



Company Directors Disqualification Act 1986

1986 CHAPTER 46

Supplementary provisions

16 Application for disqualification order.

- (1) A person intending to apply for the making of a disqualification order ^{F1}... 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^{F2}, other than a court mentioned in section 2(2)(b) or (c),] for the making against any person of a disqualification order under any of sections 2 to ^{F3}4] 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 ^{F4}or overseas company] in relation to which that person has committed or is alleged to have committed an offence or other default.
- (3) On the hearing of any application under this Act made by ^{F5}a person falling within subsection (4)], 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.

^{F6}(4) The following fall within this subsection—

- (a) the Secretary of State;
- (b) the official receiver;
- (c) the ^{F7}Competition and Markets Authority];
- (d) the liquidator;
- (e) a specified regulator (within the meaning of section 9E).]

Changes to legislation: There are currently no known outstanding effects for the Company Directors Disqualification Act 1986, Cross Heading: Supplementary provisions. (See end of Document for details)

Textual Amendments

- F1** Words in s. 16(1) omitted (26.5.2015 for specified purposes, 1.10.2015 in so far as not already in force) by virtue of [Small Business, Enterprise and Employment Act 2015 \(c. 26\), s. 164\(1\), Sch. 7 para. 12\(2\)](#); S.I. 2015/1329, reg. 3(c); S.I. 2015/1689, reg. 2(g)
- F2** Words in s. 16(2) substituted (26.5.2015 for specified purposes, 1.10.2015 in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\), s. 164\(1\), Sch. 7 para. 12\(3\)\(a\)](#); S.I. 2015/1329, reg. 3(c); S.I. 2015/1689, reg. 2(g)
- F3** Figure in s. 16(2) substituted (2.4.2001) by 2000 c. 39, s. 8, [Sch. 4 Pt. I para. 11\(1\)](#); S.I. 2001/766, [art. 2\(1\)\(a\)](#) (subject to transitional provisions in art. 3)
- F4** Words in s. 16(2) inserted (26.5.2015 for specified purposes, 1.10.2015 in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\), s. 164\(1\), Sch. 7 para. 12\(3\)\(b\)](#); S.I. 2015/1329, reg. 3(c); S.I. 2015/1689, reg. 2(g)
- F5** Words in s. 16(3) substituted (20.6.2003) by 2002 c. 40, ss. 204(6), 279; S.I. 2003/1397, [art. 2](#), Sch.
- F6** S. 16(4) inserted (20.6.2003) by 2002 c. 40, ss. 204(7), 279; S.I. 2003/1397, [art. 2](#), Sch.
- F7** Words in s. 16(4)(c) 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. 53\(e\)](#) (with art. 3)

Modifications etc. (not altering text)

- C1** Ss. 16, 17 extended (with modifications) (1.7.1989) by S.I. 1989/638, [regs. 20, 21](#)

[^{F8}17] Application for leave under an order or undertaking.

- (1) Where a person is subject to a disqualification order made by a court having jurisdiction to wind up companies, any application for leave for the purposes of section 1(1)(a) shall be made to that court.
- (2) Where—
 - (a) a person is subject to a disqualification order made under section 2 by a court other than a court having jurisdiction to wind up companies, or
 - (b) a person is subject to a disqualification order made under section 5,
 any application for leave for the purposes of section 1(1)(a) shall be made to any court which, when the order was made, had jurisdiction to wind up the company (or, if there is more than one such company, any of the companies) to which the offence (or any of the offences) in question related.
- (3) Where a person is subject to a disqualification undertaking accepted at any time under section [^{F9}5A,] 7 or 8, any application for leave for the purposes of section 1A(1)(a) shall be made to any court to which, if the Secretary of State had applied for a disqualification order under the section in question at that time, his application could have been made.

[Where a person is subject to a disqualification undertaking accepted at any time under ^{F10}(3ZA) section 8ZC, any application for leave for the purposes of section 1A(1)(a) must be made to any court to which, if the Secretary of State had applied for a disqualification order under section 8ZA at that time, that application could have been made.

(3ZB) Where a person is subject to a disqualification undertaking accepted at any time under section 8ZE, any application for leave for the purposes of section 1A(1)(a) must be made to the High Court or, in Scotland, the Court of Session.]

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[Where a person is subject to a disqualification undertaking accepted at any time under ^{F11}(3A) section 9B any application for leave for the purposes of section 9B(4) must be made to the High Court or (in Scotland) the Court of Session.]

(4) But where a person is subject to two or more disqualification orders or undertakings (or to one or more disqualification orders and to one or more disqualification undertakings), any application for leave for the purposes of section 1(1)(a) [^{F12}1A(1)(a) or 9B(4)] shall be made to any court to which any such application relating to the latest order to be made, or undertaking to be accepted, could be made.

