

# CONVENTION RIGHTS MEMORANDUM

## The Insolvency (Amendment) Bill

### INTRODUCTION

1. This memorandum has been prepared for the Committee for the Economy ('the Committee') to assist with its scrutiny of the Insolvency (Amendment) Bill ('the Bill').
2. The Bill was introduced on 23 June 2025. This memorandum considers issues in the Bill which may arise under the European Convention on Human Rights ('the Convention') and Article 2(1) of the Windsor Framework ('Article 2(1)'). It is prepared by the Legal Services Office.
3. Where a clause of the Bill may on occasion interfere with one or more Convention rights, that clause may merit further scrutiny by the Committee and discussion with the Department for the Economy ('the Department').
4. Where a clause of the Bill may engage rights which fall within the scope of Article 2(1), the rights issues in those clauses are set out, that clause may also merit further scrutiny and discussion with the Department to identify any potential incompatibility with Article 2(1).
5. The Convention rights given effect in domestic law are set out at Annex 1 to this memorandum. The text of Article 2(1) and its associated annex is at Annex 2 to the memorandum.

### SUMMARY OF THE BILL

6. The Bill consists of 121 clauses, divided into 13 parts, and four schedules. The long title describes it as '*a Bill to amend the law relating to insolvency; and for connected purposes*'.
7. The Explanatory and Financial Memorandum notes that '*legislation in Northern Ireland dealing with insolvency and director disqualification is kept as far as possible in parity with that applying in England and Wales*'. However, some five major enactments since 2015 have led to increasing divergence between the position in Northern Ireland and England and Wales, which the Bill is intended to reduce.
8. The amendments propose to achieve a number of policy objectives in improving the administration of insolvencies and making the insolvency process more streamlined and efficient.

## SECTION 1: CONVENTION RIGHTS

9. This section sets out the Convention rights<sup>1</sup> which the Legal Services Office considers may be engaged by the Bill. These Convention rights are marked in the table below with 'x'.

<b>Part I</b>	<b>The Convention Rights and Freedoms</b>	<b>Engaged</b>
Article 2	Right to life	
Article 3	Prohibition of Torture	
Article 4	Prohibition of slavery and forced labour	
Article 5	Right to liberty and security	
Article 6	Right to a fair trial	x
Article 7	No punishment without law	
Article 8	Right to respect for private and family life	x
Article 9	Freedom of thought, conscience and religion	
Article 10	Freedom of expression	
Article 11	Freedom of assembly and association	
Article 12	Right to marry	
Article 14	Prohibition of discrimination	
<b>Part II</b>	<b>The First Protocol</b>	
Article 1	Protection of Property	x
Article 2	Right to Education	
Article 3	Right to free elections	

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<sup>1</sup> As set out in Section 1(1) and Schedule 1 of the Human Rights Act 1998, see Annex A for further guidance

## CLAUSES FOR FURTHER CONSIDERATION

10. This section of the memorandum deals with provisions of the Bill which may raise ECHR issues, which are set out below. The remaining provisions of the Bill are not considered to engage the Convention rights.

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### **Clause 2**

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11. Clause 2 inserts 3 new Articles into the Insolvency (Northern Ireland) Order 1989 ('the 1989 Order').
12. New Article 208ZA (fraudulent trading: administration) deals with the power of the High Court to declare that any person who appears to have knowingly been party to the business of a company being carried on fraudulently is liable to make a contribution to the assets of the company in administration.
13. New Article 208ZB (wrongful trading: administration) deals with the power of the High Court to declare that any person who is or was a director of a company in administration is liable to contribute to the assets of the company. This is subject to conditions set out at paragraphs 2 and 3.

