

Draft Order laid before the Assembly under section 5 of the Debt Relief Act (Northern Ireland) 2010 for approval by resolution of the Assembly

DRAFT STATUTORY RULES OF NORTHERN
IRELAND

2016 No. 0000

INSOLVENCY

**DISQUALIFICATION PROVISIONS – FOR DEBT RELIEF ORDERS AND
DEBT RELIEF RESTRICTIONS ORDERS**

**The Debt Relief Act (Northern Ireland) 2010 (Consequential
Amendments) Order (Northern Ireland) 2016**

Laid before the Assembly in draft

Made - - - - xx xxx 2016

Coming into operation - 7th March 2016

The Department of Enterprise, Trade and Investment makes the following Order in exercise of the powers conferred by section 5 of the Debt Relief Act (Northern Ireland) 2010(a).

Citation and commencement

1. This Order may be cited as the Debt Relief Act (Northern Ireland) 2010 (Consequential Amendments) Order (Northern Ireland) 2016 and comes into operation on 7th March 2016.

Consequential amendments to or in connection with disqualification provisions

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

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on xx xxx 2016



Jackie Kerr

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

SCHEDULE

PART 1

PRIMARY LEGISLATION

The Foyle Fisheries Act (Northern Ireland) 1952

1. In paragraph 2(4)(c) of Schedule 3A (Foyle and Carlingford Aquaculture Licensing Appeals Board) to the Foyle Fisheries Act (Northern Ireland) 1952(a), for “or he is the subject of a bankruptcy restrictions order,” substitute “or he is the subject of a bankruptcy restrictions order, or a debt relief order has been made in respect of him or he has become the subject of a debt relief restrictions order,”.

The Trustee Act (Northern Ireland) 1958

2. In section 40(2) (power of court to appoint new trustees) of the Trustee Act (Northern Ireland) 1958(b), after “bankruptcy restrictions order” insert “or in relation to whom a moratorium period under a debt relief order applies or who is subject to a debt relief restrictions order”.

The Magistrates’ Courts Act (Northern Ireland) 1964

3. In section 6 (persons disqualified for acting as justices) of the Magistrates’ Courts Act (Northern Ireland) 1964(c)—

(a) after subsection (3) insert—

“(3ZA) A person in relation to whom a moratorium period under a debt relief order applies shall not be capable of being appointed a justice of the peace.”;

(b) in subsection (3A) after “bankruptcy restrictions order” insert “or who is subject to a debt relief restrictions order”.

The New Towns Act (Northern Ireland) 1965

4. In paragraph 6(a) of Schedule 4 (New Town Commissions) to the New Towns Act (Northern Ireland) 1965(d), after “bankruptcy restrictions order” insert “or has had a debt relief order made in respect of him or is the subject of a debt relief restrictions order,”.

The Livestock Marketing Commission Act (Northern Ireland) 1967

5. In paragraph 1(4)(a) of Part II of the Schedule (membership of the Commission) to the Livestock Marketing Commission Act (Northern Ireland) 1967(e), after “bankrupt” insert “or has had a debt relief order made in respect of him”, and after “bankruptcy restrictions order” insert “or a debt relief restrictions order”.

The Transport Act (Northern Ireland) 1967

6.—(1) The Transport Act (Northern Ireland) 1967(f) is amended as follows.

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- (a) 1952 c. 5 (N.I.); Schedule 3A was inserted by the Foyle and Carlingford Fisheries (Northern Ireland) Order 2007 (S.I. 2007/915 (N.I. 9)), Schedule 1; and paragraph 2(4)(c) of Schedule 3A was amended by S.R. 2015 No.159, paragraph 16 of the Schedule
- (b) 1958 c. 23 (N.I.) as amended by S.R. 2015 No.159, paragraph 1 of the Schedule
- (c) 1964 c. 21 (N.I.) as amended by S.R. 2015 No.159, paragraph 2 of the Schedule
- (d) 1965 c. 13 (N.I.) as amended by S.R. 2015 No.159, paragraph 3 of the Schedule
- (e) 1967 c.21 (N.I.) as amended by S.R. 2008 No.94, paragraph 1 of the Schedule
- (f) 1967 c. 37 (N.I.); section 7(1A)(b)(ii) and 33(2)(a) were amended by S.R. 2015 No.159, paragraph 4 of the Schedule

(2) In subsection (1A)(b)(ii) of section 7 (conditions of road service licences), after “bankruptcy restrictions order” insert “ or he is a person in relation to whom a moratorium period under a debt relief order applies or becomes subject to a debt relief restrictions order”.

(3) In subsection (2)(a) of section 33 (transfer of licences), after “bankruptcy restrictions order” insert “or has had a debt relief order made in respect of him, or becomes subject to a debt relief restrictions order”.

The Solicitors (Northern Ireland) Order 1976

7.—(1) The Solicitors (Northern Ireland) Order 1976(a) is amended as follows.

(2) In Article 13(1) (discretion of registrar to refuse certificate in special cases), after paragraph (1) insert—

“(m) where a debt relief order has been made in respect of him and at the end of the moratorium period applicable to the order he has been discharged from all the qualifying debts specified in the order; or

(n) where he has been the subject of a debt relief restrictions order.”

(3) In Article 15(1) (suspension of practising certificate), after “bankruptcy restrictions order” insert “or the making of a debt relief order in respect of him or his becoming the subject of a debt relief restrictions order.”

