



# Company Directors Disqualification Act 1986

## CHAPTER 46

### COMPANY DIRECTORS DISQUALIFICATION ACT 1986

#### *Preliminary*

- 1 Disqualification orders: general.
- 1A Disqualification undertakings: general.

#### *Disqualification for general misconduct in connection with companies*

- 2 Disqualification on conviction of indictable offence.
- 3 Disqualification for persistent breaches of companies legislation.
- 4 Disqualification for fraud, etc., in winding up.
- 5 Disqualification on summary conviction.

#### *Disqualification for unfitness*

- 6 Duty of court to disqualify unfit directors of insolvent companies.
- 7 Disqualification order or undertaking; and reporting provisions.
- 8 Disqualification after investigation of company.
- 8A Variation etc. of disqualification undertaking.
- 9 Matters for determining unfitness of directors.

#### *Disqualification for competition infringements*

- 9A Competition disqualification order
- 9B Competition undertakings
- 9C Competition investigations
- 9D Co-ordination
- 9E Interpretation

*Status: Point in time view as at 24/02/2009.*

*Changes to legislation: Company Directors Disqualification Act 1986 is up to date with all changes known to be in force on or before 01 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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### *Other cases of disqualification*

- 10 Participation in wrongful trading.
- 11 Undischarged bankrupts.
- 12 Failure to pay under county court administration order.
- 12A Northern Irish disqualification orders.
- 12B Northern Irish disqualification undertakings

### *Consequences of contravention*

- 13 Criminal penalties.
- 14 Offences by body corporate.
- 15 Personal liability for company's debts where person acts while disqualified.

### *Supplementary provisions*

- 16 Application for disqualification order.
- 17 Application for leave under an order or undertaking.
- 18 Register of disqualification orders and undertakings.
- 19 Special savings from repealed enactments.

### *Miscellaneous and general*

- 20 Admissibility in evidence of statements.
- 20A Legal professional privilege
- 21 Interaction with Insolvency Act.
- 21A Bank insolvency
- 21B Bank administration
- 21C Building society insolvency and special administration
- 22 Interpretation.
- 22A Application of Act to building societies.
- 22B Application of Act to incorporated friendly societies.
- 22C Application of Act to NHS foundation trusts
- 22D Application of Act to open-ended investment companies
- 23 Transitional provisions, savings, repeals.
- 24 Extent.
- 25 Commencement.
- 26 Citation.

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## SCHEDULES

### SCHEDULE 1 — Matters for Determining Unfitness of Directors

#### Part I — MATTERS APPLICABLE IN ALL CASES

- 1 Any misfeasance or breach of any fiduciary or other duty...
- 2 Any misapplication or retention by the director of, or any...
- 3 The extent of the director's responsibility for the company entering...
- 4 The extent of the director's responsibility for any failure by...
- 4A The extent of the director's responsibility for any failure by...
- 5 The extent of the director's responsibility for any failure by...
- 5A In the application of this Part of this Schedule in...

#### Part II — MATTERS APPLICABLE WHERE COMPANY HAS BECOME INSOLVENT

- 6 The extent of the director's responsibility for the causes of...

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- 7 The extent of the director's responsibility for any failure by...
- 8 The extent of the director's responsibility for the company entering...
- 9 The extent of the director's responsibility for any failure by...
- 10 Any failure by the director to comply with any obligation...

#### SCHEDULE 2 — Savings from Companies Act 1981 ss. 93, 94, and Insolvency Act 1985 Schedule 9

- 1 Sections 2 and 4(1)(b) do not apply in relation to...
- 2 Subject to paragraph 1— (a) section 2 applies in a...
- 3 Subject to paragraph 1, section 4 applies in relation to...
- 4 The powers of a court under section 5 are not...
- 5 For purposes of section 3(1) and section 5, no account...
- 6 An order made under section 28 of the Companies Act...
- 7 Where— (a) an application is made for a disqualification order...
- 8 An application shall not be made under section 8 of...

#### SCHEDULE 3 — Transitional Provisions and Savings

- 1 In this Schedule, “the former enactments” means so much of...
- 2 So far as anything done or treated as done under...
- 3 Where any period of time specified in a provision of...
- 4 Where in any provision of this Act there is a...
- 5 Offences committed before the appointed day under any provision of...
- 6 A reference in any enactment, instrument or document (whether express...

#### SCHEDULE 4 — Repeals

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