



Company Directors Disqualification Act 1986

1986 CHAPTER 46

Supplementary provisions

[^{F1}17] **Application for leave under an order or undertaking.**

- (1) Where a person is subject to a disqualification order made by a court having jurisdiction to wind up companies, any application for leave for the purposes of section 1(1)(a) shall be made to that court.
- (2) Where—
 - (a) a person is subject to a disqualification order made under section 2 by a court other than a court having jurisdiction to wind up companies, or
 - (b) a person is subject to a disqualification order made under section 5,any application for leave for the purposes of section 1(1)(a) shall be made to any court which, when the order was made, had jurisdiction to wind up the company (or, if there is more than one such company, any of the companies) to which the offence (or any of the offences) in question related.
- (3) Where a person is subject to a disqualification undertaking accepted at any time under section [^{F2}5A,] 7 or 8, any application for leave for the purposes of section 1A(1)(a) shall be made to any court to which, if the Secretary of State had applied for a disqualification order under the section in question at that time, his application could have been made.

[Where a person is subject to a disqualification undertaking accepted at any time under ^{F3}(3ZA) section 8ZC, any application for leave for the purposes of section 1A(1)(a) must be made to any court to which, if the Secretary of State had applied for a disqualification order under section 8ZA at that time, that application could have been made.

- (3ZB) Where a person is subject to a disqualification undertaking accepted at any time under section 8ZE, any application for leave for the purposes of section 1A(1)(a) must be made to the High Court or, in Scotland, the Court of Session.]

Status: Point in time view as at 08/12/2017. This version of this provision has been superseded.

Changes to legislation: Company Directors Disqualification Act 1986, Section 17 is up to date with all changes known to be in force on or before 07 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

[Where a person is subject to a disqualification undertaking accepted at any time under ^{F4}(3A) section 9B any application for leave for the purposes of section 9B(4) must be made to the High Court or (in Scotland) the Court of Session.]

(4) But where a person is subject to two or more disqualification orders or undertakings (or to one or more disqualification orders and to one or more disqualification undertakings), any application for leave for the purposes of section 1(1)(a) [^{F5}1A(1)(a) or 9B(4)] shall be made to any court to which any such application relating to the latest order to be made, or undertaking to be accepted, could be made.

(5) On the hearing of an application for leave for the purposes of section 1(1)(a) or 1A(1)(a), the Secretary of State shall appear and call the attention of the court to any matters which seem to him to be relevant, and may himself give evidence or call witnesses.

[Subsection (5) does not apply to an application for leave for the purposes of ^{F6}(6) section 1(1)(a) if the application for the disqualification order was made under section 9A.

(7) In such a case and in the case of an application for leave for the purposes of section 9B(4) on the hearing of the application whichever of the [^{F7}Competition and Markets Authority] or a specified regulator (within the meaning of section 9E) applied for the order or accepted the undertaking (as the case may be)—

- (a) must appear and draw the attention of the court to any matters which appear to it or him (as the case may be) to be relevant;
- (b) may give evidence or call witnesses.]]

Textual Amendments

- F1** S. 17 substituted (2.4.2001) by 2000 c. 39, s. 8, **Sch. 4 Pt. I para. 12(1)**; S.I. 2001/766, **art. 2(1)(a)** (subject to transitional provisions in art. 3)
- F2** Word in s. 17(3) inserted (26.5.2015 for specified purposes, 1.10.2015 in so far as not already in force) by **Small Business, Enterprise and Employment Act 2015 (c. 26)**, s. 164(1), **Sch. 7 para. 13(2)**; S.I. 2015/1329, reg. 3(c); S.I. 2015/1689, reg. 2(g)
- F3** S. 17(3ZA)(3ZB) inserted (26.5.2015 for specified purposes, 1.10.2015 in so far as not already in force) by **Small Business, Enterprise and Employment Act 2015 (c. 26)**, s. 164(1), **Sch. 7 para. 13(3)**; S.I. 2015/1329, reg. 3(c); S.I. 2015/1689, reg. 2(g)
- F4** S. 17(3A) inserted (20.6.2003) by 2002 c. 40, ss. 204(8), 279; S.I. 2003/1397, **art. 2**, Sch.
- F5** Words in s. 17(4) substituted (20.6.2003) by 2002 c. 40, ss. 204(9), 279; S.I. 2003/1397, **art. 2**, Sch.
- F6** S. 17(6)(7) inserted (20.6.2003) by 2002 c. 40, ss. 204(10), 279; S.I. 2003/1397, **art. 2**, Sch.
- F7** Words in s. 17(7) substituted (1.4.2014) by **The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892)**, art. 1(1), **Sch. 1 para. 53(f)** (with art. 3)

Modifications etc. (not altering text)

- C1** S. 17 applied (with modifications) by S.I. 1994/2421, **art. 16**, **Sch. 8** (as amended (E.W.) (8.12.2017) by **The Insolvency (Miscellaneous Amendments) Regulations 2017 (S.I. 2017/1119)**, reg. 1(1), Sch. 2 paras. 4, 8)

Status:

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