STATUTORY RULES OF NORTHERN IRELAND

2010 No. 184

COMPANIES

The Companies (Disqualification Orders) Regulations (Northern Ireland) 2010

Made - - - - 17th May 2010

Coming into operation 18th June 2010

The Department of Enterprise, Trade and Investment(1) makes the following Regulations in exercise of the powers conferred upon it by Article 22(1) of the Company Directors Disqualification (Northern Ireland) Order 2002(2).

Citation and commencement

1. These Regulations may be cited as the Companies (Disqualification Orders) Regulations (Northern Ireland) 2010 and shall come into operation on 18th June 2010.

Commencement Information

II Reg. 1 in operation at 18.6.2010, see reg. 1

Interpretation

- 2. In these Regulations—
 - "disqualification order" means an order of the court under any of Articles 5 to 9, 11, 13A and 14 of the Order;
 - "disqualification undertaking" means an undertaking accepted by the Department under Article 10, 11 or 13B 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), 4(1) (a) or 13B(4) of the Order;
 - "the Order" means the Company Directors Disqualification (Northern Ireland) Order 2002.

⁽¹⁾ Formerly the Department of Economic Development; S.I. 1999/283 (N.I. 1), Article 3(5)

⁽²⁾ S.I. 2002/3150 (N.I. 4), as amended by the Company Directors Disqualification (Amendment) (Northern Ireland) Order 2005 S.I. 2005/1454 (N.I. 9)).

Commencement Information

I2 Reg. 2 in operation at 18.6.2010, see **reg. 1**

Revocation

3. The Companies (Disqualification Orders) Regulations (Northern Ireland) 2003(3) are hereby revoked.

Commencement Information

I3 Reg. 3 in operation at 18.6.2010, see reg. 1

Application

- 4. These Regulations apply—
 - (a) in relation to a disqualification order made after the coming into operation of these Regulations; and
 - (b) in relation to—
 - (i) a grant of leave made after the coming into operation of these Regulations; or
 - (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 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.

Commencement Information

I4 Reg. 4 in operation at 18.6.2010, see reg. 1

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 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 in relation to a disqualification order or a disqualification undertaking, 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 is or

Changes to legislation: There are currently no known outstanding effects for the The Companies (Disqualification Orders) Regulations (Northern Ireland) 2010. (See end of Document for details)

a disqualification undertaking is varied or ceases to be in force, and the particulars contained therein are the particulars prescribed for that purpose.

Commencement Information

I5 Reg. 5 in operation at 18.6.2010, see reg. 1

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 is the period of 14 days beginning with the day on which the disqualification order or grant of leave is made, or on which action is taken by the Court in consequence of which the disqualification order or disqualification undertaking is varied or ceases to be in force.

Commencement Information

I6 Reg. 6 in operation at 18.6.2010, see reg. 1

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 17th May 2010.



Michael J. Bohill
A senior officer of the Department of Enterprise,
Trade and Investment

Changes to legislation: There are currently no known outstanding effects for the The Companies (Disqualification Orders) Regulations (Northern Ireland) 2010. (See end of Document for details)

SCHEDULE 1

Commencement Information

I7 Sch. 1 in operation at 18.6.2010, see reg. 1

Changes to legislation: There are currently no known outstanding effects for the The Companies (Disqualification Orders) Regulations (Northern Ireland) 2010. (See end of Document for details)

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Status: Point in time view as at 18/06/2010.

Changes to legislation: There are currently no known outstanding effects for the The Companies (Disqualification Orders) Regulations (Northern Ireland) 2010. (See end of Document for details)

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Changes to legislation: There are currently no known outstanding effects for the The Companies (Disqualification Orders) Regulations (Northern Ireland) 2010. (See end of Document for details)

Presenter information	Where to send
You do not have to give any contact information, but providing your contact details will assist Companies House if a query arises on the orm.	When completed and signed, please send to: Secretary of State, C/O The Subpoena Clerk, The Registrar of Companies, Companies House, Crown Way, Cardiff, Wales, CF14 3UZ.
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We may return forms completed incorrectly or with information missing.	
Please make sure you have remembered the following:	-
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 You have completed the required information in section 4. You have signed the form. 	

