
STATUTORY INSTRUMENTS

2001 No. 967

The Companies (Disqualification Orders) Regulations 2001

Citation and commencement

1. These Regulations may be cited as the Companies (Disqualification Orders) Regulations 2001 and shall come into force on 6th April 2001.

Definitions

2. In these Regulations:

“the Act” means the Company Directors Disqualification Act 1986;

“disqualification order” means an order of the court under any of sections 2 to 6, 8, and 10 of the Act;

“disqualification undertaking” means an undertaking accepted by the Secretary of State under section 7 or 8 of the Act;

“grant of leave” means a grant by the court of leave under section 17 of the Act to any person in relation to a disqualification order or a disqualification undertaking.

Revocation

3. The Companies (Disqualification Orders) Regulations 1986(1) are hereby revoked.

Transitional provisions

4. Other than regulation 9, these regulations apply in relation to:

(a) a disqualification order made after the coming into force of these Regulations; and

(b) (i) a grant of leave made after the coming into force of these Regulations; or

(ii) any action taken by a court after the coming into force of these Regulations in consequence of which a disqualification order or a disqualification undertaking is varied or ceases to be in force,

whether the disqualification order or disqualification undertaking to which, as the case may be, the grant of leave or the action relates was made by the court or accepted by the Secretary of State before or after the coming into force of these Regulations.

5. Regulation 9 applies to particulars of orders made and leave granted under Part II of the Companies (Northern Ireland) Order 1989(2) received by the Secretary of State after the coming into force of these Regulations other than particulars of orders made and leave granted under that Order which relate to disqualification orders made by the courts of Northern Ireland before 2 April 2001.

(1) S.I. 1986/2067, as amended by the Companies (Disqualification Orders) (Amendment) Regulations 1995 (S.I. 1995/1509).

(2) S.I. 1989/2404 (N.I. 18).

Particulars to be furnished by officers of the court

6.—(1) The following officers of the court shall furnish to the Secretary of State the particulars specified in Regulation 7(a) to (c) below in the form and manner there specified:

- (a) where a disqualification order is made by the Crown Court, the Court Manager;
- (b) where a disqualification order or grant of leave is made by the High Court, the Court Manager;
- (c) where a disqualification order or grant of leave is made by a County Court, the Court Manager;
- (d) where a disqualification order is made by a Magistrates' Court, the Chief Executive to the Justices;
- (e) where a disqualification order is made by the High Court of Justiciary, the Deputy Principal Clerk of Justiciary;
- (f) where a disqualification order or grant of leave is made by a Sheriff Court, the Sheriff Clerk;
- (g) where a disqualification order or grant of leave is made by the Court of Session, the Deputy Principal Clerk of Session;
- (h) where a disqualification order or grant of leave is made by the Court of Appeal, the Court Manager; and
- (i) where a disqualification order or grant of leave is made by the House of Lords, the Judicial Clerk.

(2) Where a disqualification order has been made by any of the courts mentioned in paragraph (1) above or a disqualification undertaking has been accepted by the Secretary of State, and subsequently any action is taken by a court in consequence of which, as the case may be, that order or that undertaking is varied or ceases to be in force, the officer specified in paragraph (1) above of the court which takes such action shall furnish to the Secretary of State the particulars specified in Regulation 7(d) below in the form and manner there specified.

7. The form in which the particulars are to be furnished is:

- (a) that set out in Schedule 1 to these Regulations with such variations as circumstances require when the person against whom the disqualification order is made is an individual, and the particulars contained therein are the particulars specified for that purpose;
- (b) that set out in Schedule 2 to these Regulations with such variations as circumstances require when the person against whom the disqualification order is made is a body corporate, and the particulars contained therein are the particulars specified for that purpose;
- (c) that set out in Schedule 3 to these Regulations with such variations as circumstances require when a grant of leave is made by the court, and the particulars contained therein are the particulars specified for that purpose;
- (d) that set out in Schedule 4 to these Regulations with such variations as circumstances require when any action is taken by a court in consequence of which a disqualification order or a disqualification undertaking is varied or ceases to be in force, and the particulars contained therein are the particulars specified for that purpose.

8. The time within which the officer specified in regulation 6(1) is to furnish the Secretary of State with the said particulars shall be a period of fourteen days beginning with the day on which the disqualification order or grant of leave is made, or any action is taken by a court in consequence of which the disqualification order or disqualification undertaking is varied or ceases to be in force, as the case may be.

Extension of certain of the provisions of section 18 of the Act to orders made and leave granted in Northern Ireland

9.—(1) Section 18(2) of the Act is hereby extended to the particulars furnished to the Secretary of State of orders made and leave granted under Part II of the Companies (Northern Ireland) Order 1989.

(2) Section 18(3) of the Act is hereby extended to all entries in the register and particulars relating to them furnished to the Secretary of State in respect of orders made under Part II of the Companies (Northern Ireland) Order 1989.

13th March 2001

Kim Howells,
Parliamentary Under-Secretary of State for
Consumers and Corporate Affairs,
Department of Trade and Industry