

Status: Point in time view as at 08/12/2017.

Changes to legislation: Company Directors Disqualification Act 1986, SCHEDULE 1 is up to date with all changes known to be in force on or before 18 August 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)

SCHEDULES

[^{F1}SCHEDULE 1

Section 12C

DETERMINING UNFITNESS ETC: MATTERS TO BE TAKEN INTO ACCOUNT

Textual Amendments

- F1** Sch. 1 substituted (26.5.2015 for specified purposes, 1.10.2015 in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\), ss. 106\(6\), 164\(1\)](#); [S.I. 2015/1329, reg. 3\(c\)](#); [S.I. 2015/1689, reg. 2\(d\)](#) (with Sch. para. 3)

Modifications etc. (not altering text)

- C1** Sch. 1 applied (with modifications) by [S.I. 1994/2421, art. 16](#), [Sch. 8](#) (as amended (E.W.) (8.12.2017) by [The Insolvency \(Miscellaneous Amendments\) Regulations 2017 \(S.I. 2017/1119\), reg. 1\(1\)](#), Sch. 2 paras. 4, 8)

Matters to be taken into account in all cases

- 1 The extent to which the person was responsible for the causes of any material contravention by a company or overseas company of any applicable legislative or other requirement.
- 2 Where applicable, the extent to which the person was responsible for the causes of a company or overseas company becoming insolvent.
- 3 The frequency of conduct of the person which falls within paragraph 1 or 2.
- 4 The nature and extent of any loss or harm caused, or any potential loss or harm which could have been caused, by the person's conduct in relation to a company or overseas company.

Additional matters to be taken into account where person is or has been a director

- 5 Any misfeasance or breach of any fiduciary duty by the director in relation to a company or overseas company.
- 6 Any material breach of any legislative or other obligation of the director which applies as a result of being a director of a company or overseas company.
- 7 The frequency of conduct of the director which falls within paragraph 5 or 6.

Interpretation

- 8 Subsections (1A) to (2A) of section 6 apply for the purposes of this Schedule as they apply for the purposes of that section.
- 9 In this Schedule “director” includes a shadow director.]

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