

2003 No. 347

COMPANIES

**The Companies (Disqualification Orders) Regulations
(Northern Ireland) 2003**

Made - - - - - 22nd July 2003

Coming into operation 5th September 2003

The Department of Enterprise, Trade and Investment, in exercise of the powers conferred on it by Article 22(1) of the Company Directors Disqualification (Northern Ireland) Order 2002(a) and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Companies (Disqualification Orders) Regulations (Northern Ireland) 2003 and shall come into operation on 5th September 2003.

Interpretation

2. In these Regulations –

“disqualification order” means an order of the court under any of Articles 5 to 9, 11 and 14 of the Order;

“disqualification undertaking” means an undertaking accepted by the Department under Article 10 or 11 of the Order;

“grant of leave” means a grant by the High Court of leave to any person in relation to a disqualification order or a disqualification undertaking for the purposes of Article 3(1)(a) or 4(1)(a) of the Order;

“the Order” means the Company Directors Disqualification (Northern Ireland) Order 2002.

Revocation

3. The Companies (Disqualification Orders) Regulations (Northern Ireland) 1991(b) are hereby revoked.

Application

4. These Regulations apply in relation to –

(a) a disqualification order made after the coming into operation of these Regulations; and

(b) (i) a grant of leave made after the coming into operation of these Regulations; or

(a) S.I. 2002/3150 (N.I. 4)

(b) S.R. 1991 No. 413

- (ii) any action taken by a court after the coming into operation of these Regulations in consequence of which a disqualification order or a disqualification undertaking is varied or ceases to be in force,

whether the disqualification order or disqualification undertaking to which, as the case may be, the grant of leave or the action relates was made by the court or accepted by the Department before or after the coming into operation of these Regulations.

Forms

5.—(1) The form set out in Schedule 1 is the form prescribed for the purpose of Article 22(1)(a) of the Order where the person against whom the disqualification order is made is an individual, and the particulars contained therein are the particulars prescribed for that purpose.

(2) The form set out in Schedule 2 is the form prescribed for the purpose of Article 22(1)(a) of the Order where the person against whom the disqualification order is made is a body corporate, and the particulars contained therein are the particulars prescribed for that purpose.

(3) The form set out in Schedule 3 is the form prescribed for the purpose of Article 22(1)(c) and (d) of the Order where a grant of leave is made by the High Court, and the particulars contained therein are the particulars prescribed for that purpose.

(4) The form set out in Schedule 4 is the form prescribed for the purpose of Article 22(1)(b) of the Order where any action is taken by a court in consequence of which a disqualification order or a disqualification undertaking is varied or ceases to be in force, and the particulars contained therein are the particulars prescribed for that purpose.

Time for delivery of particulars

6. The time within which the clerk of the court is to furnish to the Department and to the Secretary of State the particulars prescribed by regulation 5 shall be a period of 14 days beginning with the day on which the disqualification order or grant of leave is made, or any action is taken by a court in consequence of which the disqualification order or disqualification undertaking is varied or ceases to be in force, as the case may be.

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 22nd July 2003.

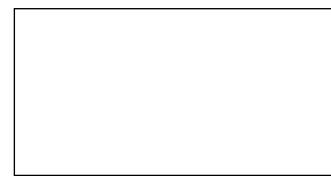
(L.S.)

Michael J. Bohill

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

D01

Disqualification order against an individual



To be completed in typescript or bold black capitals by a member of the court staff who should then sign it

Particulars required by the Companies (Disqualification Orders) Regulations (Northern Ireland) 2003:

Article of the Company Directors Disqualification (Northern Ireland) Order 2002 under which the order was made:

Art 5	Art 6	Art 7	Art 8	Art 9	Art 11	Art 14
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please tick the appropriate box

Name of the individual against whom the order was made

Style/Title

Forename(s)

* "Surname" in the case of a peer or person usually known by a title different from his surname means that title

Surname *

Date of birth

Day Month Year

<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
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Usual residential address

Post town

County

Postcode

Nationality

Date on which the order was made

Day Month Year

<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
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Disquali-
fication
start date*

Day Month Year

<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
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Period of disqualification specified in the order

Company(ies) named (if any) in relation to conduct leading to disqualification

Case Number

Signed

Date

Name Position

Court

*Unless the Court orders otherwise this will be 21 days from the date of the order
When you have completed this form please send it to:

The Department of Enterprise, Trade and Investment, Insolvency Service,
Fermanagh House, Ormeau Avenue, Belfast BT2 8NJ

and send a copy of it to:

The Secretary of State, The Subpoena Clerk
Companies House, Crown Way, Cardiff, CF14 3UZ, DX33050 Cardiff

Companies House receipt date barcode

D02

Disqualification order against a body corporate

To be completed in typescript or bold black capitals by a member of the court staff who should then sign it

Particulars required by the Companies (Disqualification Orders) Regulations (Northern Ireland) 2003:

Article of the Company Directors Disqualification (Northern Ireland) Order 2002 under which the order was made:

Art 5	Art 6	Art 7	Art 8	Art 9	Art 11	Art 14
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please tick the appropriate box

Particulars of the body corporate against whom the order was made

Corporate Name

Registered Number (if any) Country of Registration

Address of registered or principal office in Northern Ireland of the body corporate at the date of the order

Post town

County Postcode

Date on which the order was made

Day	Month	Year	Disqualification start date*	Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>		<input type="text"/>	<input type="text"/>	<input type="text"/>

