

2009 No. 2471

COMPANIES

The Companies (Disqualification Orders) Regulations 2009

<i>Made</i> - - - -	<i>8th September 2009</i>
<i>Laid before Parliament</i>	<i>9th September 2009</i>
<i>Coming into force</i> - -	<i>1st October 2009</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 18 of the Company Directors Disqualification Act 1986(a):

Citation and commencement

1. These Regulations may be cited as the Companies (Disqualification Orders) Regulations 2009 and come into force on 1st October 2009.

Definitions

2.—(1) 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, 9A and 10 of the Act;

“disqualification undertaking” means an undertaking accepted by the Secretary of State under section 7, 8 or 9B 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.

(2) For the purposes of regulations 5 and 9, “leave granted”—

(a) in relation to a disqualification order granted under Part 2 of the Companies (Northern Ireland) Order 1989(b) means leave granted by a court for a person subject to such an order to do anything which otherwise the order prohibits that person from doing; and

(b) in relation to a disqualification undertaking accepted under the Company Directors Disqualification (Northern Ireland) Order 2002(c) means leave granted by a court for a person subject to such an undertaking to do anything which otherwise the undertaking prohibits that person from doing.

(a) 1986 c.46. Section 18 has been amended by section 8 of, and Schedule 4 to, the Insolvency Act 2000 (c.39), section 204 of the Enterprise Act 2002 (c.40) and by Article 2(6) of the Insolvency Act 2000 (Company Directors Disqualification Undertakings) Order 2004 (S.I. 2004/1941).

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

(c) S.I. 2002/3150 (N.I. 4).

Revocations

3. The following instruments are revoked—
- (a) the Companies (Disqualification Orders) Regulations 2001(a);
 - (b) the Companies (Disqualification Orders) (Amendment No. 2) Regulations 2002(b); and
 - (c) the Companies (Disqualification Orders) (Amendment) Regulations 2004(c).

Transitional provisions

4. Other than regulation 9, these Regulations apply—
- (a) in relation to a disqualification order made after the coming into force of these Regulations; and
 - (b) in relation to—
 - (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 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—
- (a) particulars of disqualification orders made and leave granted under Part 2 of the Companies (Northern Ireland) Order 1989 received by the Secretary of State on or after 1st October 2009 other than particulars of disqualification orders made and leave granted under that Order which relate to disqualification orders made by the courts of Northern Ireland before 2nd April 2001; and
 - (b) particulars of undertakings accepted under the Company Directors Disqualification (Northern Ireland) Order 2002 on or after 1st October 2009, and to leave granted under that Order in relation to such undertakings.

Particulars to be furnished by officers of the court

- 6.—(1) The following officers of the court must furnish to the Secretary of State the particulars specified in regulation 7(a) to (c) 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 designated officer for a Magistrates' Court;
 - (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;

(a) S.I. 2001/967, as amended by S.I. 2002/1834 and S.I. 2004/1940.
(b) S.I. 2002/1834.
(c) S.I. 2004/1940.

- (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 Supreme Court, the Registrar of the Supreme Court.

(2) Where—

- (a) a disqualification order has been made by any of the courts mentioned in paragraph (1), or
- (b) a disqualification undertaking has been accepted by the Secretary of State,

and subsequently any action is taken by a court in consequence of which that order or that undertaking is varied or ceases to be in force, the officer specified in paragraph (1) of the court which takes such action must furnish to the Secretary of State the particulars specified in regulation 7(d) 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 in relation to a disqualification order or a disqualification undertaking, 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 is the period of 14 days beginning with the day on which the disqualification order or grant of leave is made or on which action is taken by a court in consequence of which the disqualification order or disqualification undertaking is varied or ceases to be in force.

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

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

(2) Section 18(2A) of the Act is extended to the particulars of disqualification undertakings accepted under and leave granted in relation to disqualification undertakings under the Company Directors Disqualification (Northern Ireland) Order 2002.

(3) Section 18(3) of the Act is 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 2 of the Companies (Northern Ireland) Order 1989 or disqualification undertakings accepted under the Company Directors Disqualification (Northern Ireland) Order 2002.

