

INSOLVENCY (NORTHERN IRELAND) ORDER 2005

S.I. 2005 1455

EXPLANATORY MEMORANDUM

COMMENTARY ON PROVISIONS

Article 22: Disqualification for office: the Assembly

This Article substitutes a new Article 370 in the Insolvency (NI) Order 1989 which makes provision for the Assembly's presiding officer to be notified if a bankruptcy restrictions order or interim order is made against or a bankruptcy restrictions undertaking accepted from an Assembly member.

New Article 370 does not include provision dealing with disqualification for Assembly membership. This is because it is intended that section 426A of the Insolvency Act 1986 as inserted by section 266(3) of the Enterprise Act 2002 should be amended so that the making of a bankruptcy restrictions order by the Northern Ireland High Court would disqualify a person from membership of the House of Commons. Under section 36(4) of the Northern Ireland Act 1998 a person is disqualified for membership of the Assembly if he is disqualified for membership of the House of Commons otherwise than under the House of Commons Disqualification Act 1975