(5) On the hearing of an application for leave for the purposes of section 1(1)(a) or 1A(1)(a), the Secretary of State 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.

[Subsection (5) does not apply to an application for leave for the purposes of ^{F13}(6) section 1(1)(a) if the application for the disqualification order was made under section 9A.

(7) In such a case and in the case of an application for leave for the purposes of section 9B(4) on the hearing of the application whichever of the [^{F14}Competition and Markets Authority] or a specified regulator (within the meaning of section 9E) applied for the order or accepted the undertaking (as the case may be)—

- (a) must appear and draw the attention of the court to any matters which appear to it or him (as the case may be) to be relevant;
- (b) may give evidence or call witnesses.]]

Textual Amendments

- F8** S. 17 substituted (2.4.2001) by 2000 c. 39, s. 8, **Sch. 4 Pt. I para. 12(1)**; S.I. 2001/766, **art. 2(1)(a)** (subject to transitional provisions in art. 3)
- F9** Word in s. 17(3) inserted (26.5.2015 for specified purposes, 1.10.2015 in so far as not already in force) by **Small Business, Enterprise and Employment Act 2015 (c. 26)**, s. 164(1), **Sch. 7 para. 13(2)**; S.I. 2015/1329, **reg. 3(c)**; S.I. 2015/1689, **reg. 2(g)**
- F10** S. 17(3ZA)(3ZB) inserted (26.5.2015 for specified purposes, 1.10.2015 in so far as not already in force) by **Small Business, Enterprise and Employment Act 2015 (c. 26)**, s. 164(1), **Sch. 7 para. 13(3)**; S.I. 2015/1329, **reg. 3(c)**; S.I. 2015/1689, **reg. 2(g)**
- F11** S. 17(3A) inserted (20.6.2003) by 2002 c. 40, ss. 204(8), 279; S.I. 2003/1397, **art. 2**, **Sch.**
- F12** Words in s. 17(4) substituted (20.6.2003) by 2002 c. 40, ss. 204(9), 279; S.I. 2003/1397, **art. 2**, **Sch.**
- F13** S. 17(6)(7) inserted (20.6.2003) by 2002 c. 40, ss. 204(10), 279; S.I. 2003/1397, **art. 2**, **Sch.**
- F14** Words in s. 17(7) 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. 53(f)** (with art. 3)

Modifications etc. (not altering text)

- C2** S. 17 applied (with modifications) by S.I. 1994/2421, **art. 16**, **Sch. 8** (as amended (E.W.) (8.12.2017) by **The Insolvency (Miscellaneous Amendments) Regulations 2017 (S.I. 2017/1119)**, **reg. 1(1)**, **Sch. 2 paras. 4, 8**)

18 [^{F15} Register of disqualification orders and undertakings.]

(1) The Secretary of State may make regulations requiring officers of courts to furnish him with such particulars as the regulations may specify of cases in which—

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- (a) a disqualification order is made, or
 - (b) any action is taken by a court in consequence of which such an order [^{F16}or a disqualification undertaking] is varied or ceases to be in force, or
 - (c) leave is granted by a court for a person subject to such an order to do any thing which otherwise the order prohibits him from doing; [^{F17}or
 - (d) leave is granted by a court for a person subject to such an undertaking to do anything which otherwise the undertaking prohibits him from doing]
- and the regulations may specify the time within which, and the form and manner in which, such particulars are to be furnished.
- (2) The Secretary of State shall, from the particulars so furnished, continue to maintain the register of orders, and of cases in which leave has been granted as mentioned in subsection (1)(c) ^{F18}....
- [^{F19}(2A) The Secretary of State must include in the register such particulars as he considers appropriate of—
- (a) disqualification undertakings accepted by him under section [^{F20}5A, 7, 8, 8ZC or 8ZE];
 - (b) disqualification undertakings accepted by the [^{F21}Competition and Markets Authority] or a specified regulator under section 9B;
 - (c) cases in which leave has been granted as mentioned in subsection (1)(d).]
- [^{F22}(d) persons who are subject to director disqualification sanctions within the meaning of section 11A;
- (e) any licences issued by virtue of section 15(3A) of the Sanctions and Anti-Money Laundering Act 2018.]
- (3) When an order [^{F23}or undertaking] of which entry is made in the register ceases to be in force, the Secretary of State shall delete the entry from the register and all particulars relating to it which have been furnished to him under this section or any previous corresponding provision [^{F23}and, in the case of a disqualification undertaking, any other particulars he has included in the register].
- (4) The register shall be open to inspection on payment of such fee as may be specified by the Secretary of State in regulations.
- [^{F24}(4A) Regulations under this section may extend the preceding provisions of this section, to such extent and with such modifications as may be specified in the regulations, to disqualification orders ^{F25}...[^{F26}or disqualification undertakings made under the Company Directors Disqualification (Northern Ireland) Order 2002].]
- (5) Regulations under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