Changes to legislation: There are currently no known outstanding effects for the The Companies (Disqualification Orders) Regulations (Northern Ireland) 2010. (See end of Document for details)

SCHEDULE 2

Commencement Information

I8 Sch. 2 in operation at 18.6.2010, see **reg. 1**

Changes to legislation: There are currently no known outstanding effects for the The Companies (Disqualification Orders) Regulations (Northern Ireland) 2010. (See end of Document for details)

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Status: Point in time view as at 18/06/2010.

Changes to legislation: There are currently no known outstanding effects for the The Companies (Disqualification Orders) Regulations (Northern Ireland) 2010. (See end of Document for details)

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Status: Point in time view as at 18/06/2010.

Changes to legislation: There are currently no known outstanding effects for the The Companies (Disqualification Orders) Regulations (Northern Ireland) 2010. (See end of Document for details)

When completed and signed, please send to: Secretary of State, C/O The Subpoena Clerk, The Registrar of Companies, Companies House, Comm Way, Cardiff, Wales, CF14 3UZ. DX 33050 Cardiff. Also send a copy to the Department of Enterprise Trade and Investment, Insolvency Service, Fermanagh House, Ormeau Avenue, Belfast, BT2 8NJ, Checklist We may return forms completed incorrectly or with information missing. Please make sure you have remembered the following: □ You have indicated which Article of the CDDNIO applies in section 1. You have provided details of the corporate body as required by sections 2 and 3. You have completed the form.	Presenter information	Where to send
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Changes to legislation: There are currently no known outstanding effects for the The Companies (Disqualification Orders) Regulations (Northern Ireland) 2010. (See end of Document for details)

SCHEDULE 3

Commencement Information

I9 Sch. 3 in operation at 18.6.2010, see **reg. 1**

Changes to legislation: There are currently no known outstanding effects for the The Companies (Disqualification Orders) Regulations (Northern Ireland) 2010. (See end of Document for details)

In accordance with the Companies (Disqualification Orders) Regulations (Northern Ireland) 2010.

DQ03n

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



What this form is for You may use this form to give notice of a grant of leave in relation to a disqualification undertaking in Northern Ireland.

X What this form is NOT for
You cannot use this form to give
notice of a variation or cessation of
a disqualification order or
disqualification undertaking in
Northern Ireland. To do this, please
use form DQ04n 'Variation or
cessation of a disqualification order
or disqualification undertaking in
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Country of registration										

Status: Point in time view as at 18/06/2010.

Changes to legislation: There are currently no known outstanding effects for the The Companies (Disqualification Orders) Regulations (Northern Ireland) 2010. (See end of Document for details)

3	Name in which disqualification order was made		
	Is the name in which the disqualification order was made different to that shown in section 2? → Yes Please enter the name and relevant details below. → No Go to Section 4.	0	The forename(s), date of birth and nationality fields only need to be completed for an individual.
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5	Activity for which leave was granted		
	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 or LLP.		
6	Signature		
Signature			
Name/Position			

Changes to legislation: There are currently no known outstanding effects for the The Companies (Disqualification Orders) Regulations (Northern Ireland) 2010. (See end of Document for details)

DQ03n

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

Presenter information	Where to send
ou do not have to give any contact information, but providing your	When completed and signed, please send to
ontact details will assist Companies House if a query arises on the form.	Secretary of State, C/O The Subpoena Clerk, The Registrar of Companies, Companies House Crown Way, Cardiff, Wales, CF14 3UZ.
ourt Officer Contact	DX 33050 Cardiff.
ourt name	Also send a copy to the Department of Enterprise, Trade and Investment, Insolvency Service, Fermanagh House, Ormeau Avenue, Belfast BT2 8NJ.
ddrese	Bollust B12 offs.
sst town	
unit/Region	
ostcode	
ountry	
lephone	
✓ Checklist	
We may return forms completed incorrectly or with	
nformation missing.	
Please make sure you have remembered the following:	
You have provided all the information required in	
section 1. You have given the name of the person to whom the	
leave is granted in sections 2 and/or 3. You have completed section 4 in full.	
☐ You have ticked the relevant box(es) in section 5.	
☐ You have signed the form.	

Changes to legislation: There are currently no known outstanding effects for the The Companies (Disqualification Orders) Regulations (Northern Ireland) 2010. (See end of Document for details)

SCHEDULE 4

Commencement Information

I10 Sch. 4 in operation at 18.6.2010, see **reg. 1**

Changes to legislation: There are currently no known outstanding effects for the The Companies (Disqualification Orders) Regulations (Northern Ireland) 2010. (See end of Document for details)

In accordance with the Companies (Disqualification Orders) Regulations (Northern Ireland) 2010.