8th September 2009

Davies of Abersoch
Minister for Trade, Investment and Business
Department for Business, Innovation and Skills

SCHEDULE 1

Regulation 7(a)

In accordance with the Companies (Disqualification Orders) Regulations 2009.

DQ01

Disqualification order against an individual

What this form is for
You may use this form to give notice of a disqualification order against an individual.

What this form is NOT for
You cannot use this form to file a disqualification order against a corporate body or firm. To do this, please use form DQ02 'Disqualification order against a corporate body or firm'.

For further information, please refer to our guidance at www.companieshouse.gov.uk

1

Disqualification Act 1986

Please tick the section of the Company Directors Disqualification Act (CDDA) 1986 under which the order was made:

S2 S3 S4 S5
 S6 S8 S9A S10

→ **Filling in this form**
Please complete in typescript or in bold black capitals.

All fields are mandatory unless specified or indicated by *

2

Individual's details

Please give the name of the individual against whom the order was made.

Title* _____

Forename(s) _____

Surname _____

Date of birth d d m m y y y y

Nationality _____

3

Individual's address

Building name/number _____

Street _____

Post town _____

County/Region _____

Post code

Country _____

1 **Address**
Please show the last known address of the disqualified director (e.g. as shown on documents submitted to the court)

2 **Section 243 exemption**
Please tick the following box if the director is in the process of applying for, or has been granted, exemption by the Registrar from disclosing their usual residential address to credit reference agencies under section 243 of the Companies Act 2006

4		Disqualification details								
Date of order ❶	<table border="1"> <tr> <td>d</td><td>d</td><td>m</td><td>m</td><td>y</td><td>y</td><td>y</td><td>y</td> </tr> </table>	d	d	m	m	y	y	y	y	<p>❶ Date of order Please enter the date on which the order was made.</p> <p>❷ Period of disqualification Please enter the period of disqualification specified in the order.</p> <p>❸ Disqualification start date Unless the court indicates otherwise, this will be 21 days from the date of the order.</p> <p>❹ Company/LLP name Please give the name(s) of the company(es)/LLP(s) in respect of the conduct leading to disqualification.</p>
d	d	m	m	y	y	y	y			
Period of disqualification ❷										
Disqualification start date ❸	<table border="1"> <tr> <td>d</td><td>d</td><td>m</td><td>m</td><td>y</td><td>y</td><td>y</td><td>y</td> </tr> </table>	d	d	m	m	y	y	y	y	
d	d	m	m	y	y	y	y			
Company/LLP name ❹										
Case number										

5		Signature	
Signature			
Name/Position			
Court			

DQ01

Disqualification order against an individual

Presenter information

Presenter Information

You do not have to give any contact information, but if you do it will help Companies House if there is a query on the form. The contact information you give will be visible to searchers of the public record.

Contact name

Company name

Address

Post town

County/Region

Postcode

Country

DX

Telephone

Checklist

We may return forms completed incorrectly or with information missing.

Please make sure you have remembered the following:

- You have indicated which Section of the CDDA applies in section 1.
- You have provided details of the individual as required by sections 2 and 3.
- You have completed the required information in section 4.
- You have signed the form.

Where to send

When completed and signed, please send to:

Secretary of State, C/O The Subpoena Clerk,
The Registrar of Companies, Companies House,
Crown Way, Cardiff, Wales, CF14 3UZ.
DX 33050 Cardiff.

