



Company Directors Disqualification Act 1986

1986 CHAPTER 46

Disqualification for general misconduct in connection with companies

[^{F1}5A Disqualification for certain convictions abroad

- (1) If it appears to the Secretary of State that it is expedient in the public interest that a disqualification order under this section should be made against a person, the Secretary of State may apply to the court for such an order.
- (2) The court may, on an application under subsection (1), make a disqualification order against a person who has been convicted of a relevant foreign offence.
- (3) A “relevant foreign offence” is an offence committed outside Great Britain—
 - (a) in connection with—
 - (i) the promotion, formation, management, liquidation or striking off of a company (or any similar procedure),
 - (ii) the receivership of a company's property (or any similar procedure), or
 - (iii) a person being an administrative receiver of a company (or holding a similar position), and
 - (b) which corresponds to an indictable offence under the law of England and Wales or (as the case may be) an indictable offence under the law of Scotland.
- (4) Where it appears to the Secretary of State that, in the case of a person who has offered to give a disqualification undertaking—
 - (a) the person has been convicted of a relevant foreign offence, and
 - (b) it is expedient in the public interest that the Secretary of State should accept the undertaking (instead of applying, or proceeding with an application, for a disqualification order),the Secretary of State may accept the undertaking.
- (5) In this section—

Changes to legislation: There are currently no known outstanding effects for the Company Directors Disqualification Act 1986, Section 5A. (See end of Document for details)

“company” includes an overseas company;

“the court” means the High Court or, in Scotland, the Court of Session.

(6) The maximum period of disqualification under an order under this section is 15 years.]

Textual Amendments

F1 S. 5A inserted (26.5.2015 for specified purposes, 1.10.2015 in so far as not already in force with effect in accordance with s. 104(2) of the amending Act) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), [ss. 104\(1\)](#), [164\(1\)](#) (with s. 104(2)); [S.I. 2015/1329](#), [reg. 3\(c\)](#); [S.I. 2015/1689](#), [reg. 2\(c\)](#) (with [Sch. para. 3](#))

Modifications etc. (not altering text)

C1 S. 5A 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](#))

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