(4) In Article 16 (duration of suspension of practising certificate)—

(a) after paragraph (2) insert—

“(2A) The suspension of a practising certificate by virtue of Article 15(1) by reason of the making of a debt relief order shall terminate —

(a) where the debt relief order is revoked on the grounds mentioned in Article 208L(2)(c) or (d) of the Insolvency (Northern Ireland) Order 1989 and a copy of the notice provided to the debtor under Rule 5A.20 of the Insolvency Rules (Northern Ireland) 1991 is served on the Society or the debt relief order is revoked by the High Court under Article 208M(6)(e) of that Order and a copy of the Court order is served on the Society;

(b) the debt relief order is revoked and a period of one year has elapsed beginning with the effective date of that order.”

(b) in paragraph (3) after “bankruptcy restrictions order”, on each occasion where it occurs, insert “or the making of a debt relief restrictions order”.

(5) In the cross-heading before Article 21A, after “bankruptcy restrictions order” insert “or subject to a debt relief restrictions order”.

(6) In Article 21A (solicitor practising whilst subject to a bankruptcy restrictions order)—

(a) after “bankruptcy restrictions order” insert “or a debt relief restrictions order”;

(b) omit “[and/or an unlimited fine]”.

(7) After Article 21A, insert—

“Solicitor practising within the moratorium period which follows the making of a debt relief order

21B. If a solicitor continues to practise as a solicitor while a moratorium period under a debt relief order applies to him 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,

(a) S.I. 1976/582 (N.I. 12); Articles 13(1), 15(1), 16(3), 29(1), 30, 36(2)(a) and 41(3)(a) were amended, and Article 21A was inserted, by S.R. 2015 No.159, paragraph 5 of the Schedule

he shall be guilty of an offence and shall be liable, on conviction on indictment, to imprisonment for a term not exceeding two years”.

(8) In Article 29(1) (employment by solicitor of persons whose names have been struck off the roll etc.), after “bankruptcy restrictions order” insert “or a moratorium period under a debt relief order applies to him or he is the subject of a debt relief restrictions order”.

(9) In Article 30 (failure to disclose name having been struck off the roll etc.), after “bankruptcy restrictions order” insert “or a moratorium period under a debt relief order applies to him or he is the subject of a debt relief restrictions order”.

(10) In Article 36(2)(a) (powers of Council to deal with property in control of certain solicitors and other persons), after “bankruptcy restrictions order” insert “or has a debt relief order made in respect of him or becomes the subject of a debt relief restrictions order”.

(11) In Article 41(3)(a) (extension of Bankruptcy Acts etc), after “bankrupt restrictions order” insert “or a debt relief order has been made in respect of him or he is the subject of a debt relief restrictions order”.

The Health and Safety at Work (Northern Ireland) Order 1978

8. In paragraph 6(1)(c) of Schedule 2 (members of the Health and Safety Executive for Northern Ireland) to the Health and Safety at Work (Northern Ireland) Order 1978(a), after “bankruptcy restrictions order” insert “or a debt relief order has been made in respect of him or he is the subject of a debt relief restrictions order”.

The Probation Board (Northern Ireland) Order 1982

9. In paragraph 3(4)(b) of Schedule 1 (the Probation Board for Northern Ireland) to the Probation Board (Northern Ireland) Order 1982(b), after “bankruptcy restrictions order” insert “or has had a debt relief order has been made in respect of him or is the subject of a debt relief restrictions order”.

The Recreation and Youth Service (Northern Ireland) Order 1986

10. In paragraph 2(2)(b) of Part 1 of Schedule 1 (constitution of the Sports Council) to the Recreation and Youth Service (Northern Ireland) Order 1986(c), after “bankrupt” insert “or has had a debt relief order made in respect of him”, and after “bankruptcy restrictions order” insert “or a debt relief restrictions order”.

The Enduring Powers of Attorney (Northern Ireland) Order 1987

11. In paragraph (6)(a) of Article 4 (characteristics of an enduring power) of the Enduring Powers of Attorney (Northern Ireland) Order 1987(d), after “bankruptcy restrictions order” insert “or a person in relation to whom a moratorium period under a debt relief order applies or who is subject to a debt relief restrictions order”.

The Criminal Justice Act 1988

12.—(1) The Criminal Justice Act 1988(e) is amended as follows.

(2) In section 172(6) (extent), after “paragraph 5(bb)” insert “, 5(bc) and 5(bd)”.

(3) In Schedule 12 (assessors of compensation for miscarriages of justice), after paragraph 5(bb) insert—

(a) S.I. 1978/1039 (N.I.9) as amended by S.R. 2015 No.159, paragraph 6 of the Schedule
(b) S.I. 1982/713 (N.I. 10) as amended by S.R. 2015 No.159, paragraph 7 of the Schedule
(c) S.I. 1986/2232 (N.I. 25) as amended by S.R. 2008 No.94, paragraph 2 of the Schedule
(d) S.I. 1987/1627 (N.I. 16) as amended by S.R. 2015 No.159, paragraph 8 of the Schedule
(e) 1988 c. 33; section 172(6) was amended by, and paragraph 5(bb) of Schedule 12 was inserted by, S.R. 2015 No.159, paragraph 9 of the Schedule

- “(bc) debt relief order (under Part 7A of the Insolvency (Northern Ireland) Order 1989) has been made in respect of him;
- (bd) he has become the subject of a debt relief restrictions order (under Part 7A of the Insolvency (Northern Ireland) Order 1989);”.