Original

date 0

disqualification order/undertaking

DQ04n

Variation or cessation of a disqualification order or disqualification undertaking in Northern Ireland



Filling in this form

Please complete in typescript or in bold black capitals.

All fields are mandatory unless

What this form is for You may use this form to give notice of a variation or cessation of a disqualification order or disqualification undertaking in Northern Ireland.

Disqualification details

Variation or cessation of @

m

d

X What this form is NOT for You cannot use this form to give notice of a grant of leave in relation to a disqualification order or disqualification undertaking in Northern Ireland. To do this, please use form DQ03n 'Grant of leave in relation to a disqualification order or disqualification undertaking in Northern Ireland'.

	Disqualification undertaking.		specified or indicated by *
	Disqualification differentials.	0	Date of disqualification order/undertaking Piease enter the date on which the disqualification order was originally made by the court or disqualification undertaking was accepted by the Department of Enterprise, Trade and Investment.
		9	Variation or cessation Please tick one box.
2	Name of person subject to disqualification order or di undertaking	squa	lification
Title *		•	The forename(s), date of birth and nationality fields only need
Forename(s) •			to be completed for an individual.
Surname/Corporate name			
Date of birth ❸	d d M m y y y		
Nationality €			
Registered number (if any)			
Country of registration			
3	Details of the court		
Name of the Court 9		9	Please give the name of the court where action was taken to cease or vary the order or undertaking.
Date of action taken by the court	d d m m y y y		
Case number			

Status: Point in time view as at 18/06/2010.

Changes to legislation: There are currently no known outstanding effects for the The Companies (Disqualification Orders) Regulations (Northern Ireland) 2010. (See end of Document for details)

4	Details of cessation or variation	
	Please tick a box to indicate the result of the court's action. ☐ A. Order or undertaking ceased to be in force. ☐ B. Order or undertaking varied.	Please tick one box.
	Did you tick B 'Order or undertaking varied'? → Yes Please complete section 5 'Order or undertaking varied'. → No Please go to section 6 'Signature'.	
5	Order or undertaking varied	
riod of qualification 9 art date 9	d d m m y y y	Period of disqualification Please state the period of disqualification now specified In the order or undertaking. Start date
		Start date Please insert the start date of the period of disqualification. Unless the Court ordered otherwise, the period of disqualification would have begun 21 days from the date of the original order.
6	Signature	
gnature		
ame/Position		
ourt		

Changes to legislation: There are currently no known outstanding effects for the The Companies (Disqualification Orders) Regulations (Northern Ireland) 2010. (See end of Document for details)

DQ04n

Variation or cessation of a disqualification order or disqualification undertaking in Northern Ireland

ompleted and signed, please send to: ry of State, C/O The Subpoena Clerk,
ry of State, C/O The Subpoend Clerk, jistrar of Companies, Companies House, Vay, Cardiff, Wales, CF14 3UZ.
50 Cardiff.
nd a copy to the Department of se, Trade and Investment, Insolvency Fermanagh House, Ormeau Avenue, BT2 8NJ.

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations revoke and replace the Companies (Disqualification Orders) Regulations (Northern Ireland) 2003 (S.R. 2003 No. 347) ("the 2003 Regulations"). They come into operation on 18th June 2010, 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) is varied or ceases to have effect.

The Company Directors Disqualification (Northern Ireland) Order 2002 (S.I. 2002/3150 (N.I. 4)("the Order") 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, for a specified period, they will not—

- (a) without the leave of the 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; or
- (b) act as an insolvency practitioner.

These Regulations prescribe the particulars of—

- (c) disqualification orders;
- (d) the granting of leave in relation to such orders or disqualification undertakings; and
- (e) 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.

Key changes from the 2003 Regulations are:

- (f) the forms in Schedules 1 to 4 have been amended so as to provide for particulars in relation to competition disqualification orders made under Article 13A of the Order to be furnished to the Department of Enterprise, Trade and Investment and the Secretary of State; and
- (g) the interpretation has been amended to take account of Articles 13A and 13B of the Order which deal with competition disqualification orders and undertakings.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

Status:

Point in time view as at 18/06/2010.

Changes to legislation:

There are currently no known outstanding effects for the The Companies (Disqualification Orders) Regulations (Northern Ireland) 2010.