<p>In accordance with the Companies (Disqualification Orders) Regulations 2009.</p>	<h2 style="margin: 0;">DQ02</h2> <p style="margin: 0;">Disqualification order against a corporate body or firm</p>									
<table style="width: 100%; border: none;"> <tr> <td style="width: 33%; vertical-align: top;"> <p>✓ What this form is for You may use this form to give notice of a disqualification order against a corporate body or firm.</p> </td> <td style="width: 33%; vertical-align: top;"> <p>✗ What this form is NOT for You cannot use this form to file a disqualification order against an individual. To do this, please use form DQ01 'Disqualification order against an individual'.</p> </td> <td style="width: 33%; vertical-align: top;"> <p>For further information, please refer to our guidance at www.companieshouse.gov.uk</p> </td> </tr> </table>			<p>✓ What this form is for You may use this form to give notice of a disqualification order against a corporate body or firm.</p>	<p>✗ What this form is NOT for You cannot use this form to file a disqualification order against an individual. To do this, please use form DQ01 'Disqualification order against an individual'.</p>	<p>For further information, please refer to our guidance at www.companieshouse.gov.uk</p>					
<p>✓ What this form is for You may use this form to give notice of a disqualification order against a corporate body or firm.</p>	<p>✗ What this form is NOT for You cannot use this form to file a disqualification order against an individual. To do this, please use form DQ01 'Disqualification order against an individual'.</p>	<p>For further information, please refer to our guidance at www.companieshouse.gov.uk</p>								
1	Disqualification Act 1986	<p>→ Filing in this form Please complete in typescript or in bold black capitals. All fields are mandatory unless specified or indicated by *</p>								
<p>Please tick which section of the Company Directors Disqualification Act (CDDA) 1986 under which the order was made:</p> <table style="width: 100%; border: none;"> <tr> <td><input type="checkbox"/> S2</td> <td><input type="checkbox"/> S3</td> <td><input type="checkbox"/> S4</td> <td><input type="checkbox"/> S5</td> </tr> <tr> <td><input type="checkbox"/> S6</td> <td><input type="checkbox"/> S8</td> <td><input type="checkbox"/> S9</td> <td><input type="checkbox"/> S10</td> </tr> </table>			<input type="checkbox"/> S2	<input type="checkbox"/> S3	<input type="checkbox"/> S4	<input type="checkbox"/> S5	<input type="checkbox"/> S6	<input type="checkbox"/> S8	<input type="checkbox"/> S9	<input type="checkbox"/> S10
<input type="checkbox"/> S2	<input type="checkbox"/> S3	<input type="checkbox"/> S4	<input type="checkbox"/> S5							
<input type="checkbox"/> S6	<input type="checkbox"/> S8	<input type="checkbox"/> S9	<input type="checkbox"/> S10							
2	Corporate details									
<p>Please give the name of the corporate body or firm against whom the order was made.</p>										
Corporate body/firm name										
Registered number (if any)										
Country of registration										
3	Address ①	<p>① Registered or principal address Please enter the address of the registered or principal office in Great Britain of the corporate body or firm at the date of the order.</p>								
Building name/number										
Street										
Post town										
County/Region										
Post code	<table style="width: 100%; border: none;"> <tr> <td style="border: 1px solid black; width: 15%; height: 15px;"></td> <td style="border: 1px solid black; width: 15%; height: 15px;"></td> <td style="border: 1px solid black; width: 15%; height: 15px;"></td> <td style="border: 1px solid black; width: 15%; height: 15px;"></td> <td style="border: 1px solid black; width: 15%; height: 15px;"></td> <td style="border: 1px solid black; width: 15%; height: 15px;"></td> <td style="border: 1px solid black; width: 15%; height: 15px;"></td> </tr> </table>									
Country										

4 Disqualification details	
Date of order ①	d d m m y y y y
Period of disqualification ②	
Disqualification start date ③	d d m m y y y y
Company/LLP name ④	
Case number	

① **Date of order**
Please enter the date on which the order was made.

② **Period of disqualification**
Please enter the period of disqualification specified in the order.

③ **Disqualification start date**
Unless the court indicates otherwise, this will be 21 days from the date of the order.

④ **Company/LLP name**
Please give the name(s) of the company(ies)/LLP(s) in respect of the conduct leading to disqualification.

5 Signature	
Signature	
Name/Position	
Court	

DQ02

Disqualification order against a corporate body or firm

Presenter information	
Presenter information You do not have to give any contact information, but if you do it will help Companies House if there is a query on the form. The contact information you give will be visible to searchers of the public record.	
Contact name	
Company name	
Address	
Post town	
County/Region	
Postcode	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
Country	
DX	
Telephone	

Where to send
When completed and signed, please send to: Secretary of State, C/O The Subpoena Clerk, The Registrar of Companies, Companies House, Crown Way, Cardiff, Wales, CF14 3UZ. DX 33050 Cardiff.

