



Company Directors Disqualification Act 1986

1986 CHAPTER 46

Miscellaneous and general

20 Admissibility in evidence of statements.

^{F1}(1) In any proceedings (whether or not under this Act), any statement made in pursuance of a requirement imposed by or under sections 6 to 10, 15 or 19(c) of, or Schedule 1 to, this Act, or by or under rules made for the purposes of this Act under the Insolvency Act ^{F2}1986], may be used in evidence against any person making or concurring in making the statement.

^{F3}(2) However, in criminal proceedings in which any such person is charged with an offence to which this subsection applies—

- (a) no evidence relating to the statement may be adduced, and
- (b) no question relating to it may be asked,

by or on behalf of the prosecution, unless evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person.

(3) Subsection (2) applies to any offence other than—

- (a) an offence which is—
 - (i) created by rules made for the purposes of this Act under the Insolvency Act ^{F4}1986], and
 - (ii) designated for the purposes of this subsection by such rules or by regulations made by the Secretary of State;
- (b) an offence which is—
 - (i) created by regulations made under any such rules, and
 - (ii) designated for the purposes of this subsection by such regulations;
- (c) an offence under section 5 of the ^{M1}Perjury Act 1911 (false statements made otherwise than on oath); or
- (d) an offence under section 44(2) of the ^{M2}Criminal Law (Consolidation) (Scotland) Act 1995 (false statements made otherwise than on oath).

*Status: Point in time view as at 01/04/2014.**Changes to legislation: There are currently no known outstanding effects for the Company Directors Disqualification Act 1986, Cross Heading: Miscellaneous and general. (See end of Document for details)*

- (4) Regulations under subsection (3)(a)(ii) shall be made by statutory instrument and, after being made, shall be laid before each House of Parliament.]

Textual Amendments

- F1** S. 20 renumbered as s. 20(1) (E.W.) (14.4.2000) and (S.) (1.1.2001) by 1999 c. 23, ss. 59, **Sch. 3 para. 8(2)** (with s. 63(2), Sch. 7 paras. 3(3), 5(2)); S.I. 2000/1034, **art. 2(a)** and S.S.I. 2000/445, **art. 2**
- F2** Words in s. 20(1) inserted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 2(1), **Sch. 1 para. 85(6)(a)** (with art. 10)
- F3** S. 20(2)-(4) inserted (E.W.) (14.4.2000) and (S.) (1.1.2001) by 1999 c. 23, ss. 59, **Sch. 3 para. 8(1)(3)** (with s. 63(2), Sch. 7 paras. 3(3), 5(2)); S.I. 2000/1034, **art. 2(a)** and S.S.I. 2000/445, **art. 2**
- F4** Words in s. 20(3)(a)(i) inserted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 2(1), **Sch. 1 para. 85(6)(a)** (with art. 10)

Modifications etc. (not altering text)

- C1** Ss. 19(c), 20 extended (with modifications) by S.I. 1986/2142, **art. 6**
- C2** S. 20 extended (with modifications) (1.7.1989) by S.I. 1989/638, **regs. 20, 21**
- C3** S. 20 applied (1.12.1994) by S.I. 1994/2421, art. 16, **Sch. 8**

Marginal Citations

- M1** 1911 c. 6.
- M2** 1995 c. 39.

[^{F5}20A Legal professional privilege

In proceedings against a person for an offence under this Act nothing in this Act is to be taken to require any person to disclose any information that he is entitled to refuse to disclose on grounds of legal professional privilege (in Scotland, confidentiality of communications).]

Textual Amendments

- F5** S. 20A inserted (6.4.2008) by The Companies Act 2006 (Consequential Amendments etc) Order 2008 (S.I. 2008/948), arts. 2(2), 3(1)(a), **Sch. 1 para. 106(3)** (with arts. 6, 11, 12)

21 Interaction with Insolvency Act [^{F6}1986] .

- (1) References in this Act to the official receiver, in relation to the winding up of a company or the bankruptcy of an individual, are to any person who, by virtue of section 399 of the Insolvency Act [^{F7}1986], is authorised to act as the official receiver in relation to that winding up or bankruptcy; and, in accordance with section 401(2) of that Act, references in this Act to an official receiver includes a person appointed as his deputy.
- (2) Sections [^{F8}1A] 6 to 10 [^{F8}13, 14], 15, 19(c) and 20 of, and Schedule 1 to, this Act [^{F8}and sections 1 and 17 of this Act as they apply for the purposes of those provisions] are deemed included in Parts I to VII of the Insolvency Act [^{F7}1986] for the purposes of the following sections of that Act—

