

*Status: Point in time view as at 30/06/2016.*

*Changes to legislation: There are currently no known outstanding effects for the Small Business, Enterprise and Employment Act 2015, Cross Heading: Amendments consequential on, or related to, amendments made by paragraphs 2 to 8. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 8

#### NORTHERN IRELAND: PROVISION CORRESPONDING TO SECTIONS 104 TO 111

*Amendments consequential on, or related to, amendments made by paragraphs 2 to 8*

- 9 (1) The 2002 Order is amended as follows.
- (2) In Article 2(2) (interpretation), after the definition of “the official receiver” insert—
- ““overseas company” is a company which is incorporated or formed outside Northern Ireland;”.
- (3) In Article 3 (disqualification orders: general), in paragraph (2), for “Article 9” substitute “ Articles 9 and 11A ”.
- (4) In Article 4 (disqualification undertakings: general)—
- (a) in paragraph (1), for “10 and 11” substitute “ 8A, 10, 11, 11C and 11E ”, and
- (b) in paragraph (2), after “10” insert “ or 11C ”.
- (5) In Article 5 (disqualification on conviction of offence punishable only on indictment or either on indictment or summary conviction), after paragraph (1) insert—
- “(1A) In paragraph (1), “company” includes overseas company.”
- (6) In Article 6 (disqualification for persistent default under companies legislation), after paragraph (3A) insert—
- “(3B) In this Article “company” includes overseas company.”
- (7) In Article 8 (disqualification on summary conviction of offence), after paragraph (4A) insert—
- “(4B) In this Article “company” includes overseas company.”
- (8) In Article 9 (duty of High Court to disqualify unfit directors of insolvent companies), in paragraph (2), omit “and Article 10”.
- (9) In Article 10 (disqualifications under Article 9: applications and undertakings), after paragraph (5) insert—
- “(6) Paragraphs (1A) and (2) of Article 9 apply for the purposes of this Article as they apply for the purposes of that Article.”
- (10) Before Article 12 insert— “ Further provision about disqualification undertakings ”.
- (11) In Article 14 (participation in wrongful trading), after paragraph (2) insert—
- “(3) In this Article “company” includes overseas company.”

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- (12) In Article 20 (application for disqualification order), in paragraph (2), after “any company” insert “ or overseas company ”.
- (13) In Article 22 (register of disqualification orders and undertakings), in paragraph (3) (a), for “10 or 11” substitute “ 8A, 10, 11, 11C or 11E ”.
- (14) In Article 23 (admissibility in evidence of statements), in paragraph (1)—
- (a) for “9 to 14” substitute “ 8A to 14, 17A ”, and
  - (b) after “or 19” insert “ to 19C ”.
- (15) In Article 24 (interaction with the Insolvency (Northern Ireland) Order 1989), in paragraphs (1) and (2)—
- (a) for “9 to 14” substitute “ 8A to 14, 17A ”, and
  - (b) after “or 19” insert “ to 19C ”.
- (16) In Article 24D (application of Order to building societies), omit paragraph (4).
- (17) Omit Article 24E (application of Order to open-ended investment companies).
- (18) In Article 25 (application of Order to incorporated friendly societies)—
- (a) after paragraph (3) insert—
 

“(3A) In relation to an incorporated friendly society, this Order applies as if Articles 11A to 11E were omitted.”, and
  - (b) omit paragraph (4).
- (19) In Article 25A (application of Order to registered societies)—
- (a) omit paragraph (2)(d),
  - (b) after paragraph (2)(f) insert—
 

“(g) Articles 11A to 11E are to be disregarded.”, and
  - (c) omit paragraph (3).

**Commencement Information**

**11** Sch. 8 para. 9 in force at 1.10.2015 by S.I. 2015/1689, reg. 2(h)

10 Omit paragraph 65 of Schedule 2 to the Insolvency (Northern Ireland) Order 2005 (S.I. 2005/1455 (N.I. 10)).

**Commencement Information**

**12** Sch. 8 para. 10 in force at 1.10.2015 by S.I. 2015/1689, reg. 2(h)

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