

[REDACTED]
Sent: 08 November 2022 12:07

To: DOJ Minister's Office <DOJ.MinistersOffice@justice-ni.gov.uk>

Subject: Re: 'Carecraft' procedure

A chairde,

Can I please check if there is a response available in relation to this inquiry?

Le meas

Colm Gildernew MLA.

On Mon, 24 Oct 2022, 15:06 colm Gildernew [REDACTED] wrote:

Naomi a chara,

I would like to enquire on behalf of a constituent whether the; 'Practice Direction: Directors Disqualification proceedings' issued by the Department of Justice (at www.justice.gov.uk), including the 'Carecraft Procedure', apply here in the north of Ireland?

Le meas,

Colm Gildernew MLA

MLA for Fermanagh & South Tyrone

46 Market Square

Dungannon

Co. Tyrone

BT70 1JH

028 8772 2776.



Department of
Justice

An Roinn Dlí agus Cirt

Máinnystrie O tha Laa

www.justice-ni.gov.uk

**FROM THE PERMANENT SECRETARY
RICHARD PENGELLY CB**

Rm B5.10, Castle Buildings
Stormont Estate
BELFAST BT4 3SG
Tel: 028 9052 2992
email: richard.pengelly@justice-ni.gov.uk

Mr Colm Gildernew MLA
[REDACTED]

Our ref: TOF/2015/2022

16 November 2022

Dear Colm

CARECRAFT PROCEDURE

Thank you for your email of 21 October 2022 to the Justice Minister, regarding a query from a constituent on the use of a Practice Direction concerning Directors Disqualification and specifically the Carecraft Procedure. In the absence of a Minister your letter has been passed to me for response.

The Practice Direction (Directors Disqualification Proceedings) does not apply in Northern Ireland.

In Northern Ireland, practice and procedure in Directors Disqualification Proceedings is prescribed by The Company Directors Disqualification (Northern Ireland) Order 2002, The Companies (NI) Order 1986 and The Insolvency (NI) Order 1989.

Article 10(3) of the Company Directors Disqualification (Northern Ireland) Order 2002 provides for Disqualification Undertakings to be given by directors facing disqualification proceedings. This allows directors, with the agreement of the Department (DfE), to conclude the matter without the need for a court hearing by offering an acceptable disqualification undertaking. A Disqualification Undertaking has the same legal effect as a disqualification order made by the court, and the consequences of breaching a disqualification undertaking are the same as those for breaching a disqualification order.

I hope this is helpful.

Yours sincerely

RICHARD PENGELLY CB

Mr Richard Pengelly
Permanent Secretary
Department of Justice
Block B
Castle Building
Stormont Estate
Belfast
BT4 3SG
14th November 2023

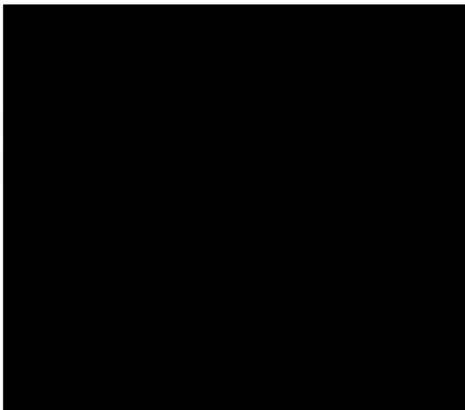
Dear Mr Pengelly

Subject: Use of the Carecraft Procedure in Disqualification of Director's Proceedings in Northern Ireland.

I am writing to you in the absence of a Justice Minister in Northern Ireland at this time in order to enquire if the 'Carecraft Procedure' and the Practice Directions issued by and referenced in the UK's Justice Department website is applicable to disqualification proceedings in Northern Ireland.

Thanking you in anticipation of your reply.

Yours Sincerely





Department of
Justice

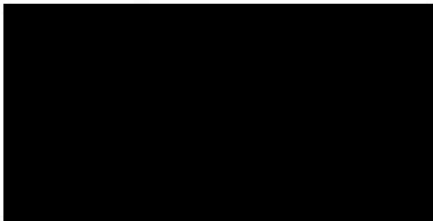
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**FROM THE PERMANENT SECRETARY
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BELFAST BT4 3SG
Tel: 028 9052 2992
email: richard.pengelly@justice-ni.gov.uk



Our ref: TOF/0668/2023

22 November 2023

Dear 

Thank you for your letter of 14 November 2023, regarding the use the Carecraft Procedure in the Practice Directions issued by the courts in England and Wales.

The Practice Direction (Directors Disqualification Proceedings) does not apply in Northern Ireland.

In Northern Ireland, practice and procedure in Directors Disqualification Proceedings is prescribed by The Company Directors Disqualification (Northern Ireland) Order 2002, The Companies (NI) Order 1986 and The Insolvency (NI) Order 1989.

I hope this is helpful.

Yours sincerely

RICHARD PENGELLY CB

+Mr Richard Pengelly

Permanent Secretary

Department of Justice

Block B

Castle Building

Stormont Estate

Belfast

BT4 3SG

1st December 2023

13 DEC 2023

Dear Mr Pengelly

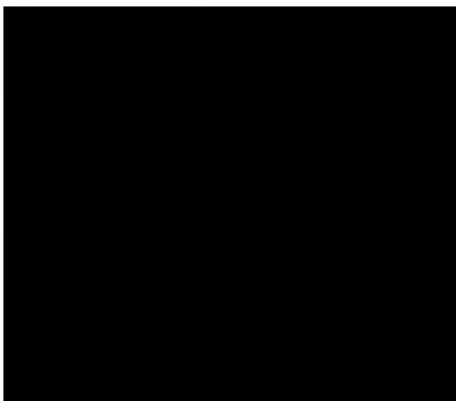
Subject: Use of the Carecraft Procedure in Disqualification of Director's Proceedings in Northern Ireland.

I refer to my letter of 14 November 2023 to you on this subject and your reply of 22 November that references only the Practice Directions issued by the UK Justice Department and a number of legislative instruments.

The subject of my letter of 14 November was, "Use of the Carecraft Procedure in Disqualification of Director's Proceedings in Northern Ireland".

Is the Carecraft Procedure applicable to disqualification proceedings in Northern Ireland?

Yours Sincerely





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**FROM THE PERMANENT SECRETARY
RICHARD PENGELLY CB**

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Tel: 028 9052 2992
email: richard.pengelly@justice-ni.gov.uk

Our ref: TOF-0668-2023
4 January 2023

[REDACTED]

Your letters dated 14 November 2023 and 1 December 2023 refer.

[REDACTED]

In Northern Ireland, practice and procedure in Directors Disqualification Proceedings is prescribed by The Company Directors Disqualification (Northern Ireland) Order 2002, The Companies (NI) Order 1986 and The Insolvency (NI) Order 1989.

Your letter refers to The Practice Direction (Directors Disqualification Proceedings). This Practice Direction does not apply in Northern Ireland, meaning that the Carecraft Procedure, to which it refers, does not apply either.

Responsibility for the policy and legislation regarding the disqualification of directors rests with the Department for the Economy. Further information is available on their website: <https://www.economy-ni.gov.uk/articles/directors-disqualification>.

I hope this is helpful.

Yours sincerely,

RICHARD PENGELLY CB