The Housing (Northern Ireland) Order 1992

13. 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(a), after “bankruptcy restrictions order” insert “, or is a person in relation to whom a moratorium period under a debt relief order applies or is the subject of a debt relief restrictions order,”.

The Armagh Observatory and Planetarium (Northern Ireland) Order 1995

14. In paragraph 3(3)(b) of Schedule 1 (Governors) to the Armagh Observatory and Planetarium (Northern Ireland) Order 1996(b), after “bankrupt” insert “or has had a debt relief order made in respect of him”, and after “bankruptcy restrictions order” insert “ or a debt relief restrictions order”.

The Arts Council (Northern Ireland) Order 1995

15. In paragraph 4(2)(b) of the Schedule (membership of the Arts Council) to the Arts Council (Northern Ireland) Order 1995(c), after “bankrupt” insert “or has had a debt relief order made in respect of him”, and after “bankruptcy restrictions order” insert “ or a debt relief restrictions order”.

The Pensions (Northern Ireland) Order 1995

16.—(1) The Pensions (Northern Ireland) Order 1995(d) is amended as follows.

(2) In Article 4 (suspension orders)—

- (a) in paragraph (1)(c) after “concluded” insert “ or an application has been made by him for a debt relief order (under Part 7A of the Insolvency (Northern Ireland) Order 1989) and the application has not been determined”; and
- (b) in paragraph (2)(b) after “concluded” insert “or, in the case of an application for a debt relief order, the application is determined”

(c) In Article 29 (persons disqualified for being trustees) after paragraph (1)(b) insert—

“(ba) a moratorium period under a debt relief order (under Part 7A of the Insolvency (Northern Ireland) Order 1989) applies in relation to him or he is the subject of a debt relief restrictions order under Schedule 2ZB of the Insolvency (Northern Ireland) Order 1989,”.

The Public Processions (Northern Ireland) Act 1998

17. In paragraph 3(4)(b) of Schedule 1 (term of office of members of the Commission) to the Public Processions (Northern Ireland) Act 1998(e), after “1986” insert “or Part 7A of the Insolvency (Northern Ireland) Order 1989, and after “in respect of him” insert “or he has become the subject of a debt relief restriction order”.

(a) S.I. 1992/1725 (N.I. 15) as amended by S.R. 2015 No.159, paragraph 10 of the Schedule
(b) S.I.1995/1622 (N.I. 7) as amended by S.R. 2008 No.94, paragraph 3 of the Schedule
(c) S.I. 1995/1623 (N.I. 8) as amended by S.R. 2008 No.94, paragraph 4 of the Schedule
(d) S.I. 1995/3213 (N.I. 22); Article 29 was amended by S.R. 2008 No.94, paragraph 5 of the Schedule
(e) 1998 c. 2 (N.I.) as amended by S.R. 2015 No.159, paragraph 11 of the Schedule

The Museums and Galleries (Northern Ireland) Order 1998

18. In paragraph 4(2)(b) of Schedule 1 (Board of trustees) to the Museums and Galleries (Northern Ireland) Order 1998(a), after “bankrupt” insert “or has had a debt relief order made in respect of him”, and after “bankruptcy restrictions order” insert “ or a debt relief restrictions order”.

The Justice (Northern Ireland) Act 2002

19.—(1) The Justice (Northern Ireland) Act 2002(b) is amended as follows.

(2) In paragraph 2(4)(c) of Schedule 2 (Judicial Appointments Commission), after “bankruptcy restrictions order” insert “or a debt relief order has been made in respect of him or he has become the subject of a debt relief restrictions order,”.

(3) In paragraph 5(2)(e) of Schedule 3A (Northern Ireland Judicial Appointments Ombudsman) after “bankruptcy restrictions order” insert “, or a person in relation to whom a moratorium period under a debt relief order applies, or is the subject of a debt relief restrictions order”.

(4) In paragraph 1(4)(c) of Schedule 8 (Chief Inspector of Criminal Justice) after “bankruptcy restrictions order” insert “, or a debt relief order has been made in respect of him or he is the subject of a debt relief restrictions order”.

(5) In paragraph 1(4)(c) of Schedule 9 (Law Commissioners) after “bankruptcy restrictions order” insert “ or a debt relief order has been made in respect of him or he is the subject of a debt relief restrictions order”.

The Commissioner for Children and Young People (Northern Ireland) Order 2003

20. 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(c) after “bankruptcy restrictions order” insert “or had a debt relief order made against him or is the subject to a debt relief restrictions order”.

The Fire and Rescue Services (Northern Ireland) Order 2006

21.—(1) Schedule 1 (the Northern Ireland Fire and Rescue Service Board) to the Fire and Rescue Services (Northern Ireland) Order 2006(d) is amended as follows.

(2) In paragraph 3(4)(b) (non-executive member of the board), for Part 7A of the Insolvency Act 1986 substitute “Part 7A of the Insolvency (Northern Ireland) Order 1989, or Part 7A of the Insolvency Act 1986), or is the subject of a debt relief restrictions order”.

(3) In paragraph 20, after the definition of “bankruptcy restrictions order” insert—

““debt relief order” means an order made by the Official Receiver under Part 7A of the Insolvency (Northern Ireland) Order 1989, or Part 7A of the Insolvency Act 1986;”.

The Victims and Survivors (Northern Ireland) Order 2006

22. 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(e)—

(a) after “bankruptcy restrictions order” insert “or has had a debt relief order made against him or is subject to a debt relief restrictions order”;

(b) for the words “or made” substitute “or has made”.

