



Company Directors Disqualification Act 1986

1986 CHAPTER 46

Disqualification for general misconduct in connection with companies

3 Disqualification for persistent breaches of companies legislation

- (1) The court may make a disqualification order against a person where it appears to it that he has been persistently in default in relation to provisions of the companies legislation requiring any return, account or other document to be filed with, delivered or sent, or notice of any matter to be given, to the registrar of companies.
- (2) On an application to the court for an order to be made under this section, the fact that a person has been persistently in default in relation to such provisions as are mentioned above may (without prejudice to its proof in any other manner) be conclusively proved by showing that in the 5 years ending with the date of the application he has been adjudged guilty (whether or not on the same occasion) of three or more defaults in relation to those provisions.
- (3) A person is to be treated under subsection (2) as being adjudged guilty of a default in relation to any provision of that legislation if—
 - (a) he is convicted (whether on indictment or summarily) of an offence consisting in a contravention of or failure to comply with that provision (whether on his own part or on the part of any company), or
 - (b) a default order is made against him, that is to say an order under any of the following provisions—
 - (i) section 244 of the Companies Act (order requiring delivery of company accounts),
 - (ii) section 713 of that Act (enforcement of company's duty to make returns),
 - (iii) section 41 of the Insolvency Act (enforcement of receiver's or manager's duty to make returns), or
 - (iv) section 170 of that Act (corresponding provision for liquidator in winding up), in respect of any such contravention of or failure to

Status: This is the original version (as it was originally enacted).

comply with that provision (whether on his own part or on the part of any company).

- (4) In this section "the court" means any court having jurisdiction to wind up any of the companies in relation to which the offence or other default has been or is alleged to have been committed.
- (5) The maximum period of disqualification under this section is 5 years.