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## STATUTORY INSTRUMENTS

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# 1989 No. 2405

## The Insolvency (Northern Ireland) Order 1989

### <sup>F1</sup>PART XII

#### INSOLVENCY PRACTITIONERS AND THEIR QUALIFICATION

*The requisite qualification, and the means of obtaining it*

##### **Persons not qualified to act as insolvency practitioners**

- 349.**—(1) A person who is not an individual is not qualified to act as an insolvency practitioner.
- (2) A person is not qualified to act as an insolvency practitioner at any time unless at that time—
- (a) he is authorised so to act by virtue of membership of a professional body recognised under Article 350, being permitted so to act by or under the rules of that body, or
  - (b) he holds an authorisation granted by a competent authority under Article 352 [<sup>F1</sup>]; or
  - (c) he holds an authorisation for a corresponding purpose granted by a competent authority in Great Britain under Section 393 of the Insolvency Act 1986].
- (3) A person is not qualified to act as an insolvency practitioner in relation to another person at any time unless—
- (a) there is in force at that time security, and
  - (b) that security meets the prescribed requirements with respect to his so acting in relation to that other person.
- (4) A person is not qualified to act as an insolvency practitioner at any time if at that time—
- (a) he has been adjudged bankrupt or sequestration of his estate has been awarded and (in either case) he has not been discharged,
  - [<sup>F2</sup>(b) he is subject to a disqualification order made or a disqualification undertaking accepted under the Company Directors Disqualification Act 1986 or the Company Directors Disqualification (Northern Ireland) Order 2002, or]
  - (c) he is a patient within the meaning of Part VII of the Mental Health Act 1983<sup>F3</sup>, section 125(1) of the Mental Health (Scotland) Act 1984<sup>F4</sup> or Part VIII of the Mental Health (Northern Ireland) Order 1986<sup>F5</sup>.
- [<sup>F6</sup>(5) A person is not qualified to act as an insolvency practitioner while a bankruptcy restrictions order is in force in respect of him.]

**F1** Art. 349(2)(c) and preceding word inserted (28.12.2009) by [Provision of Services \(Insolvency Practitioners\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/401\)](#), **reg. 2(3)** (with reg. 4)

**F2** 2002 NI 4

**F3** 1983 c. 20

**F4** 1984 c. 36

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**Status:** Point in time view as at 28/12/2009. This version of this provision has been superseded.

**Changes to legislation:** The Insolvency (Northern Ireland) Order 1989, Section 349 is up to date with all changes known to be in force on or before 09 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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**F5** 1986 NI 4

**F6** Art. 349(5) inserted (27.3.2006) by Insolvency (Northern Ireland) Order 2005 (S.I. 2005/1455 (N.I. 10)), arts. 1(3), 13(3), Sch. 6 para. 4 (with art. 4); S.R. 2006/21, **art. 2** (with S.R. 2006/22, **arts. 2 - 7**)

**Status:**

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**Changes to legislation:**

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