(a) S.I. 1998/261 (N.I. 2) as amended by S.R. 2008 No.94, paragraph 6 of the Schedule

(b) 2002 c.26 (N.I.); the paragraphs concerned in Schedules 2, 3A, 8 and 9 were amended by S.R. 2015 No.159, paragraph 12 of the Schedule

(c) S.I. 2003/439 (N.I. 11) as amended by S.R. 2015 No.159, paragraph 13 of the Schedule

(d) S.I. 2006/1254 (N.I. 9); paragraphs (3)(4)(b) and 20 were amended by S.R. 2015 No.159, paragraph 14 of the Schedule

(e) S.I. 2006/2953 (N.I. 17) as amended by S.R. 2015 No.159, paragraph 15 of the Schedule

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

23. In section 23(1)(f) (revocation, suspension and curtailment of operators' licences) of the Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010(a), after "bankruptcy restrictions order" insert "or a debt relief order has been made in respect of him or he has become the subject of a debt relief restrictions order".

Commissioner for Older People Act (Northern Ireland) 2011

24. 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(b), after "bankruptcy restrictions order" insert "or had a debt relief order made in respect of him or is the subject of a debt relief restrictions order".

Transport Act (Northern Ireland) 2011

25. In section 10(1)(d) (revocation, suspension and curtailment of permits) of the Transport Act (Northern Ireland) 2011(c), after "bankruptcy restrictions order" insert " or had a debt relief order made in respect of him or is the subject of a debt relief restrictions order".

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

26. In section 6(2)(b) (termination of membership of the Panel) of the Assembly Members (Independent Financial Review and Standards) Act (Northern Ireland) 2011(d), after "bankruptcy restrictions order" insert " or has had a debt relief order made in respect of him or is the subject of a debt relief restrictions order".

Justice Act (Northern Ireland) 2011

27.—(1) The Justice Act (Northern Ireland) 2011(e) is amended as follows.

(2) In paragraph 8(1)(d) of Schedule 1 (policing and community safety partnerships)—

- (a) after "bankruptcy restrictions order" insert "or P has had a debt relief order made in respect of him or is the subject of a debt relief restrictions order,";
- (b) for the words "or made" substitute "or has made".

(3) In paragraph 8(1)(d) of Schedule 2 (district policing and community safety partnerships)—

- (a) after "bankruptcy restrictions order" insert "or P has had a debt relief order made in respect of him or is the subject of a debt relief restrictions order,";
- (b) for the words "or made" substitute "or has made".

(a) 2010 c. 2 (N.I.) as amended by S.R. 2015 No.159, paragraph 17 of the Schedule
(b) 2011 c.1 (N.I.) as amended by S.R. 2015 No.159, paragraph 18 of the Schedule
(c) 2011 c. 11 (N.I.) as amended by S.R. 2015 No.159, paragraph 19 of the Schedule
(d) 2011 c.17 (N.I.) as amended by S.R. 2015 No.159, paragraph 20 of the Schedule
(e) 2011 c. 24 (N.I.) as amended by S.R. 2015 No.159, paragraph 21 of the Schedule

PART 2

SECONDARY LEGISLATION

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

28.—(1) The Health and Personal Social Services General Dental Services Regulations (Northern Ireland) 1993(a) are amended as follows.

(2) In regulation 2 (interpretation), after the definition of “the Council” insert—

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

(3) In Schedule 8 (dental committee), after paragraph 6(b) insert—

“(bc) is the subject of a debt relief restrictions order, or”.

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

29.—(1) The Health and Social Services Trusts (membership and procedure) Regulations (Northern Ireland) 1994(b) are amended as follows.

(2) In regulation 1(2) (citation, commencement and interpretation), after the definition of “bankruptcy restrictions order” insert—

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

(3) In regulation 11 (disqualification for appointment of chairman and non-executive directors), after sub-paragraph (1)(b) insert—

“(ba) he is the subject of a debt relief restrictions order, or”

The Northern Ireland Disability Council Regulations (Northern Ireland) 1997

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

(2) In regulation 1(2) (citation, commencement and interpretation) after the definition of “the Council” insert—

““debt relief order” means an order made by the Official Receiver under Part 7A of the Insolvency (Northern Ireland) Order 1989, or Part 7A of the Insolvency Act 1986;

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

(3) In regulation 2(b) (removal from office of a member of the Council) after “bankrupt” insert “or he is a person in relation to whom a moratorium period under a debt relief order applies”.

(4) In regulation 2(ba) (removal from office of a member of the Council) after “order” insert “or he is the subject of a debt relief restrictions order”.

(a) S.R. 1993 No. 326 as amended by S.R. 1993 No.401, S.R.1995 No.488, S.R. 1999 No.100, S.R. 2001 No.89, S.R. 2004 No.156, S.R. 2007 No. 292, S.R.2008 No.94, S.R. 2009 No.263 and S.R. 2015 No. 159, para.22 of the Schedule

(b) S.R. 1994 No. 63 as amended by S.R. 1999 No.100, S.R. 2004 No. 156, S.R. 2007 No. 82 and S.R. 2015 No. 159, paragraph 23 of the Schedule

(c) S.R. 1997 No. 200 as amended by S.R. 2015 No.159, paragraph 24 of the Schedule

The Pharmaceutical Services Regulations (Northern Ireland) 1997

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

(2) In regulation 2(1) (interpretation) after the definition of “child” insert—

““debt relief order” means an order made by the Official Receiver under Part 7A of the Insolvency (Northern Ireland) Order 1989, or Part 7A of the Insolvency Act 1986;

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

(3) In paragraph 6(b) of Schedule 5 (pharmaceutical committee) after “bankruptcy restrictions order” insert “or has had a debt relief order made in respect of him or is the subject of a debt relief restrictions order”.

