
STATUTORY INSTRUMENTS

2001 No. 3649

**The Financial Services and Markets Act 2000
(Consequential Amendments and Repeals) Order 2001**

PART 2

AMENDMENTS TO THE COMPANIES LEGISLATION

The Companies (Northern Ireland) Order 1989 (S.I. 1989/2404 (N.I. 18))

Disqualification after investigation of company

91. In Article 11 of the Companies (Northern Ireland) Order 1989 (disqualification after company investigation), for paragraphs (1)(1) and (2) substitute—

“(1) If it appears to the Department from investigative material that it is expedient in the public interest that a disqualification order should be made against a person who is, or has been, a director or shadow director of a company, the Department may apply to the High Court for such an order.

(1A) “Investigative material” means—

(a) a report made by inspectors under—

- (i) Article 430 of the Companies Order; or
- (ii) section 167, 168, 169 or 284 of the Financial Services and Markets Act 2000; or
- (iii) where the company is an open-ended investment company (within the meaning of that Act) regulations made as a result of section 262(2)(k) of that Act; and

(b) information or documents obtained under—

- (i) Article 440 or 441 of the Companies Order;
- (ii) section 2 of the Criminal Justice Act 1987;
- (iii) section 28 of the Criminal Law (Consolidation)(Scotland) Act 1995;
- (iv) section 83 of the Companies Act 1989; or
- (v) section 165, 171, 172, 173 or 175 of the Financial Services and Markets Act 2000.”.

(1) Paragraph (1) of Article 11 was amended by the Criminal Justice Act 1993 (c. 36) Schedule 6 Part II and Companies (No. 2) (NI) Order 1990 (NI 10) Article 26.