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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 after investigation of company**

**11.**—(1) If it appears to the Department from investigative material that it is expedient in the public interest that a disqualification order should be made against a person who is, or has been, a director or shadow director of a company, the Department may apply to the High Court for such an order.

(2) “Investigative material” means—

[<sup>F1</sup>(a) a report made by inspectors under—

(i) section 437 of the Companies Act 1985, or

(ii) section 167, 168, 169 or 284 of the Financial Services and Markets Act 2000; and]

(b) information or documents obtained under—

[<sup>F2</sup>(i) section 437, 446E, 447, 448, 451A or 453A of the Companies Act 1985;]

(ii) section 2 of the Criminal Justice Act 1987 (c. 38);

(iii) section 28 of the Criminal Law (Consolidation) (Scotland) Act 1995 (c. 39);

(iv) section 83 of the Companies Act 1989 (c. 40); or

(v) section 165, 171, 172, 173 or 175 of the Financial Services and Markets Act 2000.

(3) Where it appears to the Department from such report, information or documents that, in the case of a person who has offered to give the Department a disqualification undertaking—

(a) the conduct of the person in relation to a company of which the person is or has been a director or shadow director makes him unfit to be concerned in the management of a company, and

(b) it is expedient in the public interest that the Department should accept the undertaking (instead of applying, or proceeding with an application, for a disqualification order),

the Department may accept the undertaking.

(4) The High Court may make a disqualification order against a person where, on an application under this Article, it is satisfied that his conduct in relation to the company makes him unfit to be concerned in the management of a company.

(5) The maximum period of disqualification under this Article is 15 years.

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**F1** Art. 11(2)(a) substituted (1.10.2009) by Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 2(1), **Sch. 1 para. 207(2)** (with art. 10 and see **Sch. 1 para. 212** for insertion of art. 24E(2))

**F2** Art. 11(2)(b)(i) substituted (1.10.2009) by Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 2(1), **Sch. 1 para. 207(3)** (with art. 10)

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**Status:** Point in time view as at 01/10/2009. This version of this provision has been superseded.

**Changes to legislation:** The Company Directors Disqualification (Northern Ireland) Order 2002, Section 11 is up to date with all changes known to be in force on or before 22 July 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)

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

- C1** Art. 11 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))

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