Police (Recruitment) (Northern Ireland) Regulations 2001

32. In paragraph 3(b)(iii) of Schedule 3 (independent assessor) to the Police (Recruitment) (Northern Ireland) Regulations 2001(b) after “bankruptcy restrictions order” insert “or has had a debt relief order made in respect of him or is the subject of a debt relief restrictions order”.

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

33.—(1) The Northern Ireland Social Care Council (Appointments and Procedure) Regulations (Northern Ireland) 2001(c) are amended as follows.

(2) In regulation 1(2) (citation, commencement and interpretation), after the definition of “bankruptcy restrictions order” insert—

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

(3) In regulation 4(1) (disqualification for appointment) after sub-paragraph (b), insert—

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

(4) In regulation 6(6) (termination of tenure of office of chairman and members) after “bankruptcy restrictions order” insert “or a debt relief restrictions order”.

Royal Ulster Constabulary GC Foundation Regulations 2002

34. In regulation 5(4)(b) (terms of office) of the Royal Ulster Constabulary GC Foundation Regulations 2002(d) after “bankruptcy restrictions order” insert “or has had a debt relief order made in respect of him or is the subject of a debt relief restrictions order”.

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

35.—(1) The Northern Ireland Practice and Education Council for Nursing and Midwifery (Appointments and Procedure) Regulations (Northern Ireland) 2002(e) are amended as follows.

(2) In regulation 1(2) (citation, commencement and interpretation), after the definition of “bankruptcy restrictions order” insert—

(a) S.R. 1997 No. 381 as amended by S.R.1998 No.95, S.R.1999 Nos.100 and 254, S.R.2001 No.222, S.R.2002 Nos.92 and 397, S.R.2003 No.447, S.R.2005 No.231, S.R.2009 Nos.191 and 320 and S.R.2015 No.159 para.25 of the Schedule

(b) S.R. 2001 No. 140 as amended by S.R. 2015 No.159 paragraph 26 of the Schedule

(c) S.R. 2001 No. 313 as amended by S.R. 2015 No.159 paragraph 27 of the Schedule

(d) S.R. 2002 No. 260 as amended by S.R. 2015 No.159 paragraph 28 of the Schedule

(e) S.R. 2002 No. 386 as amended by S.R.2008 Nos.37 and 94 and S.R.2015 No.159 paragraph 29 of the Schedule

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

(3) In regulation 4(1) (disqualification for appointment) after sub-paragraph (b), insert—

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

(4) In regulation 6(6) (termination of tenure of office of chairman and members) after “bankruptcy restrictions order” insert “or a debt relief restrictions order”.

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

36.—(1) The Regulation and Improvement Authority (appointments and procedure) Regulations (Northern Ireland) 2004(a) are amended as follows.

(2) In regulation 1(2) (citation, commencement and interpretation), after the definition of “the chairman” insert—

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

(3) In regulation 4(1) (disqualification for appointment) after sub-paragraph (b), insert—

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

(4) In regulation 6(6) (termination of tenure of office of chairman and members) after “bankruptcy restrictions order” insert “or a debt relief restrictions order”.

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

37.—(1) The Northern Ireland Medical and Dental Training Agency (establishment and constitution) Order (Northern Ireland) 2004(b) is amended as follows.

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

““debt relief order” means an order made by the Official Receiver under Part 7A of the Insolvency (Northern Ireland) Order 1989, or Part 7A of the Insolvency Act 1986;

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

(3) After Article 5(1)(ba) (disqualification for appointment) insert—

“(bb) a person who has had a debt relief order made in respect of him;

(bc) a person who is subject to a debt relief restrictions order;”.

(4) After Article 5(4) (disqualification for appointment) insert—

“(4A) Where a person is disqualified under paragraph (1)(bb) by reason of his having had a debt relief order made in respect of him the disqualification shall cease if the individual is discharged from all the qualifying debts specified under a debt relief order at the end of the moratorium period applicable to the order.”.

(a) S.R. 2004 No. 37 as amended by S.R.2008 Nos.37 and 94 and S.R.2015 No.159 paragraph 30 of the Schedule

(b) S.R. 2004 No.62 as amended by S.R. 2015 No.159 paragraph 31 of the Schedule

The Health and Personal Social Services (General Medical Services Contracts) Regulations (Northern Ireland) 2004

38.—(1) The Health and Personal Social Services (General Medical Services Contracts) Regulations (Northern Ireland) 2004(a) are amended as follows.

(2) In regulation 5(2) (general conditions relating to all contracts)—

(a) After sub-paragraph (i) insert—

“(ia) become a person in relation to whom a moratorium period under a debt relief order made under Part 7A of the Insolvency Act 1986 or Part 7A of the Insolvency (Northern Ireland) Order 1989 applies;”

(b) In sub-paragraph (i)(ii) after “Insolvency (Northern Ireland) Order 1989” insert “or a debt relief restrictions order or an interim debt relief restrictions order under Schedule 4ZB to the Insolvency Act 1986 or Schedule 2ZB to the Insolvency (Northern Ireland) Order 1989”.

