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STATUTORY INSTRUMENTS

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**2002 No. 3150**

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

*Introductory*

**Interpretation**

2.—(1) The Interpretation Act (Northern Ireland) 1954 (c. 33) applies to this Order as it applies to an Act of the Assembly.

(2) In this Order—

“administrative receiver” has the meaning given by Article 5(1) of [<sup>F1</sup>the Insolvency (Northern Ireland) Order 1989];

[<sup>F2</sup>“company” means—

- (a) a company registered under the Companies Act 2006 in Northern Ireland, or
- (b) a company that may be wound up under Part 6 of the Insolvency (Northern Ireland) Order 1989 (unregistered companies);]

[<sup>F3</sup>“the Companies Acts” has the meaning given by section 2(1) of the Companies Act 2006;]

[<sup>F4</sup>“the Companies Acts” has the meaning given in section 2 of the Companies Act 2006; ]

F5 .....

F6 .....

F7 .....

“the Department” means the Department of Enterprise, Trade and Investment;

[<sup>F8</sup>“director” includes any person occupying the position of director by whatever name called;]

F9 .....

[<sup>F10</sup>“officer” has the same meaning as in the Companies Acts (see section 1173(1) of the Companies Act 2006);]

“the official receiver” means, in relation to the winding up of a company or the bankruptcy of an individual, any officer of the Department who by virtue of Article 355 or 357 of [<sup>F11</sup>the Insolvency (Northern Ireland) Order 1989] is authorised to act as the official receiver in relation to that winding up or bankruptcy;

[<sup>F12</sup>“the OFT” means the Office of Fair Trading;]

“prescribed” means prescribed by regulations;

[<sup>F13</sup>“the registrar” means the registrar of companies for Northern Ireland;]

[<sup>F14</sup>“regulations” means—

- (a) in Article 13D, regulations made by the Secretary of State, and

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(b) in other provisions of this Order, regulations made by the Department subject (except in Article 23(3)) to negative resolution;]

“shadow director”, in relation to a company, means a person in accordance with whose directions or instructions the directors of the company are accustomed to act (but so that a person is not deemed a shadow director by reason only that the directors act on advice given by him in a professional capacity);

“statutory provision” has the meaning assigned to it by section 1(f) of the Interpretation Act (Northern Ireland) 1954 (c. 33).

(3) Article 6 of [F15the Insolvency (Northern Ireland) Order 1989] (interpretation for Parts II to VII of that Order) applies as regards references to a company's insolvency and to its going into liquidation; and references to acting as an insolvency practitioner are to be read in accordance with Article 3 of that Order.

[F16(4) Any reference to provisions, or a particular provision, of the Companies Acts or the Insolvency (Northern Ireland) Order 1989 includes the corresponding provisions or provision of corresponding earlier legislation.]

[F17(5) Subject to the provisions of this Article, expressions that are defined for the purposes of the Companies Acts [F18(see section 1174 of, and Schedule 8 to, the Companies Act 2006)] have the same meaning in this Order.]

(6) Any reference to acting as receiver—

(a) includes acting as manager or as both receiver and manager, but

(b) does not include acting as administrative receiver.

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| <b>F1</b> | Art. 2(2): words in the definition of "administrative receiver" substituted (1.10.2009) by Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 2(1), <b>Sch. 1 para. 204(2)(a)</b> (with art. 10) |
| <b>F2</b> | Art. 2(2): definition of "company" substituted (1.10.2009) by Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 2(1), <b>Sch. 1 para. 204(2)(b)</b> (with art. 10)                              |
| <b>F3</b> | Art. 2(2): definition of "the Companies Acts" inserted (1.10.2009) by Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 2(1), <b>Sch. 1 para. 204(2)(c)</b> (with art. 10)                      |
| <b>F4</b> | Art. 2(2): definition of "the Companies Acts" inserted (6.4.2008) by Companies Act 2006 (Consequential Amendments etc) Order 2008 (S.I. 2008/948), arts. 2(2), 3(1)(b), <b>Sch. 1 para. 226(2)(a)(iii)</b> (with arts. 6, 11, 12)                                  |
| <b>F5</b> | Art. 2(2): definition of "the companies legislation" omitted (1.10.2009) by virtue of Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 2(1), <b>Sch. 1 para. 204(2)(d)</b> (with art. 10)      |
| <b>F6</b> | Art. 2(2): definition of "the Companies Order" omitted (1.10.2009) by virtue of Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 2(1), <b>Sch. 1 para. 204(2)(d)</b> (with art. 10)            |
| <b>F7</b> | Art. 2(2): definition of "the Companies Orders" repealed (6.4.2008) by Companies Act 2006 (Consequential Amendments etc) Order 2008 (S.I. 2008/948), arts. 2(2), 3, Sch. 1 para. 226(2)(a)(ii), <b>Sch. 2</b> (with arts. 6, 11, 12)                               |
| <b>F8</b> | Art. 2(2): definition of "director" substituted (1.10.2009) by Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 2(1), <b>Sch. 1 para. 204(2)(e)</b> (with art. 10)                             |
| <b>F9</b> | Art. 2(2): definition of "the Insolvency Order" omitted (1.10.2009) by virtue of Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 2(1), <b>Sch. 1 para. 204(2)(f)</b> (with art. 10)           |

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- F10** Art. 2(2): definition of "officer" 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. 204(2)(g)** (with art. 10)
- F11** Art. 2(2): words in the definition of "the official receiver" 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. 204(2)(h)** (with art. 10)
- F12** 2005 NI 9
- F13** Art. 2(2): definition of "the registrar" 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. 204(2)(i)** (with art. 10)
- F14** 2005 NI 9
- F15** Words in art. 2(3) 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. 204(3)** (with art. 10)
- F16** Art. 2(4) 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. 204(4)** (with art. 10)
- F17** Art. 2(5) substituted (6.4.2008) by Companies Act 2006 (Consequential Amendments etc) Order 2008 (S.I. 2008/948), arts. 2(2), 3(1)(b), **Sch. 1 para. 226(2)(c)** (with arts. 6, 11, 12)
- F18** Words in art. 2(5) inserted (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. 204(5)** (with art. 10)

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

- C1** Art. 2(2)-(6) 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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