✓ Checklist
We may return forms completed incorrectly or with information missing.
Please make sure you have remembered the following:
<input type="checkbox"/> You have indicated which Section of the CDDA applies in section 1.
<input type="checkbox"/> You have provided details of the corporate body or firm as required by sections 2 and 3.
<input type="checkbox"/> You have completed the required information in section 4.
<input type="checkbox"/> You have signed the form.

<p>In accordance with the Companies (Disqualification Orders) Regulations 2009.</p>	<h2 style="margin: 0;">DQ03</h2> <h3 style="margin: 0;">Grant of leave in relation to a disqualification order or disqualification undertaking</h3>									
<div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> <p>✓ What this form is for You may use this form to give notice of a grant of leave in relation to a disqualification order or disqualification undertaking.</p> </div> <div style="width: 30%;"> <p>✗ What this form is NOT for You cannot use this form to give notice of a variation or cessation of a disqualification order or disqualification undertaking. To do this, please use form DQ04 'Variation or cessation of a disqualification order or disqualification undertaking'.</p> </div> <div style="width: 30%; text-align: right;"> <p>For further information, please refer to our guidance at www.companieshouse.gov.uk</p> </div> </div>										
1	Disqualification details									
<p>Disqualification order /undertaking date [Ⓢ]</p> <hr/> <p>Name of the court [Ⓢ]</p>	<table style="margin: 0 auto; border-collapse: collapse;"> <tr> <td style="border: 1px solid black; width: 20px; text-align: center;">d</td> <td style="border: 1px solid black; width: 20px; text-align: center;">d</td> <td style="border: 1px solid black; width: 20px; text-align: center;">m</td> <td style="border: 1px solid black; width: 20px; text-align: center;">m</td> <td style="border: 1px solid black; width: 20px; text-align: center;">y</td> <td style="border: 1px solid black; width: 20px; text-align: center;">y</td> <td style="border: 1px solid black; width: 20px; text-align: center;">y</td> <td style="border: 1px solid black; width: 20px; text-align: center;">y</td> </tr> </table> <p>Leave granted in relation to: [Ⓢ]</p> <p><input type="checkbox"/> Disqualification order.</p> <p><input type="checkbox"/> Disqualification undertaking.</p>	d	d	m	m	y	y	y	y	<p>→ Filling in this form Please complete in typescript or in bold black capitals.</p> <p>All fields are mandatory unless specified or indicated by [Ⓢ]</p> <p>[Ⓢ] Date of disqualification order/acceptance Please enter the date of disqualification order or acceptance by the Secretary of State of undertaking in relation to which leave was granted.</p> <p>[Ⓢ] Please tick one box.</p> <p>[Ⓢ] Name of court Please enter the name of the court which made the disqualification order in relation to which leave was granted.</p>
d	d	m	m	y	y	y	y			
2	Name of person to whom leave was granted									
<p>Title [*]</p> <hr/> <p>Forename(s)</p> <hr/> <p>Surname/Corporate name</p> <hr/> <p>Date of birth [Ⓢ]</p> <hr/> <p>Nationality [Ⓢ]</p> <hr/> <p>Registered number (if any)</p> <hr/> <p>Country of registration</p>	<table style="margin: 0 auto; border-collapse: collapse;"> <tr> <td style="border: 1px solid black; width: 20px; text-align: center;">d</td> <td style="border: 1px solid black; width: 20px; text-align: center;">d</td> <td style="border: 1px solid black; width: 20px; text-align: center;">m</td> <td style="border: 1px solid black; width: 20px; text-align: center;">m</td> <td style="border: 1px solid black; width: 20px; text-align: center;">y</td> <td style="border: 1px solid black; width: 20px; text-align: center;">y</td> <td style="border: 1px solid black; width: 20px; text-align: center;">y</td> <td style="border: 1px solid black; width: 20px; text-align: center;">y</td> </tr> </table>	d	d	m	m	y	y	y	y	<p>[Ⓢ] The date of birth and nationality fields only need to be completed by an individual.</p>
d	d	m	m	y	y	y	y			