(3) In paragraph 105(2)(j)(ii) of Schedule 5 (other contractual terms)—

(a) After sub-paragraph (2)(j)(i) insert—

“(ai) become a person in relation to whom a moratorium period under a debt relief order applies;”.

(b) In sub-paragraph (2)(j)(ii) after “Insolvency (Northern Ireland) Order 1989” insert “or a debt relief restrictions order or an interim debt relief restrictions order under Schedule 4ZB to the Insolvency Act 1986 or Schedule 2ZB to the Insolvency (Northern Ireland) Order 1989”.

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

39. In Article 2 (eligibility of persons for appointment as lay magistrates) of the Lay Magistrates (Eligibility) (Northern Ireland) Order 2004(b)—

(a) In paragraph (i) after “discharged” insert “or he is a person in relation to whom a moratorium period under a debt relief order applies”; and

(b) In sub-paragraph (ia) after “1986” insert “or he is the subject of a debt relief restrictions order under Schedule 2ZB to the Insolvency (Northern Ireland) Order 1989 or Schedule 4ZB to the Insolvency Act 1986”.

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

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

(2) In regulation 2(1) (interpretation) after the definition of “bankruptcy restrictions order” insert—

““debt relief restrictions order” means an order made under Schedule 2ZB to the Insolvency (Northern Ireland) Order 1989 or Schedule 4ZB 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 “bankruptcy restrictions order” insert “or has had a debt relief order made in respect of him or is the subject of a debt relief restrictions order”.

(a) S.R. 2004 No. 140 as amended by S.R. 2004 No. 477, S.R. 2005 No. 230 and S.R. 2006 No. 319

(b) S.R. 2004 No. 246 as amended by S.I. 2008/0574 and S.R. 2015 No. 159 paragraph 32 of the Schedule

(c) S.R. 2005 No. 99 as amended by S.R. 2007 No. 232 and S.R. 2015 No. 159 paragraph 33 of the Schedule

The Nursing Homes Regulations (Northern Ireland) 2005

- 41.**—(1) The Nursing Homes Regulations (Northern Ireland) 2005(a) are amended as follows.
- (2) In regulation 2(1) (interpretation) after the definition of “clinical trial” insert—
- “debt relief order” means an order made by the Official Receiver under Part 7A of the Insolvency (Northern Ireland) Order 1989, or Part 7A of the Insolvency Act 1986;
- “debt relief restrictions order” means an order made under Schedule 2ZB to the Insolvency (Northern Ireland) Order 1989, or Schedule 4ZB to the Insolvency Act 1986;”
- (3) In regulation 7 (fitness of registered provider) after sub-paragraph (4)(ab) insert—
- “(ac) he is a person in relation to whom a moratorium period under a debt relief order applies or he is the subject of a debt relief restrictions order; or”.
- (4) In regulation 32, after paragraph (f) insert—
- “(fa)where the registered provider is an individual, a debt relief order is made in respect of him; or”.

The Residential Care Homes Regulations (Northern Ireland) 2005

- 42.**—(1) The Residential Care Homes Regulations (Northern Ireland) 2005(b) are amended as follows.
- (2) In regulation 2(1) (interpretation) after “clinical trial” insert—
- “debt relief order” means an order made by the Official Receiver under Part 7A of the Insolvency (Northern Ireland) Order 1989, or Part 7A of the Insolvency Act 1986;
- “debt relief restrictions order” means an order made under Schedule 2ZB to the Insolvency (Northern Ireland) Order 1989, or Schedule 4ZB to the Insolvency Act 1986;”
- (3) In regulation 7 (fitness of registered provider) after paragraph (4)(aa) insert—
- “(ab) he is a person in relation to whom a moratorium period under a debt relief order applies or he is the subject of a debt relief restrictions order ; or”.
- (4) In regulation 32, after paragraph (f) insert—
- “(fa)where the registered provider is an individual, a debt relief order is made in respect of him;”.

The Independent Health Care Regulations (Northern Ireland) 2005

- 43.**—(1) The Independent Health Care Regulations (Northern Ireland) 2005(c) are amended as follows.
- (2) In regulation 2(1) (interpretation) after the definition of “bankruptcy restrictions order” insert—
- “debt relief order” means an order made by the Official Receiver under Part 7A of the Insolvency (Northern Ireland) Order 1989, or Part 7A of the Insolvency Act 1986;
- “debt relief restrictions order” means an order made under Schedule 2ZB to the Insolvency (Northern Ireland) Order 1989, or Schedule 4ZB to the Insolvency Act 1986;”.
- (3) In regulation 10 (fitness of registered person provider) after sub-paragraph (4)(ab) insert—
- “(ac) he is a person in relation to whom a moratorium period under a debt relief order applies or he is the subject of a debt relief restrictions order ; or”.

(a) S.R. 2005 No.160 as amended by S.R. 2015 No.159 paragraph 34 of the Schedule
(b) S.R. 2005 No. 161 as amended by S.R. 2015 No.159 paragraph 35 of the Schedule
(c) S.R. 2005 No. 174 as amended by S.R. 2015 No.159 paragraph 36 of the Schedule

- (4) In regulation 30(notice of change), after paragraph (f) insert—
“(fa)where the registered provider is an individual, a debt relief order is made in respect of him;”.

The Nursing Agencies Regulations (Northern Ireland) 2005

44.—(1) The Nursing Agencies Regulations (Northern Ireland) 2005(a) are amended as follows.