### Rights engaged: Article 6; Article 1 of the First Protocol

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14. The making of contribution orders is likely to engage Article 6 of the Convention, as it involves the determination of a civil right. These clauses may also affect the right to peaceful enjoyment of possessions protected by Article 1 of the First Protocol ('A1P1'), as any person who appears to have knowingly been party to the business of a company being carried on fraudulently or directors may have to make contributions to the company's assets, resulting in a deprivation of their possessions.
15. A1P1 is a qualified right, with states able to enforce laws that can deprive an individual of his possessions or control the use of property in accordance with the general interest. The conditions under which such orders may be made are set out in the clauses.
16. Contribution orders may be made only on application to the High Court. This court is clearly '*an independent and impartial tribunal established by law*' and it is highly likely that contribution orders will only be made in a manner compatible with the Convention, since courts are also obliged to carry out their functions in a manner compatible with the Convention rights.

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## Clause 58

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17. This clause deals with penalties for offences under the 1989 Order, to make modifications necessary on the removal of the need for creditors' meetings. The penalties for offences are also marginally increased. The Committee will note these offences are summary only (i.e. may only be tried in a magistrate's court) and are punishable only by a fine of level 3 on the standard scale (up to £1000).

### Right engaged: Article 6

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18. Schedule 7 of the 1998 Order concerns punishment of offences under the Order. Article 6(1) is relevant because the procedure for imposing financial penalties involves the determination of rights and obligations. The Committee may wish to consider if these new amendments require the additional safeguards under Article 6(2) and (3) if a matter is a criminal offence. If the matter is a criminal offence, the Committee may wish to raise with the Department the (i) classification of the offence (ii) the nature of the offence; (iii) the penalties for the offence.

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## Clause 97

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19. This clause inserts a new Article 343A into the 1989 Order. Article 343A applies where a voluntary arrangement proposed by an individual who has been carrying on business in their own right, or as a member of a partnership, is approved.
20. Article 343A provides that on this happening, any insolvency-related terms in contracts for the supply to the business of utility or other goods and services listed in paragraph (4) of Article 343 cease to have effect. The effect is to prevent the supplier causing or permitting the termination of the supply or the contract, altering the contract terms, or demanding increased payments for the supply. However, the supplier may still terminate the contract if conditions set out in clause 343A(3) are met, or terminate the supply, if the condition set out in clause 343A(6) is met.

### Right engaged: A1P1

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21. The right to peaceful enjoyment of possessions may be engaged where any insolvency-related terms in contracts for the supply to the business of utility or other goods and services listed in paragraph (4) of Article 343 cease to have effect.
22. However, A1P1 is a qualified right, with states able to enforce laws that can deprive an individual of his possessions or control the use of property in accordance with the general interest. Controls on the use of property must be proportionate and strike a fair balance between the general interest of the community and the private interests of the property owner.

23. The Committee may wish to consider, if, in circumstances where insolvency-related terms of contract cease to have effect, the rights of suppliers are adequately protected by the terms on which they may terminate contracts or supply under clauses 343A(4) and (6).

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### Clause 103

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24. This clause amends Article 70 of the 1989 Order, which makes provision about when a company can be wound-up voluntarily. Sub-clause 2 substitutes for paragraph (1A) of Article 70 four new paragraphs, the principal effect of which is to introduce new obligations for notification to the Enforcement of Judgments Office ('EJO'). If the company fails to notify the EJO as required, the company and any officer in default commit an offence.

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### Rights engaged: Article 6, Article 8

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25. If the failure to notify the EJO is a criminal offence, the Committee may wish to consider if these new amendments require the additional safeguards under Article 6 (2) and (3) of the Convention. The Committee may wish to raise with the Department the (i) classification of the offence (ii) the nature of the offence; (iii) the penalties for the offence.
26. The notice requirement involves sharing information about the company's intention to wind up, which could affect the privacy of directors and shareholders. The Department should be satisfied that the information disclosed is limited and justified by the legitimate aim of protecting creditors and the public interest. The requirement should be proportionate and not involve unnecessary or excessive disclosure.

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### Schedule 3, paragraph 7

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27. This paragraph replaces paragraphs (5) and (5A) of Article 10 of the Company Directors Disqualification (Northern Ireland) Order 2002 ('the Disqualification Order') with new paragraphs (5) to (5D).
28. The relevant paragraphs deal with the provision of information where the Department is considering whether it is '*expedient in the public interest that a disqualification order under Article 9 [of the Disqualification Order]*' be made.
29. If the Department or the official receiver is considering whether to exercise this power, they have the right to require, from any person, the provision of relevant information and the production of relevant documentation about the person's conduct as a director of that company. They may also require any person to provide them with information and to require the production of books, papers and other records, where a company has become insolvent or dissolved.

