement or trust deed are fulfilled, or
 - (b) if, before then, P pays P’s debts in full, on the date on which the payment is completed.
- (4) For the purposes of sub-paragraph (1)(c), the date of conviction is to be taken to be the ordinary date on which the period allowed for making an appeal or application expires or, if an appeal or application is made, the date on which the appeal or application is finally disposed of or abandoned or fails by reason of its non-prosecution.

- (5) In sub-paragraph (1)(c), the reference to a qualifying sentence is to a sentence of imprisonment for a period of not less than three months (whether suspended or not) without the option of a fine.”

3

In paragraph 5—

- (a) after sub-paragraph (4), insert—

“(4A) A person holding office as chairman, deputy chairman or other member of the Authority is to cease to hold that office if the person becomes disqualified for appointment to it.”, and

- (b) in sub-paragraph (5)—

- (i) omit paragraph (b) and the word “or” immediately after it,
- (ii) in paragraph (c) for “functions of a member” substitute “person’s functions as chairman, deputy chairman or other member”, and
- (iii) in the full-out words, for the words from “declare” to the end substitute “remove the member from office as chairman, deputy chairman or other member”.