
STATUTORY INSTRUMENTS

2002 No. 3150

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

Other cases of disqualification

Undischarged bankrupts

15.—^[F1](1) It is an offence for a person to act as director of a company or directly or indirectly to take part in or be concerned in the promotion, formation or management of a company, without the leave of the court, at a time when any of the circumstances mentioned in paragraph (1A) apply to the person.

(1A) The circumstances are—

- (a) the person is an undischarged bankrupt—
 - (i) in Northern Ireland, or
 - (ii) in England and Wales or Scotland,
- (b) a bankruptcy restrictions order or undertaking is in force in respect of the person under—
 - (i) the Insolvency (Northern Ireland) Order 1989, or
 - (ii) the Bankruptcy (Scotland) Act 1985 or the Insolvency Act 1986,
- (c) a debt relief restrictions order or undertaking is in force in respect of the person under—
 - (i) the Insolvency (Northern Ireland) Order 1989, or
 - (ii) the Insolvency Act 1986,
- (d) a moratorium period under a debt relief order applies in relation to the person under—
 - (i) the Insolvency (Northern Ireland) Order 1989, or
 - (ii) the Insolvency Act 1986.

(1B) In paragraph (1) “the court” means—

- (a) for the purposes of sub-paragraphs (a)(i), (b)(i), (c)(i) and (d)(i) of paragraph (1A), the High Court,
- (b) for the purposes of paragraph (1A)(a)(ii)—
 - (i) the court by which the person was adjudged bankrupt, or
 - (ii) in Scotland, the court by which sequestration of the person's estate was awarded or, if awarded other than by the court, the court which would have jurisdiction in respect of sequestration of the person's estate,
- (c) for the purposes of paragraph (1A)(b)(ii)—
 - (i) the court which made the order,
 - (ii) in Scotland, if the order has been made other than by the court, the court to which the person may appeal against the order, or
 - (iii) the court to which the person may make an application for annulment of the undertaking,

Status: Point in time view as at 01/10/2015. This version of this provision has been superseded.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 15. (See end of Document for details)

- (d) for the purposes of paragraph (1A)(c)(ii)—
- (i) the court which made the order, or
 - (ii) the court to which the person may make an application for annulment of the undertaking,
- (e) for the purposes of paragraph (1A)(d)(ii), the court to which the person would make an application under section 251M(1) of the Insolvency Act 1986 (if the person were dissatisfied as mentioned there).]

(2) The leave of the High Court shall not be given unless notice of intention to apply for it has been served on the official receiver and the official receiver shall, if he is of opinion that it is contrary to the public interest that the application should be granted, attend on the hearing of the application and oppose it.

[^{F2}(3) In this Article “company” includes a company incorporated outside Northern Ireland that has an established place of business in Northern Ireland.]

- F1** Art. 15(1)-(1B) substituted for art. 15(1) (1.10.2015) by Small Business, Enterprise and Employment Act 2015 (c. 26), ss. 114, 164(1); S.I. 2015/1689, reg. 2(i) (with Sch. para. 12)
- F2** Art. 15(3) added (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. 210** (with art. 10)

Modifications etc. (not altering text)

- C1** Art. 15 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:

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