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section 411 (power to make insolvency rules);
section 414 (fees orders);
section 420 (orders extending provisions about insolvent companies to insolvent partnerships);
section 422 (modification of such provisions in their application to recognised banks); . . . ^{F9}

(3) Section 434 of that Act (Crown application) applies to sections [^{F10}1A] 6 to 10 [^{F10}13, 14], 15, 19(c) and 20 of, and Schedule 1 to, this Act [^{F10}and sections 1 and 17 of this Act as they apply for the purposes of those provisions] as it does to the provisions of that Act which are there mentioned.

[^{F11}(4) For the purposes of summary proceedings in Scotland, section 431 of that Act applies to summary proceedings for an offence under section 11 or 13 of this Act as it applies to summary proceedings for an offence under Parts I to VII of the Act.]

Textual Amendments

- F6** Words in s. 21 heading inserted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 2(1), Sch. 1 para. 85(6)(a) (with art. 10)
- F7** Words in s. 21(1)(2) inserted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 2(1), **Sch. 1 para. 85(6)(a)** (with art. 10)
- F8** Words in s. 21(2) inserted (2.4.2001) by 2000 c. 39, s. 8, **Sch. 4 Pt. I para. 14(2)(a)(b)(c)**; S.I. 2001/766, **art. 2(1)(a)** (subject to transitional provisions in art. 3)
- F9** Word repealed by Companies Act 1989 (c. 40, SIF 27), ss. 212, 213(2), **Sch. 24**
- F10** Words in s. 21(3) inserted (2.4.2001) by 2000 c. 39, s. 8, **Sch. 4 Pt. I para. 14(3)(a)(b)(c)**; S.I. 2001/766, **art. 2(1)(a)** (subject to transitional provisions in art. 3)
- F11** S. 21(4) added by Companies Act 1989 (c. 40, SIF 27), **ss. 208**, 213(2)

[^{F12}21A Bank insolvency

Section 121 of the Banking Act 2009 provides for this Act to apply in relation to bank insolvency as it applies in relation to liquidation.]

Textual Amendments

- F12** S. 21A inserted (21.2.2009) by Banking Act 2009 (c. 1), ss. 121(4), 263(1) (with s. 247); S.I. 2009/296, **art. 3**, Sch. para. 2

[^{F13}21B Bank administration

Section 155 of the Banking Act 2009 provides for this Act to apply in relation to bank administration as it applies in relation to liquidation.]

Textual Amendments

- F13** S. 21B inserted (21.2.2009) by Banking Act 2009 (c. 1), ss. 155(4), 263(1) (with s. 247); S.I. 2009/296, **art. 3**, Sch. para. 3

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[^{F14}21C Building society insolvency and special administration

Section 90E of the Building Societies Act 1986 provides for this Act to apply in relation to building society insolvency and building society special administration as it applies in relation to liquidation.]

Textual Amendments

F14 S. 21C inserted (29.3.2009) by [The Building Societies \(Insolvency and Special Administration\) Order 2009 \(S.I. 2009/805\)](#), **art. 12**

22 Interpretation.

- (1) This section has effect with respect to the meaning of expressions used in this Act, and applies unless the context otherwise requires.
- [^{F15}(2) “Company” means—
 - (a) a company registered under the Companies Act 2006 in Great Britain, or
 - (b) a company that may be wound up under Part 5 of the Insolvency Act 1986 (unregistered companies).]
- (3) Section 247 in Part VII of the Insolvency Act [^{F16}1986](interpretation for the first Group of Parts of that Act) applies as regards references to a company’s insolvency and to its going into liquidation; and “administrative receiver” has the meaning given by section 251 of that Act [^{F17}and references to acting as an insolvency practitioner are to be read in accordance with section 388 of that Act].
- (4) “Director” includes any person occupying the position of director, by whatever name called [^{F18} . . .
- (5) “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).
- [^{F19}(6) “Body corporate” and “officer” have the same meaning as in the Companies Acts (see section 1173(1) of the Companies Act 2006).]
- [^{F20}(7) “The Companies Acts” has the meaning given by section 2(1) of the Companies Act 2006.]
- [^{F21}(8) Any reference to provisions, or a particular provision, of the Companies Acts or the Insolvency Act 1986 includes the corresponding provisions or provision of corresponding earlier legislation.]
- [^{F22}(9) Subject to the provisions of this section, expressions that are defined for the purposes of the Companies Acts [^{F23}(see section 1174 of, and Schedule 8 to, the Companies Act 2006)] have the same meaning in this Act.]
- [^{F24}(10) 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;
 and “receivership” is to be read accordingly.]