(2) In regulation 2(1) (interpretation) after the definition of “bankruptcy restrictions order” insert—

““debt relief order” means an order made by the Official Receiver under Part 7A of the Insolvency (Northern Ireland) Order 1989, or Part 7A of the Insolvency Act 1986;

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

(3) In regulation 7 (Fitness of registered provider) after sub-paragraph (4)(ab) insert —

“(ac) he is a person in relation to whom a moratorium period under a debt relief order applies or he is the subject of a debt relief restrictions order ; or”.

(4) In regulation 24(notice of changes), after paragraph (f) insert—

“(fa)where the registered provider is an individual, a debt relief order is made in respect of him;”.

The Children’s Homes Regulations (Northern Ireland) 2005

45.—(1) The Children’s Homes Regulations (Northern Ireland) 2005(b) are amended as follows.

(2) In regulation 2(1) iInterpretation) after the definition of “the Commission” insert—

““debt relief order” means an order made by the Official Receiver under Part 7A of the Insolvency (Northern Ireland) Order 1989, or Part 7A of the Insolvency Act 1986;

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

(3) In regulation 6 (Fitness of registered provider) after sub-paragraph (4)(aa) insert—

“(ac) he is a person in relation to whom a moratorium period under a debt relief order applies or he is the subject of a debt relief restrictions order ; or”.

(4) In regulation 37(notice of hanges), after paragraph (f) insert—

“(fa)where the registered provider is an individual, a debt relief order is made in respect of him;”.

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

46. 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(c), after “bankruptcy restrictions order” insert “or he is a person in relation to whom a moratorium period under a debt relief order applies or is the subject of a debt relief restrictions order”.

(a) S.R. 2005 No. 175 as amended by S.R. 2015 No.159 paragraph 37 of the Schedule

(b) S.R. 2005 No. 176 as amended by S.R. 2015 No.159 paragraph 38 of the Schedule

(c) S.R. 2005 No. 537 as amended by S.R. 2015 No.159 paragraph 39 of the Schedule

The Adult Placement Agencies Regulations (Northern Ireland) 2007

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

- (2) In regulation 2(1) (interpretation) after the definition of “complaints procedure” insert—
““debt relief order” means an order made by the Official Receiver under Part 7A of the Insolvency (Northern Ireland) Order 1989, or Part 7A of the Insolvency Act 1986;
“debt relief restrictions order” means an order made under Schedule 2ZB to the Insolvency (Northern Ireland) Order 1989, or Schedule 4ZB to the Insolvency Act 1986;”.
- (3) In regulation 7 (fitness of registered provider) after sub-paragraph (4)(ab) insert—
“(ac) he is a person in relation to whom a moratorium period under a debt relief order applies or he is the subject of a debt relief restrictions order ; or”.
- (4) In regulation 35(notice of changes), after paragraph (l)(g) insert—
“(ga) where the registered provider is an individual, a debt relief order is made in respect of him;”.

The Day Care Setting Regulations (Northern Ireland) 2007

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

- (2) In regulation 2(1) (interpretation) after the definition of “bankruptcy restrictions order” insert—
““debt relief order” means an order made by the Official Receiver under Part 7A of the Insolvency (Northern Ireland) Order 1989, or Part 7A of the Insolvency Act 1986;
“debt relief restrictions order” means an order made under Schedule 2ZB to the Insolvency (Northern Ireland) Order 1989, or Schedule 4ZB to the Insolvency Act 1986;”
- (3) In regulation 8 (fitness of registered provider) after sub-paragraph (4)(ab) insert—
“(ac) he is a person in relation to whom a moratorium period under a debt relief order applies or he is the subject of a debt relief restrictions order ; or”.
- (4) In regulation 31(notice of changes), after paragraph (f) insert—
“(fa)where the registered provider is an individual, a debt relief order is made in respect of him;”.

The Domiciliary Care Agencies Regulations (Northern Ireland) 2007

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

- (2) In regulation 2(1) (interpretation) after the definition of “bankruptcy restrictions order” insert—
““debt relief order” means an order made by the Official Receiver under Part 7A of the Insolvency (Northern Ireland) Order 1989, or Part 7A of the Insolvency Act 1986;
“debt relief restrictions order” means an order made under Schedule 2ZB to the Insolvency (Northern Ireland) Order 1989, or Schedule 4ZB to the Insolvency Act 1986;”.
- (3) In regulation 8 (fitness of registered provider) after sub-paragraph (4)(ab) insert—

(a) S.R. 2007 No. 221 as amended by S.R. 2015 No.159 paragraph 40 of the Schedule
(b) S.R. 2007 No. 234 as amended by S.R. 2015 No.159 paragraph 41 of the Schedule
(c) S.R. 2007 No.235 as amended by S.R. 2015 No.159 paragraph 42 of the Schedule

“(ac) he is a person in relation to whom a moratorium period under a debt relief order applies or he is the subject of a debt relief restrictions order ; or”.

(4) In regulation 28(notice of changes), after paragraph (f) insert—

“(fa)where the registered provider is an individual, a debt relief order is made in respect of him;”.

The Residential Family Centres Regulations (Northern Ireland) 2007

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

(2) In regulation 2(1) (interpretation) after the definition of “child protection enquiry” insert—

““debt relief order” means an order made by the Official Receiver under Part 7A of the Insolvency (Northern Ireland) Order 1989, or Part 7A of the Insolvency Act 1986;

“debt relief restrictions order” means an order made under Schedule 2ZB to the Insolvency (Northern Ireland) Order 1989, or Schedule 4ZB to the Insolvency Act 1989;”.