## Right engaged: Article 8

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30. The production and inspection of relevant information may engage Article 8, especially if the records contain sensitive personal or financial data. The Committee may wish to consider the kind of records this power may be used to require. The Committee should consider whether any interference with the Article 8 rights of the person from whom the information is sought is justified and a proportionate means of achieving a legitimate aim (the aim, in this case, being the disqualification of certain persons from acting as company directors).

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### **Schedule 3, paragraph 13**

31. This paragraph amends Article 261 of the 1989 Order, which applies where a bankruptcy order has been made on a creditor's petition. Article 261 provided that the bankrupt had to submit a statement of affairs to the official receiver within 21 days from the making of the bankruptcy order, unless the official receiver or the High Court released them from the obligation to do so, or extended the period allowed for doing so.
32. Sub-paragraph (2) of paragraph 13 replaces paragraph (1) of Article 261 with a substitute which provides that where a bankruptcy order has been made on a creditor's petition, a statement of affairs only has to be submitted if the official receiver requires it, which the official receiver can do at any time before the bankrupt is discharged.
33. The official receiver, or, where the official receiver has refused to act, the High Court, can release a bankrupt from a requirement to submit a statement of affairs, or extend the time allowed for doing so.

## Right engaged: Article 8

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34. Requiring disclosure of financial information in the statement of affairs may engage the right to privacy. The Committee should consider whether any interference is justified and represents a proportionate means of attaining a legitimate aim. However, the Committee may note that Article 261 previously placed a mandatory duty on a bankrupt to submit a statement of personal affairs, and that duty is now discretionary. It must be exercised by the official receiver in a manner compatible with the Convention, and the bankrupt may seek to be released from the requirements on application to the High Court.

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### **Schedule 4, paragraph 85**

35. This paragraph replaces Article 9 of the Disqualification Order (as it is modified by Schedule 8 of the Insolvent Partnerships (Northern Ireland) Order 1995 ('the 1995 Order') and creates a new Article 9A). These provisions deal with the

power of the High Court to disqualify unfit officers of insolvent partnerships for a period of between 2 and 15 years. New Article 9(1) sets out the matters of which the High Court is to be satisfied. New Article 9A provides relevant definitions, including a definition of insolvency.

### Right engaged: Article 6; Article 8; A1P1

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36. As the High Court is required to make a disqualification order if statutory conditions are met then Article 6, as it provides for the determination of civil rights, is engaged. The Committee should be satisfied that the grounds for disqualification in the Bill are sufficiently clear to the officers of partnerships who may be affected by the offence. The Committee may consider that since these grounds are evolutions of provisions which have been on the statute book since 1995, it is likely that they can be readily understood, if necessary, with legal advice.
37. Disqualification can affect a person's professional reputation, livelihood, and ability to participate in business, potentially engaging Article 8. Disqualification may also indirectly affect economic interests, such as income or business roles and therefore interfere with peaceful enjoyment of those interests and engage A1P1.
38. The Committee should consider whether any interference likely to arise from disqualification will represent a proportionate means of achieving a legitimate aim. In this regard the Committee will note that it will be for the High Court to balance the culpability of the relevant officer and to determine the period (within a broad range) for which the officer will be disqualified.

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### Schedule 4, paragraph 86

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39. This paragraph allows the Department to apply for a disqualification order against a person if that is expedient in the public interest. Leave of the High Court is required to apply for a disqualification order against any person after the expiration of 3 years from the day on which the partnership of which that person is or has been an officer became insolvent.
40. If the Department believes the conditions for disqualification are met and the person offers an undertaking, it may accept it instead of pursuing a formal order, if that appears to be expedient in the public interest.
41. The Department or official receiver may require a person to provide relevant information about that person's conduct, or another's conduct as an officer and to produce and allow inspection of relevant records (books, papers, etc.).

