

## SCHEDULES

### SCHEDULE 6

Article 13(3).

#### EFFECT OF BANKRUPTCY RESTRICTIONS ORDER AND UNDERTAKING

##### *Disqualification for acting as receiver or manager*

1. or Article 41 of the 1989 Order (receiver and manager: disqualification) substitute—

##### **“Disqualification of bankrupt**

**41.**—(1) A person shall be guilty of an offence if he acts as receiver or manager of the property of a company on behalf of debenture holders while—

- (a) he is an undischarged bankrupt, or
- (b) a bankruptcy restrictions order is in force in respect of him.

(2) This Article does not apply to a receiver or manager acting under an appointment made by the High Court.”.

##### **Commencement Information**

- I1** Sch. 6 paras. 1-5 wholly in operation at 27.3.2006, see art. 1(3) and S.R. 2006/21, art. 2 (subject to S.R. 2006/22, arts. 2-7)

##### *Bankruptcy offences after discharge*

2. After Article 321(3) of the 1989 Order (bankruptcy offences: general: no liability after discharge) insert—

“(3A) Paragraph (3) is without prejudice to any provision of this Chapter which applies to a person in respect of whom a bankruptcy restrictions order is in force.”.

##### **Commencement Information**

- I2** Sch. 6 paras. 1-5 wholly in operation at 27.3.2006, see art. 1(3) and S.R. 2006/21, art. 2 (subject to S.R. 2006/22, arts. 2-7)

3. At the end of Article 331 of the 1989 Order (obtaining credit and doing business) insert—

“(5) This Article applies to the bankrupt after discharge while a bankruptcy restrictions order is in force in respect of him.

(6) For the purposes of paragraph (1)(a) as it applies by virtue of paragraph (5), the relevant information about the status of the person in question is the information that a bankruptcy restrictions order is in force in respect of him.”.

**Changes to legislation:** There are currently no known outstanding effects for the The Insolvency (Northern Ireland) Order 2005, SCHEDULE 6. (See end of Document for details)

**Commencement Information**

**I3** Sch. 6 paras. 1-5 wholly in operation at 27.3.2006, see art. 1(3) and S.R. 2006/21, art. 2 (subject to S.R. 2006/22, arts. 2-7)

*Disqualification for acting as insolvency practitioner*

**F14.** .....

**F1** Sch. 6 para. 4 omitted (1.10.2015) by virtue of Small Business, Enterprise and Employment Act 2015 (c. 26), ss. 116(4)(a), 164(1); S.I. 2015/1689, reg. 2(i) (with Sch. para. 14)

*Prohibition against involvement in company*

**5.** For Article 15(1) of the Company Directors Disqualification (Northern Ireland) Order 2002 (NI 4) (bankrupt) substitute—

“(1) It is an offence for a person to act as director of a company or directly or indirectly to take part in or be concerned in the promotion, formation or management of a company, without the leave of the High Court, at a time when—

- (a) he is an undischarged bankrupt, or
- (b) a bankruptcy restrictions order is in force in respect of him.”.

**Commencement Information**

**I4** Sch. 6 paras. 1-5 wholly in operation at 27.3.2006, see art. 1(3) and S.R. 2006/21, art. 2 (subject to S.R. 2006/22, arts. 2-7)

**Changes to legislation:**

There are currently no known outstanding effects for the The Insolvency (Northern Ireland) Order 2005, SCHEDULE 6.