
STATUTORY INSTRUMENTS

1996 No. 1632

**The Deregulation and Contracting
Out (Northern Ireland) Order 1996**

PART III

CONTRACTING OUT

Registrar of companies, etc.

11.—(1) Any function of the registrar of companies which is set out in Part I of Schedule 2 may be exercised by, or by employees of, any person authorised in that behalf by the registrar.

(2) Any function of the Department of Economic Development which is set out in Part II of Schedule 2 may be exercised by, or by employees of, any person authorised in that behalf by that Department.

(3) In so far as the registrar of companies does not already have power to do so, he may authorise an officer of his to exercise any function of his which is conferred by or under any enactment.

(4) Subject to paragraph (5), anything done or omitted to be done by an officer so authorised in, or in connection with, the exercise or purported exercise of the function shall be treated for all purposes as done or omitted to be done by the registrar in his capacity as such.

(5) Paragraph (4) does not apply for the purposes of any criminal proceedings brought in respect of anything done or omitted to be done as mentioned in that paragraph.

Official receiver

12.—(1) Subject to paragraph (2), any function of the official receiver which is conferred by or under the insolvency legislation, except one set out in Schedule 3, may be exercised by, or by employees of, any person authorised in that behalf by the official receiver.

(2) Where a function to which paragraph (1) applies involves the exercise of a right of audience in relation to any proceedings before the Court, it must not be exercised by any person unless he has such a right in relation to the proceedings in question.

(3) In so far as the official receiver does not already have power to do so, he may authorise an officer of his to exercise any function of his which is conferred by or under any enactment.

(4) Subject to paragraph (5), anything done or omitted to be done by an officer so authorised in, or in connection with, the exercise or purported exercise of the function shall be treated for all purposes as done or omitted to be done by the official receiver in his capacity as such.

(5) Paragraph (4) does not apply for the purposes of any criminal proceedings brought in respect of anything done or omitted to be done as mentioned in that paragraph.

(6) In this Article and Schedule 3—

“the Court” means the High Court; any expression used (other than “the Rules”) has the same meaning as in the Insolvency Order;

“the insolvency legislation” means the Companies (Northern Ireland) Order 1986, Part II of the Companies (Northern Ireland) Order 1989, the Insolvency Order, any instrument made under any of those Orders and any regulations made under rule 12.01 of the Rules;

“the Insolvency Order” means the Insolvency (Northern Ireland) Order 1989;

“right of audience” means the right to exercise any of the functions of appearing before and addressing the Court, including the calling and examining of witnesses;

“the Rules” means the Insolvency Rules (Northern Ireland) 1991.

Effect of contracting out

13.—(1) This Article applies where by virtue of this Part, or any provision amended by Part IV, a person is authorised to exercise any function of a Department or other person.

(2) Subject to paragraph (3), anything done or omitted to be done by or in relation to the authorised person (or an employee of his) in, or in connection with, the exercise or purported exercise of the function shall be treated for all purposes as done or omitted to be done in the case of a function of a Department or other person, by or in relation to the Department or person in its or his capacity as such.

(3) Paragraph (2) does not apply—

- (a) for the purposes of so much of any contract made between the authorised person and the Department or other person as relates to the exercise of the function, or
- (b) for the purposes of any criminal proceedings brought in respect of anything done or omitted to be done by the authorised person (or an employee of his).

Termination of contracting out

14.—(1) This Article applies where—

- (a) by virtue of this Part, or any provision amended by Part IV, a person is authorised to exercise any function of a Department or other person; and
- (b) the authorisation is revoked at a time when a relevant contract is subsisting.

(2) The authorised person shall be entitled to treat the relevant contract as repudiated by the Department or person with whom it was made (and not as frustrated by reason of the revocation).

(3) In this Article “relevant contract” means so much of any contract made between the authorised person and the Department or person with whom it was made as relates to the exercise of the function.

Authorisations: ancillary provisions

15.—(1) An authorisation given by virtue of this Part, or any provision amended by Part IV, may authorise the exercise of a function—

- (a) either wholly or to such extent as may be specified in the authorisation;
- (b) either generally or in such cases or areas as may be so specified; and
- (c) either unconditionally or subject to the fulfilment of such conditions as may be so specified.

(2) An authorisation given by virtue of this Part, or any provision amended by Part IV—

- (a) shall be for such period, not exceeding 10 years, as is specified in the authorisation;
- (b) may be revoked at any time by the Department or person by whom the authorisation is given; and

- (c) does not prevent that Department or any other person from exercising the function to which the authorisation relates.

Restrictions on disclosure of information

16. Schedule 4 (which contains provisions modifying certain restrictions on the disclosure of information where functions of Departments, Ministers, office-holders or district councils are contracted out) has effect.