

## SCHEDULE 2

Article 2(2)

### Amendment or modification of disqualification provisions

## PART 1

### Provision made by an Act of Parliament

#### **Industry Act 1975**

1. In paragraph 6(1)(c) of Schedule 3 (establishment of Tribunal) to the Industry Act 1975(1)—
  - (a) for the words “becomes bankrupt or makes a composition with creditors” there is substituted “is the subject of a bankruptcy restrictions order or an interim order”; and
  - (b) the words “or a member makes a trust deed for behoof of his creditors or a composition contract” shall be omitted.

#### **Aircraft and Shipbuilding Industries Act 1977**

2. In section 42(5) (the Arbitration Tribunal) of the Aircraft and Shipbuilding Industries Act 1977(2)—
  - (a) in paragraph (b), for the words “he is unfit to continue in office; and” there is substituted “he is unfit to continue in office.”; and
  - (b) paragraph (c) shall be omitted.

#### **Transport Act 1981**

3. In paragraph 3(2)(a) of Schedule 2 (resignation and vacation of office) to the Transport Act 1981(3)—
  - (a) for the words “becomes bankrupt or makes an arrangement with his creditors” there is substituted “is the subject of a bankruptcy restrictions order or an interim order”; and
  - (b) the words “or makes a trust deed for behoof of his creditors or a composition contract” shall be omitted.

#### **Charities Act 1993**

4. In section 72 (persons disqualified for being trustees of a charity) of the Charities Act 1993(4)—
  - (a) in subsection (1)(b), after the word “discharged” there is inserted “or he is the subject of a bankruptcy restrictions order or an interim order”; and
  - (b) in subsection (2)(b), after the word “sequestration” there is inserted “or the making of a bankruptcy restrictions order or an interim order”.

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(1) 1975 c. 68. Paragraph 6(1) was amended by section 26 of, and paragraph 52 of Schedule 6 to, the Judicial Pensions and Retirement Act 1993 (c. 8).

(2) 1977 c. 3.

(3) 1981 c. 56.

(4) 1993 c. 10.

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### **Pensions Act 1995**

5. In section 29 (persons disqualified for being trustees) of the Pensions Act 1995<sup>(5)</sup>—
- (a) in subsection (1)(b), after the word “discharged” there is inserted “or he is the subject of a bankruptcy restrictions order or an interim order”; and
  - (b) in subsection (2)(b), after the word “sequestration” there is inserted “or the making of the bankruptcy restrictions order or an interim order”.

### **Greater London Authority Act 1999**

6. In section 21 (disqualification from being the Mayor or an Assembly Member) of the Greater London Authority Act 1999<sup>(6)</sup>—
- (a) for subsection (1)(c) there is substituted—
    - “(c) he is the subject of a bankruptcy restrictions order or an interim order;”;
  - (b) subsections (3) and (4) shall be omitted.

## **PART 2**

### **Provision made under an Act of Parliament**

### **Registration of Births, Deaths and Marriages Regulations 1968**

7. In regulation 5(a)(i) (disqualification for appointment) of the Registration of Births, Deaths and Marriages Regulations 1968<sup>(7)</sup>, after the words “has not subsequently obtained his discharge,” there is inserted “or he is the subject of a bankruptcy restrictions order or an interim order”.

### **Personal Equity Plan Regulations 1989**

8. In regulation 15(1)(b) (plan manager ceasing to qualify) of the Personal Equity Plan Regulations 1989<sup>(8)</sup>, after the word “bankrupt” there is inserted “or is the subject of a bankruptcy restrictions order or an interim order”.

### **National Health Service Trusts (Membership and Procedure) Regulations 1990**

- 9.—(1) The National Health Service Trusts (Membership and Procedure) Regulations 1990<sup>(9)</sup> shall be amended as follows.
- (2) For regulation 11(1)(b) (disqualification for appointment of chairman and non-executive directors) there is substituted—
    - “(b) he is the subject of a bankruptcy restrictions order or an interim order;”.
  - (3) Paragraphs (1) and (2) of regulation 12 (cessation of disqualification) shall be omitted.

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(5) 1995 c. 26.

(6) 1999 c. 29.

(7) S.I. 1968/2049.

(8) S.I. 1989/469, as amended by S.I. 2001/923.

(9) S.I. 1990/2024.

### **Air Passenger Duty Regulations 1994**

**10.** In regulation 7(2)(d) (ceasing to act as a fiscal representative) of the Air Passenger Duty Regulations 1994(**10**), after the word “elsewhere” there is inserted “or is the subject of a bankruptcy restrictions order or an interim order”.

### **National Health Service Litigation Authority Regulations 1995**

**11.**—(1) The National Health Service Litigation Authority Regulations 1995(**11**) shall be amended as follows.

(2) In regulation 7(1) (disqualification for appointment)—

(a) for the words “Subject to regulation 8 (cessation of disqualification), a person shall be” there is substituted “A person shall be”; and

(b) for sub-paragraph (b) (disqualification for appointment) there is substituted—

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

(3) Regulation 8 (cessation of disqualification) shall be omitted.