3	Name in which disqualification order was made									
	<p>Is the name in which the disqualification order was made different to that shown in section 2?</p> <p>→ Yes Please enter the name below.</p> <p>→ No Go to Section 4.</p>	<p>① The date of birth and nationality fields only need to be completed by an individual.</p>								
Title *	<input style="width: 100%;" type="text"/>									
Forename(s)	<input style="width: 100%;" type="text"/>									
Surname/Corporate name	<input style="width: 100%;" type="text"/>									
Date of birth ①	<table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <tr> <td style="width: 25px;">d</td> <td style="width: 25px;">d</td> <td style="width: 25px;">M</td> <td style="width: 25px;">m</td> <td style="width: 25px;">y</td> <td style="width: 25px;">y</td> <td style="width: 25px;">y</td> <td style="width: 25px;">y</td> </tr> </table>	d	d	M	m	y	y	y	y	
d	d	M	m	y	y	y	y			
Nationality ②	<input style="width: 100%;" type="text"/>									
Registered number (if any)	<input style="width: 100%;" type="text"/>									
4	Disqualification details									
Date on which leave was granted	<table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <tr> <td style="width: 25px;">d</td> <td style="width: 25px;">d</td> <td style="width: 25px;">m</td> <td style="width: 25px;">m</td> <td style="width: 25px;">y</td> <td style="width: 25px;">y</td> <td style="width: 25px;">y</td> <td style="width: 25px;">y</td> </tr> </table>	d	d	m	m	y	y	y	y	<p>③ Company/LLP name Please give the name of the company or LLP in respect of which leave was granted. In the case of leave to promote or form a company or LLP, please give the proposed name or, if not available, a brief description of the activities.</p> <p>④ Expiry date of leave Unless the Court orders otherwise, the period of disqualification begins 21 days from the date of the order.</p>
d	d	m	m	y	y	y	y			
Company/Limited Liability Partnership (LLP) Name ③	<input style="width: 100%; height: 100px;" type="text"/>									
Expiry date of leave ④	<table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <tr> <td style="width: 25px;">d</td> <td style="width: 25px;">d</td> <td style="width: 25px;">m</td> <td style="width: 25px;">m</td> <td style="width: 25px;">y</td> <td style="width: 25px;">y</td> <td style="width: 25px;">y</td> <td style="width: 25px;">y</td> </tr> </table>	d	d	m	m	y	y	y	y	
d	d	m	m	y	y	y	y			
5	Activity for which leave was granted									
	<p>Please tick the appropriate box(es) to indicate the activity for which leave was granted.</p> <p><input type="checkbox"/> Promotion.</p> <p><input type="checkbox"/> Formation.</p> <p><input type="checkbox"/> Directorships or other participation in management of a company.</p> <p><input type="checkbox"/> Designated member/member or other participation in management of an LLP.</p> <p><input type="checkbox"/> Receivership in relation to a company or LLP.</p>									
6	Signature									
Signature	<input style="width: 100%; height: 30px;" type="text"/>									
Name/Position	<input style="width: 100%;" type="text"/>									
Court	<input style="width: 100%;" type="text"/>									

DQ03

Grant of leave in relation to a disqualification order or disqualification undertaking

Presenter information

Presenter information

You do not have to give any contact information, but if you do it will help Companies House if there is a query on the form. The contact information you give will be visible to searchers of the public record.

Contact name

Company name

Address

Post town

County/Region

Postcode

Country

DX

Telephone

Checklist

We may return forms completed incorrectly or with information missing.

Please make sure you have remembered the following:

- You have provided all the information required in section 1.
- You have given the name of the person to whom the leave is granted in sections 2 and/or 3.
- You have completed section 4 in full.
- You have ticked the relevant box(es) in section 5.
- You have signed the form.

Where to send

When completed and signed, please send to:

Secretary of State, C/O The Subpoena Clerk,
The Registrar of Companies, Companies House,
Crown Way, Cardiff, Wales, CF14 3UZ
DX 33050 Cardiff.

