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STATUTORY INSTRUMENTS

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**2002 No. 3150**

**The Company Directors Disqualification  
(Northern Ireland) Order 2002**

*Disqualification for unfitness*

**Disqualification order or undertaking; and reporting provisions**

**10.**—(1) If it appears to the Department that it is expedient in the public interest that a disqualification order under Article 9 should be made against any person, an application for the making of such an order against that person may be made—

- (a) by the Department, or
- (b) if the Department so directs in the case of a person who is or has been a director of a company which is being, or has been, wound up by the High Court, by the official receiver.

(2) Except with the leave of the High Court, an application for the making under Article 9 of a disqualification order against any person shall not be made after the expiration of [<sup>F1</sup>3 years] from the day on which the company of which that person is or has been a director became insolvent.

(3) If it appears to the Department that the conditions mentioned in Article 9(1) are satisfied as respects any person who has offered to give the Department a disqualification undertaking, the Department may accept the undertaking if it appears to the Department that it is expedient in the public interest that the Department should do so (instead of applying, or proceeding with an application, for a disqualification order).

(4) If it appears to the office-holder responsible under this Article, that is to say—

- (a) in the case of a company which is being wound up by the High Court, the official receiver,
- (b) in the case of a company which is being wound up otherwise, the liquidator,
- [<sup>F2</sup>(c) in the case of a company which is in administration, the administrator, or]
- (d) in the case of a company of which there is an administrative receiver, that receiver,

that the conditions mentioned in Article 9(1) are satisfied as respects a person who is or has been a director of that company, the office-holder shall forthwith report the matter to the Department.

(5) The Department or the official receiver may require the liquidator, administrator or administrative receiver of a company, or the former liquidator, administrator or administrative receiver of a company—

- (a) to furnish the Department or, as the case may be, the official receiver with such information with respect to any person's conduct as a director of the company, and
- (b) to produce and permit inspection of such books, papers and other records relevant to that person's conduct as such a director,

as the Department or the official receiver may reasonably require for the purpose of determining whether to exercise, or of exercising, any function under this Article.

[<sup>F3</sup>(6) Paragraphs (1A) and (2) of Article 9 apply for the purposes of this Article as they apply for the purposes of that Article.]

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**Status:** Point in time view as at 01/10/2015. This version of this provision has been superseded.

**Changes to legislation:** There are currently no known outstanding effects for the The Company Directors Disqualification (Northern Ireland) Order 2002, Section 10. (See end of Document for details)

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- F1** Words in art. 10(2) substituted (1.10.2015) by Small Business, Enterprise and Employment Act 2015 (c. 26), s. 164(1), **Sch. 8 para. 4(1)** (with Sch. 8 para. 4(2)); S.I. 2015/1689, reg. 2(h)
- F2** Art. 10(4)(c) substituted (27.3.2006) by Insolvency (Northern Ireland) Order 2005 (S.I. 2005/1455 (N.I. 10)), arts. 1(3), 3(3), Sch. 2 para. 64; S.R. 2006/21, **art. 2** (subject to S.R. 2006/22, arts. 2-7)
- F3** Art. 10(6) inserted (1.10.2015) by Small Business, Enterprise and Employment Act 2015 (c. 26), s. 164(1), **Sch. 8 para. 9(9)**; S.I. 2015/1689, reg. 2(h)

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**Modifications etc. (not altering text)**

- C1** Art. 10 applied by S.I. 1989/638, **reg. 20(2)** (as inserted (1.10.2009) by European Economic Interest Grouping (Amendment) Regulations 2009 (S.I. 2009/2399)), {reg. 21(4)} (with reg. 2))

**Status:**

Point in time view as at 01/10/2015. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the The Company Directors Disqualification (Northern Ireland) Order 2002, Section 10.