- F15** S. 18 sidenote substituted (2.4.2001) by 2000 c. 39, s. 8, **Sch. 4 Pt. I para. 13(6)**; S.I. 2001/766, **art. 2(1)(a)** (subject to transitional provisions in **art. 3**)
- F16** Words in s. 18(1)(b) inserted (2.4.2001) by 2000 c. 39, s. 8, **Sch. 4 Pt. I para. 13(2)(a)**; S.I. 2001/766, **art. 2(1)(a)** (subject to transitional provisions in **art. 3**)
- F17** S. 18(1)(d) and word inserted (2.4.2001) by 2000 c. 39, s. 8, **Sch. 4 Pt. I para. 13(2)(b)**; S.I. 2001/766, **art. 2(1)(a)** (subject to transitional provisions in **art. 3**)

Changes to legislation: There are currently no known outstanding effects for the Company Directors Disqualification Act 1986, Cross Heading: Supplementary provisions. (See end of Document for details)

- F18** Words in s. 18(2) omitted (1.10.2009) by virtue of The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 2(1), **Sch. 1 para. 85(10)(a)** (with art. 10)
- F19** S. 18(2A) substituted (20.6.2003) by 2002 c. 40, ss. 204(11), 279; S.I. 2003/1397, **art. 2**, Sch.
- F20** Words in s. 18(2A)(a) substituted (26.5.2015 for specified purposes, 1.10.2015 in so far as not already in force) by Small Business, Enterprise and Employment Act 2015 (c. 26), s. 164(1), **Sch. 7 para. 14**; S.I. 2015/1329, reg. 3(c); S.I. 2015/1689, reg. 2(g)
- F21** Words in s. 18(2A)(b) 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. 53(g)** (with art. 3)
- F22** S. 18(2A)(d)(e) inserted (26.10.2023 for specified purposes) by Economic Crime and Corporate Transparency Act 2023 (c. 56), **ss. 36(6)**, 219(1)(2)(b)
- F23** Words in s. 18(3) inserted (2.4.2001) by 2000 c. 39, s. 8, **Sch. 4 Pt. 1 para. 13(4)(a)(b)**; S.I. 2001/766, **art. 2(1)(a)** (subject to transitional provisions in art. 3)
- F24** S. 18(4A) inserted (2.4.2001) by 2000 c. 39, s. 8, **Sch. 4 Pt. 1 para. 13(5)**; S.I. 2001/766, **art. 2(1)(a)** (subject to transitional provisions in art. 3)
- F25** Words in s. 18(4A) omitted (1.10.2009) by virtue of The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 2(1), **Sch. 1 para. 85(10)(b)** (with art. 10)
- F26** Words in s. 18(4A) inserted (1.9.2004) by The Insolvency Act 2000 (Company Directors Disqualification Undertakings) Order 2004 (S.I. 2004/1941), **art. 2(6)** (with art. 1(2))

Modifications etc. (not altering text)

- C3** S. 18(2) extended (6.4.2001) by S.I. 2001/967, **regs. 5**, 9(1)
- C4** S. 18(2) extended (1.10.2009) by The Companies (Disqualification Orders) Regulations 2009 (S.I. 2009/2471), **reg. 9(1)**
- C5** S. 18(2A) extended (1.10.2009) by The Companies (Disqualification Orders) Regulations 2009 (S.I. 2009/2471), **reg. 9(2)**
- C6** S. 18(3) extended (1.10.2009) by The Companies (Disqualification Orders) Regulations 2009 (S.I. 2009/2471), **reg. 9(3)**

19 Special savings from repealed enactments.

Schedule 2 to this Act has effect—

- (a) in connection with certain transitional cases arising under sections 93 and 94 of the ^{M1}Companies Act 1981, so as to limit the power to make a disqualification order, or to restrict the duration of an order, by reference to events occurring or things done before those sections came into force,
- (b) to preserve orders made under section 28 of the Companies Act 1976 (repealed by the Act of 1981), and
- (c) to preclude any applications for a disqualification order under section 6 or 8, where the relevant company went into liquidation before 28th April 1986.

Modifications etc. (not altering text)

- C7** Ss. 19(c), 20 extended (with modifications) by S.I. 1986/2142, **art. 6**
- C8** S. 19(c) applied (with modifications) by S.I. 1994/2421, art. 16, **Sch. 8** (as amended (E.W.) (8.12.2017) by The Insolvency (Miscellaneous Amendments) Regulations 2017 (S.I. 2017/1119), reg. 1(1), Sch. 2 paras. 4, 8)

Changes to legislation: There are currently no known outstanding effects for the Company Directors Disqualification Act 1986, Cross Heading: Supplementary provisions. (See end of Document for details)

Marginal Citations

M1 1981 c. 62.

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