In accordance with the Companies (Disqualification Orders) Regulations 2009.

DQ04

Variation or cessation of a disqualification order or disqualification undertaking

✓ What this form is for
You may use this form to give notice of a variation or cessation of a disqualification order or disqualification undertaking.

✗ What this form is NOT for
You cannot use this form to give notice of a grant of leave in relation to a disqualification order or disqualification undertaking. To do this, please use form DQ03 'Grant of leave in relation to a disqualification order or disqualification undertaking'.

For further information, please refer to our guidance at www.companieshouse.gov.uk

1	Disqualification details									
Original disqualification order/undertaking date ¹	<table border="1" style="width: 100%; text-align: center;"> <tr> <td>d</td><td>d</td><td>m</td><td>m</td><td>y</td><td>y</td><td>y</td><td>y</td> </tr> </table>	d	d	m	m	y	y	y	y	<p>→ Filling in this form Please complete in typecript or in bold black capitals.</p> <p>All fields are mandatory unless specified or indicated by *</p> <p>¹ Date of disqualification order/undertaking Please enter the date on which the disqualification order was originally made by the court or disqualification undertaking was accepted by the Secretary of State.</p> <p>² Variation or cessation Please tick one box.</p>
d	d	m	m	y	y	y	y			
	Variation or cessation of ² <input type="checkbox"/> Disqualification order. <input type="checkbox"/> Disqualification undertaking.									

2	Name of person subject to disqualification order or disqualification undertaking									
Title *		<p>³ The date of birth and nationality fields only need to be completed by an individual.</p>								
Forename(s)										
Surname/Corporate name										
Date of birth ³	<table border="1" style="width: 100%; text-align: center;"> <tr> <td>d</td><td>d</td><td>m</td><td>m</td><td>y</td><td>y</td><td>y</td><td>y</td> </tr> </table>		d	d	m	m	y	y	y	y
d	d		m	m	y	y	y	y		
Nationality ³										
Registered number (if any)										
Country of registration										

3	Details of the court									
Name of the Court ³		<p>³ Please give the name of the court where action was taken to cease or vary the order or undertaking.</p>								
Date of action taken by the court	<table border="1" style="width: 100%; text-align: center;"> <tr> <td>d</td><td>d</td><td>m</td><td>m</td><td>y</td><td>y</td><td>y</td><td>y</td> </tr> </table>		d	d	m	m	y	y	y	y
d	d		m	m	y	y	y	y		
Case number										

4	Details of cessation or variation	
Please tick a box to indicate the result of the court's action. ❶ <input type="checkbox"/> A. Order or undertaking ceased to be in force. <input type="checkbox"/> B. Order or undertaking varied.		❶ Please tick one box.
Did you tick B 'Order or undertaking varied'? → Yes Please complete section 5 'Order or undertaking varied'. → No Please go to section 6 'Signature'.		

5	Order or undertaking varied									
Period of disqualification ❷ Start date ❸	<table border="1" style="margin: auto;"> <tr> <td style="width: 20px; height: 20px;">d</td> <td style="width: 20px; height: 20px;">d</td> <td style="width: 20px; height: 20px;">m</td> <td style="width: 20px; height: 20px;">m</td> <td style="width: 20px; height: 20px;">y</td> <td style="width: 20px; height: 20px;">y</td> <td style="width: 20px; height: 20px;">y</td> <td style="width: 20px; height: 20px;">y</td> </tr> </table>	d	d	m	m	y	y	y	y	❷ Period of disqualification Please state the period of disqualification now specified in the order or undertaking. ❸ Start date Please insert the start date of the period of disqualification. Unless the Court orders otherwise, the period of disqualification begins 21 days from the date of the order.
d	d	m	m	y	y	y	y			

6	Signature							
Signature Name/Position Court	<table border="1" style="width: 100%; height: 40px;"> <tr> <td style="width: 20%;"></td> <td style="width: 80%;"></td> </tr> </table> <table border="1" style="width: 100%; height: 40px;"> <tr> <td style="width: 20%;"></td> <td style="width: 80%;"></td> </tr> </table> <table border="1" style="width: 100%; height: 40px;"> <tr> <td style="width: 20%;"></td> <td style="width: 80%;"></td> </tr> </table>							

DQ04

Variation or cessation of a disqualification order or disqualification undertaking

Presenter information

Presenter Information

You do not have to give any contact information, but if you do it will help Companies House if there is a query on the form. The contact information you give will be visible to searchers of the public record.