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Textual Amendments

- F15** S. 22(2) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 2(1), {Sch. 1 para. 85(11)(a)} (with art. 10)
- F16** Words in s. 22(3) inserted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 2(1), {Sch. 1 para. 85(6)(a)} (with art. 10)
- F17** Words in s. 22(3) inserted (2.4.2001) by 2000 c. 39, s. 8, **Sch. 4 Pt. I para. 15(2)**; S.I. 2001/766, **art. 2(1)(a)** (subject to transitional provisions in art. 3)
- F18** Words in s. 22(4) repealed (2.4.2001) by 2000 c. 39, s. 8, 15(1), Sch. 4 Pt. I para. 15(3), **Sch. 5**; S.I. 2001/766, **art. 2(1)(a)(c)(ii)** (subject to transitional provisions in art. 3)
- F19** S. 22(6) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 2(1), **Sch. 1 para. 85(11)(b)** (with art. 10)
- F20** S. 22(7) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 2(1), **Sch. 1 para. 85(11)(c)** (with art. 10)
- F21** S. 22(8) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 2(1), **Sch. 1 para. 85(11)(d)** (with art. 10)
- F22** S. 22(9) substituted (6.4.2008) by The Companies Act 2006 (Consequential Amendments etc) Order 2008 (S.I. 2008/948), art. 3(1), **Sch. 1 para. 106(4)(c)** (with arts. 6, 11, 12)
- F23** Words in s. 22(9) inserted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 2(1), **Sch. 1 para. 85(11)(e)** (with art. 10)
- F24** S. 22(10) inserted (2.4.2001) by 2000 c. 39, s. 5(3); S.I. 2001/766, **art. 2(1)(a)** (subject to transitional provisions in art. 3)

Modifications etc. (not altering text)

- C4** S. 22 extended (with modifications) (1.7.1989) by S.I. 1989/638, **regs. 20, 21**

[^{F25}22A Application of Act to building societies.

- (1) This Act applies to building societies as it applies to companies.
- (2) References in this Act to a company, or to a director or an officer of a company include, respectively, references to a building society within the meaning of the Building Societies Act 1986 or to a director or officer, within the meaning of that Act, of a building society.
- (3) In relation to a building society the definition of “shadow director” in section 22(5) applies with the substitution of “building society” for “company”.
- (4) In the application of Schedule 1 to the directors of a building society, references to provisions of [^{F26}the Companies Act 2006 or the Insolvency Act 1986] include references to the corresponding provisions of the Building Societies Act 1986.]

Textual Amendments

- F25** S. 22A added by Companies Act 1989 (c. 40, SIF 27), s. 211(3)

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F26 Words in s. 22A(4) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 2(1), [Sch. 1 para. 85\(12\)](#) (with art. 10)

[^{F27}22B Application of Act to incorporated friendly societies.

- (1) This Act applies to incorporated friendly societies as it applies to companies.
- (2) References in this Act to a company, or to a director or an officer of a company include, respectively, references to an incorporated friendly society within the meaning of the Friendly Societies Act 1992 or to a member of the committee of management or officer, within the meaning of that Act, of an incorporated friendly society.
- (3) In relation to an incorporated friendly society every reference to a shadow director shall be omitted.
- (4) In the application of Schedule 1 to the members of the committee of management of an incorporated friendly society, references to provisions of [^{F28}the Companies Act 2006 or the Insolvency Act 1986] include references to the corresponding provisions of the Friendly Societies Act 1992.]