Period of disqualification specified in the order

Company(ies) named (if any) in relation to conduct leading to disqualification

Case Number

Signed Date

Name Position Court

*Unless the Court orders otherwise this will be 21 days from the date of the order When you have completed this form please send it to:

The Department of Enterprise, Trade and Investment, Insolvency Service, Fermanagh House, Ormeau Avenue, Belfast BT2 8NJ

and send a copy of it to:

The Secretary of State, The Subpoena Clerk
Companies House, Crown Way, Cardiff, CF14 3UZ, DX33050 Cardiff

Companies House receipt date barcode

D03

Grant of leave in relation to a disqualification order or disqualification undertaking

Particulars required by the Companies (Disqualification Orders) Regulations (Northern Ireland) 2003:

To be completed in typescript or bold black capitals by a member of the court staff who should then sign it

Variation or cessation of:
(Please tick appropriate box)

Date of disqualification order/acceptance by the Department of Enterprise, Trade and Investment of undertaking in relation to which leave was granted

Day	Month	Year

disqualification undertaking disqualification order

Name of the Court which made the disqualification order to which leave was granted

Name of person to whom leave was granted

if an individual

Style/Title

 Forename(s)

Surname

if a body corporate

Corporate Name

Registered Number (if any)

Country of Registration

If the name in which the disqualification order was made was different from that above, the name in which that order was made

if an individual

Style/Title

 Forename(s)

Surname

if a body corporate

Corporate Name

Registered Number (if any)

Name of the company in respect of which leave was granted, or in the case of leave to promote or form a company the proposed name of the company where it is available, or if not, a brief description of the activities of the company.

Date on which leave was granted

Day	Month	Year

Expiry date of leave*

Day	Month	Year

Please tick the appropriate box(es) to indicate the activity for which leave was granted

Promotion Formation

Directorship or other participation in management of a company

Designated Member/Member or other participation in management of an LLP

Receivership in relation to a company

Signed

Date

Name/Position

Court

Companies House receipt date barcode

*Unless the Court orders otherwise this will be 21 days from the date of the order
When you have completed this form please send it to:
The Department of Enterprise, Trade and Investment, Insolvency Service,
Fermanagh House, Ormeau Avenue, Belfast BT2 8NJ
and send a copy of it to: The Secretary of State, The Subpoena Clerk
Companies House, Crown Way, Cardiff, CF14 3UZ, DX33050 Cardiff

D04

Variation or cessation of a disqualification order or disqualification undertaking

To be completed in typescript or bold black capitals by a member of the court staff who should then sign it

Particulars required by the Companies (Disqualification Orders) Regulations (Northern Ireland) 2003:

Date on which disqualification order was originally made by the court or disqualification undertaking was accepted by the Department of Enterprise, Trade and Investment, as the case may be

Day	Month	Year

Name of person subject to disqualification order or disqualification undertaking

Variation or cessation of:

(Please tick appropriate box)

disqualification undertaking

disqualification order

if an individual

* "Surname" in the case of a peer or person usually known by a title different from his surname means that title

Style/Title

Forename(s)

Surname*

if a body corporate

Corporate Name

Registered Number (if any)

Country of Registration

Name of court by which action was taken whereby the above order/undertaking was varied or ceased to be in force

Date of Action taken by the Court

Day	Month	Year

Case Number

Result of such action (Please tick appropriate box)

(a) Order or undertaking ceased to be in force

(b) Order or undertaking varied

If (b) please state

(i) period of disqualification now specified in the order or undertaking

(ii) start date of period of disqualification*

Day	Month	Year

Signed

Date

Name/Position

Court

Companies House receipt date barcode

*Unless the Court orders otherwise this will be 21 days from the date of the order
When you have completed this form please send it to:

The Department of Enterprise, Trade and Investment, Insolvency Service, Fermanagh House, Ormeau Avenue, Belfast BT2 8NJ

and send a copy of it to: The Secretary of State, The Subpoena Clerk, Companies House, Crown Way, Cardiff, CF14 3UZ, DX33050 Cardiff

EXPLANATORY NOTE

(This note is not part of the Regulations).

These Regulations revoke and replace the Companies (Disqualification Orders) Regulations (Northern Ireland) 1991 (S.R. 1991 No. 413) (“the 1991 Regulations”) and take into account certain changes which were introduced by the Company Directors Disqualification (Northern Ireland) Order 2002 (S.I. 2002/3150 (N.I. 4) (“the CDDO”) which repealed and re-enacted with amendments Part II of the Companies (Northern Ireland) Order 1989 (S.I. 1989/2404 (N.I. 18)). They come into operation on 5th September 2003, and apply to any disqualification order made after that date, and to any grant of leave or action taken by a court after that date in consequence of which a disqualification order or undertaking (whenever made or accepted, as the case may be) is varied or ceases to have effect.

The CDDO gives specified courts power to make a disqualification order against and, gives the Department of Enterprise, Trade and Investment (“the Department”) power to accept an undertaking from, any person that he shall not, without the leave of the High Court, be a director of a company, act as a receiver of a company’s property or in any way take part in the promotion, formation or management of a company; and shall not act as an insolvency practitioner.

These Regulations prescribe the particulars of –

- (a) disqualification orders;
- (b) the granting of leave in relation to such orders or disqualification undertakings; and
- (c) any action taken by a court in consequence of which such orders or undertakings are varied or cease to be in force;

which court clerks are required to furnish to the Department and the Secretary of State. They also prescribe the form, and time within which, such particulars are to be furnished.

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