

---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

## SCHEDULES

### SCHEDULE 12

#### SUPPLEMENTARY PROVISIONS IN CONNECTION WITH DISQUALIFICATION ORDERS

##### PART I

##### ORDERS UNDER SECTIONS 296 TO 299

###### *Application for order*

- 1 A person intending to apply for the making of an order under any of sections 296 to 299 by the court having jurisdiction to wind up a company shall give not less than 10 days' notice of his intention to the person against whom the order is sought; and on the hearing of the application the last-mentioned person may appear and himself give evidence or call witnesses.
- 2 An application to a court with jurisdiction to wind up companies for the making of such an order against any person may be made by the Secretary of State or the official receiver, or by the liquidator or any past or present member or creditor of any company in relation to which that person has committed or is alleged to have committed an offence or other default

###### *Hearing of application*

- 3 On the hearing of an application made by the Secretary of State or the official receiver or the liquidator the applicant shall appear and call the attention of the court to any matters which seem to him to be relevant, and may himself give evidence or call witnesses.

###### *Application for leave under an order*

- 4 (1) As regards the court to which application must be made for leave under a disqualification order made under any of sections 296 to 299, the following applies.
- (2) Where the application is for leave to promote or form a company, it is any court with jurisdiction to wind up companies.
- (3) Where the application is for leave to be a liquidator or director of, or otherwise to take part in the management of a company, or to be a receiver or manager of a company's property, it is any court having jurisdiction to wind up that company.
- 5 On the hearing of an application for leave made by a person against whom a disqualification order has been made on the application of the Secretary of State, the official receiver or the liquidator, the Secretary of State, official receiver or liquidator shall appear and call the attention of the court to any matters which seem to him to be relevant, and may himself give evidence or call witnesses.