Textual Amendments

- F27** S. 22B added (1.2.1993) by [Friendly Societies Act 1992 \(c. 40\)](#), ss. 120, [Sch. 21 Pt. 1 para. 8](#) (with ss. 7(5), 93(4)); S.I. 1993/16, art. 2, [Sch.3](#)
- F28** Words in s. 22B(4) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 2(1), [Sch. 1 para. 85\(12\)](#) (with art. 10)

[^{F29}22C Application of Act to NHS foundation trusts

- (1) This Act applies to NHS foundation trusts as it applies to companies within the meaning of this Act.
- (2) References in this Act to a company, or to a director or officer of a company, include, respectively, references to an NHS foundation trust or to a director or officer of the trust; but references to shadow directors are omitted.
- (3) In the application of Schedule 1 to the directors of an NHS foundation trust, references to the provisions of [^{F30}the Companies Act 2006 or the Insolvency Act 1986] include references to the corresponding provisions of [^{F31}Chapter 5 of Part 2 of the National Health Service Act 2006].]

Textual Amendments

- F29** S. 22C inserted (20.11.2003 for certain purposes and 1.4.2004 for E.W. otherwise) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), ss. 34, 199, [Sch. 4 para. 68](#); S.I. 2004/759, [art. 2](#)
- F30** Words in s. 22C(3) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 2(1), [Sch. 1 para. 85\(12\)](#) (with art. 10)

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F31 Words in s. 22C(3) substituted (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\), ss. 2, 8\(2\), Sch. 1 para. 92](#) (with Sch. 3 Pt. 1)

[^{F32}22D Application of Act to open-ended investment companies

- (1) This Act applies to open-ended investment companies with the following modifications.
- (2) In section 8(1) (disqualification after investigation), the reference to investigative material shall be read as including a report made by inspectors under regulations made by virtue of section 262(2)(k) of the Financial Services and Markets Act 2000.
- (3) In the application of Part 1 of Schedule 1 (matters for determining unfitness of directors: matters applicable in all cases) in relation to a director of an open-ended investment company, a reference to a provision of the Companies Act 2006 is to be taken to be a reference to the corresponding provision of the Open-Ended Investment Companies Regulations 2001 or of rules made under regulation 6 of those Regulations.
- (4) In this section “open-ended investment company” has the meaning given by section 236 of the Financial Services and Markets Act 2000.]

Textual Amendments

F32 S. 22D inserted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\), art. 2\(1\), Sch. 1 para. 85\(13\)](#) (with art. 10)

[^{F33}22F. Application of Act to charitable incorporated organisations

- (1) This Act applies to charitable incorporated organisations (“CIOs”) as it applies to companies.
- (2) Accordingly, in this Act—
 - (a) references to a company are to be read as including references to a CIO;
 - (b) references to a director or an officer of a company are to be read as including references to a charity trustee of a CIO; and
 - (c) any reference to the Insolvency Act 1986 is to be read as including a reference to that Act as it applies to CIOs.
- (3) As they apply in relation to CIOs, the provisions of this Act have effect with the following modifications—
 - (a) in section 2(1), the reference to striking off is to be read as including a reference to dissolution;
 - (b) in section 4(1)(a), the reference to an offence under section 993 of the Companies Act 2006 is to be read as including a reference to an offence under regulation 60 of the Charitable Incorporated Organisations (General) Regulations 2012(fraudulent trading);
 - (c) sections 9A to 9E are to be disregarded;
 - (d) references to any of sections 9A to 9E are to be disregarded;
 - (e) references to a shadow director are to be disregarded.
- (4) In the application of Schedule 1 to the charity trustees of a CIO, references to the provisions of the Companies Act 2006 are to be read as including references to the

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corresponding provisions (if any) of the Charities Act 2011 and regulations made under that Act.

- (5) In this section “charity trustees” has the meaning given by section 177 of the Charities Act 2011.]

Textual Amendments

F33 S. 22F inserted (E.W.) (2.1.2013) by [The Charitable Incorporated Organisations \(Consequential Amendments\) Order 2012 \(S.I. 2012/3014\)](#), arts. 1, 2

23 Transitional provisions, savings, repeals.

- (1) The transitional provisions and savings in Schedule 3 to this Act have effect, and are without prejudice to anything in the ^{M3} Interpretation Act 1978 with regard to the effect of repeals.
- (2) The enactments specified in the second column of Schedule 4 to this Act are repealed to the extent specified in the third column of that Schedule.

Marginal Citations

M3 1978 c. 30.

24 Extent.

- (1) This Act extends to England and Wales and to Scotland.
- (2) Nothing in this Act extends to Northern Ireland.

25 Commencement.

This Act comes into force simultaneously with the Insolvency Act 1986.

26 Citation.

This Act may be cited as the Company Directors Disqualification Act 1986.

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