### Right engaged: Article 6

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42. The Committee may wish to raise how individuals subject to disqualification proceedings will be given notice of the application, a reasonable opportunity to respond and access to legal representation to ensure compliance with the safeguards in Article 6 as there is a determination of a civil right. It will be for the High Court to balance the culpability of the relevant officer and to determine if disqualification is merited.

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#### **Schedule 4, paragraph 87**

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43. This paragraph provides that the office-holder<sup>2</sup> in respect of a partnership which is insolvent must prepare a conduct report about the conduct of each person who was an officer of the partnership on the insolvency date, or an officer within the 3 years prior to that date. The report must describe any conduct that may assist the Department in deciding whether to apply for a disqualification order or accept a disqualification undertaking under Article 10.

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#### **Right engaged: Article 8**

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44. Reporting on an individual's conduct may affect their reputation and professional life, and ability to work, potentially engaging Article 8. The Committee should be satisfied that the obligation to prepare a conduct report is justified, and a proportionate means of achieving a legitimate aim (that being to assist the Department in deciding whether to exercise the power to disqualify or to accept a disqualification undertaking (if one is offered)).

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#### **Schedule 4, paragraph 89**

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45. This paragraph modifies provisions on the disqualification of '*persons instructing unfit officers*' of partnerships. It allows the High Court to make a disqualification order against a person ('P') who has exercised the '*requisite amount of influence*' over an officer who was disqualified (or who has given a disqualification undertaking). The period of disqualification can be between 2 and 15 years.

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#### **Rights engaged: Article 6; Article 8**

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46. Disqualification orders result in the determination of a civil rights, and the manner in which they are made must comply with Article 6. In this case, the power for the High Court to disqualify is permissive (that is, the court does not *have* to make a disqualification order against P even if satisfied that P exercised the requisite influence).

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<sup>2</sup> Provision is also made for determining which is the relevant office-holder should there be more than one.



47. Disqualification can affect a person's professional reputation and ability to work, which may engage Article 8.

48. It will be for the High Court to decide whether the conduct of P in particular case merits disqualification and to be satisfied that such disqualification is a proportionate means of achieving a legitimate aim.

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#### **Schedule 4, paragraph 91**

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49. This paragraph provides that if the High Court finds (under Articles 177 or 178 of the 1989 Order read with the 1995 Order) that a person must make a contribution to a partnership's assets because of wrongful trading, the court can *'if it thinks fit'* also disqualify that person from company management.

50. When the High Court (or the Department) is deciding if someone is unfit to manage a company or how long a disqualification should last, it must consider the person's conduct as an officer of the partnership, and their conduct in any other relevant company or partnership, including overseas entities.

51. The High Court or Department must pay particular attention to the factors listed in paragraphs 1 to 7 of Schedule 1 of the 1995 Order, as amended by paragraph 98 of this Schedule. These include a responsibility for insolvency, breaches of duty, and frequency of misconduct.

#### **Right engaged: Article 6**

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52. Disqualification orders following a wrongful trading declaration (Article 14) or a finding of unfitness (Article 17A) are made by the High Court. The Committee should ensure there are safeguards to ensure compliance with Article 6, especially since disqualification can have serious professional consequences.

53. In particular, the Committee should be satisfied that the grounds for disqualification in the Bill are sufficiently clear to the officers of partnerships who may be affected by them. These include the various potential indicators of 'unfitness' at paragraphs 1 to 7 of Schedule 1 of the 1995 Order which are modified by paragraph 94 of the Schedule.

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#### **Schedule 4, paragraph 92**

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54. This clause provides for compensation orders and undertakings (Articles 19A–19B of the 1995 Order). The High Court may order compensation from a disqualified person if their conduct caused loss to creditors of an insolvent partnership. The Department may accept a compensation undertaking instead of seeking a court order.