Contact name

Company name

Address

Post town

County/Region

Postcode

Country

DX

Telephone

Checklist

We may return forms completed incorrectly or with information missing.

Please make sure you have remembered the following:

- You have provided the details of the original disqualification order or undertaking required in section 1.
- You have given the name of the person subject to the disqualification order or undertaking.
- You have completed section 3 of the form in full.
- You have ticked the box in section 4 to confirm whether the order or undertaking has been varied or ceased to be in force.
- You have signed the form.

Where to send

When completed and signed, please send to:

Secretary of State, C/O The Subpoena Clerk,
The Registrar of Companies, Companies House,
Crown Way, Cardiff, Wales, CF14 3UZ
DX 33050 Cardiff.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Companies (Disqualification Orders) Regulations 2001 (S.I. 2001/967) as amended by S.I. 2002/1834 and S.I. 2004/1940 (as amended “the 2001 Regulations”). They come into force on 1st October 2009, and apply to any disqualification order made after that date, and to any grant of leave or action taken by a court after that date in consequence of which a disqualification order or undertaking (whenever made or accepted) is varied or ceases to have effect.

The Company Directors Disqualification Act 1986 (c.46) (“the CDDA”) gives specified courts power to make a disqualification order against any person. As amended by the Insolvency Act 2000 (c.39), the CDDA gives the Secretary of State power to accept an undertaking from any person that, for a specified period, that person must not—

- (a) without the leave of the court, be a director of a company, act as a receiver of a company’s property or in any way take part in the promotion, formation or management of a company; and
- (b) act as an insolvency practitioner.

These Regulations consolidate the 2001 Regulations with minor amendments.

Regulation 6 (particulars to be furnished by officers of the court) requires certain court officers to provide the Secretary of State with particulars of disqualification orders and grants of leave in relation to such orders or disqualification undertakings, and of any action taken by a court in consequence of which any such orders or undertakings are varied or cease to be in force. Section 18 of the CDDA requires that the Secretary of State must maintain a public register from the particulars so furnished.

Regulation 7 specifies the particulars mentioned in regulation 6 and the form and manner in which such particulars must be furnished to the Secretary of State. Schedules 1 to 4 contain the forms to be used when furnishing such particulars.

Regulation 9 (extension of certain of the provisions of section 18 of the Act to orders made, undertakings accepted and leave granted in Northern Ireland) places obligations on the Secretary of State regarding the retention and disposal of information furnished to the Secretary of State relating to disqualification orders made, disqualification undertakings accepted and leave granted in relation to such orders and undertakings in Northern Ireland.

Key changes from the 2001 Regulations are:

- (a) in regulation 2 (definitions) there is a new definition of “leave granted” for the purposes of regulation 5 (transitional provisions in relation to regulation 9) and regulation 9;
- (b) in regulation 6, certain changes within the courts made by the Courts Act 2003 (c.39) and the Constitutional Reform Act 2005 (c.4) have necessitated amendments concerning the identity of certain court officers required to provide the Secretary of State with the particulars specified in regulation 7;
- (c) in the form in Schedule 1, the reference to section 723B of the Companies Act 1985 (c.6) relating to confidentiality orders has been removed in the light of the repeal of that provision by the Companies Act 2006 (c.46), and alternative provision made for the provision of service addresses by directors; and
- (d) the forms in Schedules 1 to 4 have been amended so as to provide for particulars of competition disqualification orders made under section 9A of the CDDA to be furnished to the Secretary of State.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

STATUTORY INSTRUMENTS

2009 No. 2471

COMPANIES

The Companies (Disqualification Orders) Regulations 2009

£5.50