### **Health Authorities (Membership and Procedure) Regulations 1996**

**12.**—(1) The Health Authorities (Membership and Procedure) Regulations 1996(**12**) shall be amended as follows.

(2) For regulation 10(1)(b) (disqualification for appointment) there is substituted—

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

(3) Paragraphs (1) and (2) of regulation 11 (cessation of disqualification) shall be omitted.

### **Individual Savings Account Regulations 1998**

**13.** In regulation 20(1)(b) (account manager ceasing to qualify) of the Individual Savings Account Regulations 1998(**13**), after the word “bankrupt” there is inserted “or is the subject of a bankruptcy restrictions order or an interim order”.

### **Primary Care Trusts (Membership, Procedure and Administration Arrangements) Regulations 2000**

**14.**—(1) The Primary Care Trusts (Membership, Procedure and Administration Arrangements) Regulations 2000(**14**) shall be amended as follows.

(2) For regulation 5(1)(b) (disqualification for appointment: chairman and non-officer members) there is substituted—

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

(3) Paragraphs (1) and (2) of regulation 6 (cessation of disqualification) shall be omitted.

### **Education (Foundation Body) (England) Regulations 2000**

**15.** In paragraph 2 of Schedule 4 (disqualification for holding office) to the Education (Foundation Body) (England) Regulations 2000(**15**)—

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(10) S.I. 1994/1738.

(11) S.I. 1995/2801.

(12) S.I. 1996/707.

(13) S.I. 1998/1870.

(14) S.I. 2000/89. Regulation 5(1)(b) was substituted by regulation 3(1) and (2)(b) of S.I. 2003/1616.

(15) S.I. 2000/2872.

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- (a) for sub-paragraph (a) there is substituted—
  - “(a) his estate has been sequestrated and the sequestration has not been discharged, annulled or reduced;”;
- (b) for sub-paragraph (b) there is substituted—
  - “(b) he is the subject of a bankruptcy restrictions order or an interim order.”.

#### **National Treatment Agency Regulations 2001**

- 16.—(1) The National Treatment Agency Regulations 2001<sup>(16)</sup> shall be amended as follows.
- (2) For regulation 3(1)(b) (disqualification for appointment) there is substituted—
  - “(b) he is the subject of a bankruptcy restrictions order or an interim order;”.
- (3) Paragraphs (1) and (2) of regulation 4 (cessation of disqualification) shall be omitted.

#### **National Health Service Appointments Commission Regulations 2001**

- 17.—(1) The National Health Service Appointments Commission Regulations 2001<sup>(17)</sup> shall be amended as follows.
- (2) For regulation 3(1)(b) (disqualification for appointment) there is substituted—
  - “(b) he is the subject of a bankruptcy restrictions order or an interim order;”.
- (3) Paragraphs (1) and (2) of regulation 4 (cessation of disqualification) shall be omitted.

#### **National Patient Safety Agency Regulations 2001**

- 18.—(1) The National Patient Safety Agency Regulations 2001<sup>(18)</sup> shall be amended as follows.
- (2) For regulation 3(1)(b) (disqualification for appointment) there is substituted—
  - “(b) he is the subject of a bankruptcy restrictions order or an interim order;”.
- (3) Paragraphs (1) and (2) of regulation 4 (cessation of disqualification) shall be omitted.

#### **General Social Care Council (Appointments and Procedure) Regulations 2001**

- 19.—(1) The General Social Care Council (Appointments and Procedure) Regulations 2001<sup>(19)</sup> shall be amended as follows.
- (2) In regulation 4 (disqualification for appointment)—
  - (a) for paragraph (1)(d) there is substituted—
    - “(d) a person who is the subject of a bankruptcy restrictions order or an interim order;”;
  - (b) paragraphs (3) and (4) shall be omitted.
- (3) In regulation 6(6) (termination by the Secretary of State of tenure of office of chairman and members), for the words “is adjudged bankrupt or makes a composition or arrangement with his creditors” there is substituted “becomes the subject of a bankruptcy restrictions order or an interim order”.

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<sup>(16)</sup> S.I. 2001/715.

<sup>(17)</sup> S.I. 2001/794.

<sup>(18)</sup> S.I. 2001/1742.

<sup>(19)</sup> S.I. 2001/1744.

## **Council for the Regulation of Health Care Professionals (Appointment etc.) Regulations 2002**

**20.** For regulation 2(b) (disqualification for appointment) of the Council for the Regulation of Health Care Professionals (Appointment etc.) Regulations 2002(**20**) there is substituted—

“(b) is the subject of a bankruptcy restrictions order or an interim order;”.