## Rights engaged: Article 6, Article 8

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55. As compensation orders are made by the High Court, the provision is likely to be compatible with Article 6. However, the Committee should be satisfied that the matters to which the Court is to have regard before making such orders are sufficiently clear to the officers of partnerships who may be affected by them. These matters are set out at new Article 19B(3).
56. Compensation orders may affect a person's financial standing, reputation, and professional life and therefore engage their right to privacy. It will be for the High Court to ensure that any compensation order made which has this effect reflects a proportionate means of achieving a legitimate aim.

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### **Schedule 4, paragraph 93**

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57. This paragraph inserts a number of new provisions into the 1995 Order. New Article 22 of the 1995 Order provides for a register of disqualification orders and undertakings. The register is open to inspection (for a fee) and may be shared with the Secretary of State.
58. New Article 23 of the 1995 Order (admissibility in evidence of statements) provides for the use of statements under the 1995 Order or the Insolvency Rules in civil proceedings. Such statements are inadmissible in criminal cases unless evidence relating to them is adduced, or a question relating to them is asked, by the defendant.
59. New Article 23A (legal professional privilege) provides that individuals are not required to disclose legally privileged information in proceedings under Article 18 (acting in contravention of a disqualification order or disqualification undertaking).

## Right engaged: Article 8

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60. If the register includes personal and professional information about individuals subject to disqualification orders or undertakings which open for inspection, this may interfere with the right to privacy, particularly where there could be reputational damage.
61. The Committee should consider whether any interference will be justified, be satisfied that the information will be collected in accordance with the provisions of the Bill, and that its collection represents a proportionate means of achieving a legitimate aim.

## SECTION 2: ARTICLE 2(1) OF THE WINDSOR FRAMEWORK

62. It is not considered that any clause in the Bill falls within the scope of Article 2(1) of the Windsor Framework.

## SECTION 3: SUMMARY

63. There are no clauses or provisions of the Schedules to the Bill which call for particular scrutiny by the Committee.

- Minor elucidation might be sought from the Department on how several provisions will operate in practice, but none raise particular concerns as regards compatibility with the Convention.
- Article 2(1) is not engaged by the Bill.

## ANNEX A: THE CONVENTION RIGHTS AND FREEDOMS

### **Article 2: Right to life**

- (1) Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law.
- (2) Deprivation of life shall not be regarded as inflicted in contravention of this Article when it results from the use of force which is no more than absolutely necessary:
  - (a) in defence of any person from unlawful violence;
  - (b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained;
  - (c) in action lawfully taken for the purpose of quelling a riot or insurrection.

### **Article 3: Prohibition of torture**

No one shall be subjected to torture or to inhuman or degrading treatment or punishment.

### **Article 4: Prohibition of slavery and forced labour**

- (1) No one shall be held in slavery or servitude.
- (2) No one shall be required to perform forced or compulsory labour.
- (3) For the purpose of this Article the term "forced or compulsory labour" shall not include:
  - (a) any work required to be done in the ordinary course of detention imposed according to the provisions of Article 5 of this Convention or during conditional release from such detention;
  - (b) any service of a military character or, in case of conscientious objectors in countries where they are recognised, service exacted instead of compulsory military service;
  - (c) any service exacted in case of an emergency or calamity threatening the life or well-being of the community;
  - (d) any work or service which forms part of normal civic obligations.

### **Article 5: Right to liberty and security**

- (1) Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law:

- (a) the lawful detention of a person after conviction by a competent court;
  - (b) the lawful arrest or detention of a person for non-compliance with the lawful order of a court or in order to secure the fulfilment of any obligation prescribed by law;
  - (c) the lawful arrest or detention of a person effected for the purpose of bringing him before the competent legal authority on reasonable suspicion of having committed an offence or when it is reasonably considered necessary to prevent his committing an offence or fleeing after having done so;
  - (d) the detention of a minor by lawful order for the purpose of educational supervision or his lawful detention for the purpose of bringing him before the competent legal authority;
  - (e) the lawful detention of persons for the prevention of the spreading of infectious diseases, of persons of unsound mind, alcoholics or drug addicts or vagrants;
  - (f) the lawful arrest or detention of a person to prevent his effecting an unauthorised entry into the country or of a person against whom action is being taken with a view to deportation or extradition.
- (2) Everyone who is arrested shall be informed promptly, in a language which he understands, of the reasons for his arrest and of any charge against him.
- (3) Everyone arrested or detained in accordance with the provisions of paragraph 1(c) of this Article shall be brought promptly before a judge or other officer authorised by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release pending trial. Release may be conditioned by guarantees to appear for trial.
- (4) Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful.
- (5) Everyone who has been the victim of arrest or detention in contravention of the provisions of this Article shall have an enforceable right to compensation.

