



# Companies Act 1985

## 1985 CHAPTER 6

### PART IX

#### A COMPANY'S MANAGEMENT ; DIRECTORS AND SECRETARIES ; THEIR QUALIFICATIONS, DUTIES AND RESPONSIBILITIES

##### *Disqualification*

#### **295 Disqualification orders: introductory**

- (1) In the circumstances specified in sections 296 to 300, a court may make against a person a disqualification order, that is to say an order that he shall not, without leave of the court—
  - (a) be a director of a company, or
  - (b) be a liquidator of a company, or
  - (c) be a receiver or manager of a company's property, or
  - (d) in any way, whether directly or indirectly, be concerned or take part in the promotion, formation or management of a company,for a specified period beginning with the date of the order.
- (2) The maximum period to be so specified is—
  - (a) in the case of an order made under section 297 or made by a court of summary jurisdiction, 5 years, and
  - (b) in any other case, 15 years.
- (3) In this section and sections 296 to 300, "company" includes any company which may be wound up under Part XXI.
- (4) A disqualification order may be made on grounds which are or include matters other than criminal convictions, notwithstanding that the person in respect of whom it is to be made may be criminally liable in respect of those matters.

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*Status: This is the original version (as it was originally enacted).*

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- (5) In sections 296 to 299, any reference to provisions, or to a particular provision, of this Act or the Consequential Provisions Act includes the corresponding provision or provisions of the former Companies Acts.
- (6) Parts I and II of Schedule 12 have effect with regard to the procedure for obtaining a disqualification order, and to applications for leave under such an order; and Part III of that Schedule has effect—
  - (a) in connection with certain transitional cases arising under sections 93 and 94 of the Companies Act 1981, so as to limit the power to make a disqualification order, or to restrict the duration of an order, by reference to events occurring or things done before those sections came into force, and
  - (b) to preserve orders made under section 28 of the Companies Act 1976 (repealed by the Act of 1981).
- (7) If a person acts in contravention of a disqualification order, he is in respect of each offence liable to imprisonment or a fine, or both.