
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.

Changes to legislation:

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