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## **Article 6: Right to a fair trial**

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- (1) In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.

- (2) Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.
- (3) Everyone charged with a criminal offence has the following minimum rights:
  - (a) to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him;
  - (b) to have adequate time and facilities for the preparation of his defence;
  - (c) to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;
  - (d) to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
  - (e) to have the free assistance of an interpreter if he cannot understand or speak the language used in court.

### **Article 7: No punishment without law**

- (1) No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national or international law at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the criminal offence was committed.
- (2) This Article shall not prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognised by civilised nations.

### **Article 8: Right to respect for private and family life**

- (1) Everyone has the right to respect for his private and family life, his home and his correspondence.
- (2) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

### **Article 9: Freedom of thought, conscience and religion**

- (1) Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.

- (2) Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.

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### **Article 10: Freedom of expression**

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- (1) Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.
- (2) The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

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### **Article 11: Freedom of assembly and association**

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- (1) Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.
- (2) No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This Article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State.

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### **Article 12: Right to marry**

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Men and women of marriageable age have the right to marry and to found a family, according to the national laws governing the exercise of this right.

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### **Article 14: Prohibition of discrimination**

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The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour,

language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

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### **Article 16: Restrictions on political activity of aliens**

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Nothing in Articles 10, 11 and 14 shall be regarded as preventing the High Contracting Parties from imposing restrictions on the political activity of aliens.

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### **Article 17: Prohibition of abuse of rights**

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Nothing in this Convention may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms set forth herein or at their limitation to a greater extent than is provided for in the Convention.

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### **Article 18: Limitation on use of restrictions on rights**

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The restrictions permitted under this Convention to the said rights and freedoms shall not be applied for any purpose other than those for which they have been prescribed.

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### **Article 1 of the First Protocol: Protection of property**

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- (1) Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
- (2) The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

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### **Article 2 of the First Protocol: Right to education**

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No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.

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### **Article 3 of the First Protocol: Right to free elections**

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The High Contracting Parties undertake to hold free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature.

## ANNEX B: ARTICLE 2 OF THE WINDSOR FRAMEWORK

### **Article 2: Rights of individuals**

- (1) The United Kingdom shall ensure that no diminution of rights, safeguards or equality of opportunity, as set out in that part of the 1998 Agreement entitled Rights, Safeguards and Equality of Opportunity results from its withdrawal from the Union, including in the area of protection against discrimination, as enshrined in the provisions of Union law listed in Annex 1 to this Protocol, and shall implement this paragraph through dedicated mechanisms.
- (2) The United Kingdom shall continue to facilitate the related work of the institutions and bodies set up pursuant to the 1998 Agreement, including the Northern Ireland Human Rights Commission, the Equality Commission for Northern Ireland and the Joint Committee of representatives of the Human Rights Commissions of Northern Ireland and Ireland, in upholding human rights and equality standards.

### **Annex 1: provisions of Union law referred to in Article 2(1)**

- Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services<sup>1</sup>
- Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation<sup>2</sup>
- Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin<sup>3</sup>
- Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation<sup>4</sup>
- Directive 2010/41/EU of the European Parliament and of the Council of 7 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC<sup>5</sup>

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<sup>1</sup> OJ L 373, 21.12.2004, p. 37.

<sup>2</sup> OJ L 204, 26.7.2006, p. 23.

<sup>3</sup> OJ L 180, 19.7.2000, p. 22.

<sup>4</sup> OJ L 303, 2.12.2000, p. 16.

<sup>5</sup> OJ L 180, 15.7.2010, p. 1.

- Council Directive 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security<sup>6</sup>

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<sup>6</sup> OJ L 6, 10.1.1979, p. 24.