

STATUTORY INSTRUMENTS

2002 No. 3150

**The Company Directors Disqualification
(Northern Ireland) Order 2002**

[^{F1}Disqualification for competition infringements

[^{F1}Competition disqualification order

13A.—(1) The High Court shall make a disqualification order against a person if the following two conditions are satisfied in relation to him.

(2) The first condition is that an undertaking which is a company of which he is a director commits a breach of competition law.

(3) The second condition is that the High Court considers that his conduct as a director makes him unfit to be concerned in the management of a company.

(4) An undertaking commits a breach of competition law if it engages in conduct which infringes [^{F2}either of the following]—

(a) the Chapter 1 prohibition (within the meaning of the Competition Act 1998) (prohibition on agreements, etc. preventing, restricting or distorting competition);

(b) the Chapter 2 prohibition (within the meaning of that Act) (prohibition on abuse of a dominant position);

^{F3}(c)

^{F4}(d)

(5) For the purpose of deciding under paragraph (3) whether a person is unfit to be concerned in the management of a company the High Court—

(a) shall have regard to whether paragraph (6) applies to him;

(b) may have regard to his conduct as a director of a company in connection with any other breach of competition law;

(c) shall not have regard to the matters mentioned in Schedule 1.

(6) This paragraph applies to a person if as a director of the company—

(a) his conduct contributed to the breach of competition law mentioned in paragraph (2);

(b) his conduct did not contribute to the breach but he had reasonable grounds to suspect that the conduct of the undertaking constituted the breach and he took no steps to prevent it;

(c) he did not know but ought to have known that the conduct of the undertaking constituted the breach.

(7) For the purposes of paragraph (6)(a) it is immaterial whether the person knew that the conduct of the undertaking constituted the breach.

(8) For the purposes of paragraph (4)(a) ^{F5}... references to the conduct of an undertaking are references to its conduct taken with the conduct of one or more other undertakings.

(9) The maximum period of disqualification under this Article is 15 years.

(10) An application under this Article for a disqualification order may be made by the [^{F6}CMA] or by a specified regulator.

(11) [^{F7}Section 60A of the Competition Act 1998 (certain principles etc to be considered or applied from [^{F8}IP completion day])] applies in relation to any question arising by virtue of paragraph (4)(a) or (b) as it applies in relation to any question arising under Part 1 of that Act.]

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| F1 | 2005 NI 9 |
| F2 | Words in art. 13A(4) substituted (31.12.2020) by The Competition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/93), reg. 1(1), Sch. 1 para. 10(2)(a) (with Sch. 4 para. 36) (as amended by S.I. 2020/1343, regs. 35-59); 2020 c. 1, Sch. 5 para. 1(1) |
| F3 | Art. 13A(4)(c) omitted (31.12.2020) by virtue of The Competition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/93), reg. 1(1), Sch. 1 para. 10(2)(b) (with Sch. 4 para. 36) (as amended by S.I. 2020/1343, regs. 35-59); 2020 c. 1, Sch. 5 para. 1(1) |
| F4 | Art. 13A(4)(d) omitted (31.12.2020) by virtue of The Competition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/93), reg. 1(1), Sch. 1 para. 10(2)(b) (with Sch. 4 para. 36) (as amended by S.I. 2020/1343, regs. 35-59); 2020 c. 1, Sch. 5 para. 1(1) |
| F5 | Words in art. 13A(8) omitted (31.12.2020) by virtue of The Competition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/93), reg. 1(1), Sch. 1 para. 10(3) (with Sch. 4 para. 36) (as amended by S.I. 2020/1343, regs. 35-59); 2020 c. 1, Sch. 5 para. 1(1) |
| F6 | Word in art. 13A(10) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), Sch. 1 para. 226 (with art. 3) |
| F7 | Words in art. 13A(11) substituted (31.12.2020) by The Competition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/93), reg. 1(1), Sch. 1 para. 10(4) ; 2020 c. 1, Sch. 5 para. 1(1) |
| F8 | Words in art. 13A(11) substituted in earlier amending provision S.I. 2019/93, Sch. 1 para. 10(4) (31.12.2020) by The Competition (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1343), regs. 1(1), 22 |

Changes to legislation:

There are currently no known outstanding effects for the The Company Directors Disqualification (Northern Ireland) Order 2002, Section 13A.