(3) In regulation 7 (fitness of registered provider) after sub-paragraph (4)(ab) insert—

“(ac) he is a person in relation to whom a moratorium period under a debt relief order applies or he is the subject of a debt relief restrictions order ; or”.

(4) In regulation 32(notice of changes), after paragraph (f) insert—

“(fa)where the registered provider is an individual, a debt relief order is made in respect of him;”.

The General Ophthalmic Services Regulations (Northern Ireland) 2007

51.—(1) The General Ophthalmic Services Regulations (Northern Ireland) 2007(b) are amended as follows.

(2) In regulation 2 (interpretation) after the definition of “day care settings” insert—

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

(3) In paragraph 6(a) of Schedule 2 (constitution of ophthalmic committee) after “bankruptcy restrictions order” insert “or a debt relief restrictions order”.

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

52.—(1) The Regional Agency for Public Health and Social Well-being (Membership) Regulations (Northern Ireland) 2009(c) are amended as follows.

(2) In regulation 1(2) (citation, commencement and interpretation) after the definition of “charity trustee” insert—

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

(3) In regulation 4(1)(c) (disqualification for appointment) after “order” insert “or he is the subject of a debt relief restrictions order”.

(a) S.R. 2007 No. 236 as amended by S.R. 2015 No.159 paragraph 43 of the Schedule

(b) S.R. 2007 No. 436 as amended by S.R. 2009 Nos. 16 and 152 and S.R. 2015 No.159 paragraph 44 of the Schedule

(c) S.R. 2009 No. 93 236 as amended by S.R. 2015 No.159 paragraph 45 of the Schedule

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

53.—(1) The Regional Health and Social Care Board (Membership) Regulations (Northern Ireland) 2009(a) are amended as follows.

(2) In regulation 1(2) (citation, commencement and interpretation) after the definition of “charity trustee” insert—

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

(3) In regulation 4(1)(c) (disqualification for appointment) after “order” insert “or he is the subject of a debt relief restrictions order”.

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

54.—(1) The Regional Business Services Organisation (Membership and Procedure) Regulations (Northern Ireland) 2009(b) are amended as follows.

(2) In regulation 1(2) (citation, commencement and interpretation) after the definition of “charity trustee” insert—

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

(3) In regulation 4(1)(c) (disqualification for appointment) after “order” insert “or he is the subject of a debt relief restrictions order”.

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

55.—(1) The Patient and Client Council (Membership and Procedure) Regulations (Northern Ireland) 2009(c) are amended as follows.

(2) In regulation 1(2) (citation, commencement and interpretation) after the definition of “charity trustee” insert—

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

(3) In regulation 3(1)(c) (disqualification for appointment) after “order” insert “or he is the subject of a debt relief restrictions order”.

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

56.—(1) The Local Commissioning Groups (Membership) Regulations (Northern Ireland) 2009(d) are amended as follows.

(2) In regulation 1(2) (citation, commencement and interpretation) after the definition of “charity trustee” insert—

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

(a) S.R. 2009 No. 95 amended by S.R. 2015 No.159 paragraph 46 of the Schedule
(b) S.R. 2009 No. 97 amended by S.R. 2015 No.159 paragraph 47 of the Schedule
(c) S.R. 2009 No. 98 amended by S.R. 2015 No.159 paragraph 48 of the Schedule
(d) S.R. 2009 No. 395 amended by S.R. 2015 No.159 paragraph 49 of the Schedule

(3) In regulation 4(1)(c) (disqualification for appointment) after “order” insert “or he is the subject of a debt relief restrictions order”.

The Safeguarding Board for Northern Ireland (Membership, Procedure, Functions and Committee) Regulations (Northern Ireland) 2012

57.—(1) The Safeguarding Board for Northern Ireland (Membership, Procedure, Functions and Committee) Regulations (Northern Ireland) 2012(a) are amended as follows.

(2) In regulation 2 (interpretation) after the definition of “charity trustee” insert—

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

(3) In regulation 5(1)(c) (disqualification for appointment) after “order” insert “or is the subject of a debt relief restrictions order”.

The Tenancy Deposit Schemes Regulations (Northern Ireland) 2012

58.—(1) The Tenancy Deposit Schemes Regulations (Northern Ireland) 2012(b) are amended as follows.

(2) In regulation 2 (interpretation) after “bankruptcy restrictions order” insert—

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

(3) In regulation 3 (appointment of scheme administrator) after paragraph 3(2)(b) insert—

“(ac) he is a person in relation to whom a moratorium period under a debt relief order applies or he is the subject of a debt relief restrictions order ; or”.

(a) S.R. 2012 No. 324

(b) S.R. 2012 No. 373 amended by S.R. 2015 No.159 paragraph 50 of the Schedule

EXPLANATORY NOTE

(This note is not part of the Order)

This order makes consequential amendments to or in connection with disqualification provisions to take account of debt relief order and debt relief restrictions orders.

The amendments made by this order are to primary and subordinate legislation which already provides for disqualification of persons from in the event of insolvency, so as to extend these disqualifications to persons subject to debt relief orders (under Part 7A of the Insolvency (Northern Ireland) Order 1989) and to debt relief restrictions orders (under Schedule 2ZA to the Insolvency (Northern Ireland) Order 1989).

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

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2016 No. 0000

INSOLVENCY

**DISQUALIFICATION PROVISIONS – FOR DEBT RELIEF ORDERS AND
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