
Status: This is the original version (as it was originally enacted).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 2

MATTERS FOR DETERMINING UNFITNESS OF DIRECTORS

PART I

MATTERS APPLICABLE IN ALL CASES

- 1 Any misfeasance or breach of any fiduciary or other duty by the director in relation to the company.
- 2 Any misapplication or retention by the director of, or any conduct by the director giving rise to an obligation to account for, any money or other property of the company.
- 3 The extent of the director's responsibility for the company entering into any transaction liable to be set aside under section 212 of this Act.
- 4 The extent of the director's responsibility for any failure by the company to comply with any of the following provisions of the 1985 Act, namely—
 - (a) section 221 (companies to keep accounting records) ;
 - (b) section 222 (where and for how long records to be kept);
 - (c) section 288 (register of directors and secretaries);
 - (d) section 352 (obligation to keep and enter up register of members) ;
 - (e) section 353 (location of register of members) ;
 - (f) sections 363 and 364 (company's duty to make annual return) ;
 - (g) section 365 (time for completion of annual return) ; and
 - (h) sections 399 and 415 (company's duty to register charges it creates).
- 5 The extent of the director's responsibility for any failure by the directors of the company to comply with section 227 (directors' duty to prepare annual accounts) or section 238 (signing of balance sheet and documents to be annexed) of the 1985 Act.