



Company Directors Disqualification Act 1986

1986 CHAPTER 46

Disqualification for general misconduct in connection with companies

2 Disqualification on conviction of indictable offence.

- (1) The court may make a disqualification order against a person where he is convicted of an indictable offence (whether on indictment or summarily) in connection with the promotion, formation, management [^{F1}liquidation or striking off] of a company [^{F2}with the receivership of a company's property or with his being an administrative receiver of a company].

[^{F3}(1A) In subsection (1), "company" includes overseas company.]

- (2) "The court" for this purpose means—
- (a) any court having jurisdiction to wind up the company in relation to which the offence was committed, or
 - [^{F4}(aa) in relation to an overseas company not falling within paragraph (a), the High Court or, in Scotland, the Court of Session, or]
 - (b) the court by or before which the person is convicted of the offence, or
 - (c) in the case of a summary conviction in England and Wales, any other magistrates' court acting [^{F5}in the same local justice] area;

^{M1}and for the purposes of this section the definition of "indictable offence" in Schedule 1 to the Interpretation Act 1978 applies for Scotland as it does for England and Wales.

- (3) The maximum period of disqualification under this section is—
- (a) where the disqualification order is made by a court of summary jurisdiction, 5 years, and
 - (b) in any other case, 15 years.

Changes to legislation: There are currently no known outstanding effects for the Company Directors Disqualification Act 1986, Section 2. (See end of Document for details)

Textual Amendments

- F1** Words in s. 2(1) substituted (1.7.1995) by 1994 c. 40, s. 39, **Sch. 11 para. 6**; S.I. 1995/1433, **art. 3**
- F2** Words in s. 2(1) substituted (2.4.2001) by 2000 c. 39, s. 8, **Sch. 4 Pt. I para. 3**; S.I. 2001/766, **art. 2(1)(a)** (subject to transitional provisions in **art. 3**)
- F3** S. 2(1A) 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. 4(2)**; S.I. 2015/1329, reg. 3(c); S.I. 2015/1689, reg. 2(g)
- F4** S. 2(2)(aa) 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. 4(3)**; S.I. 2015/1329, reg. 3(c); S.I. 2015/1689, reg. 2(g)
- F5** Words in s. 2(2)(c) substituted (1.4.2005) by **Courts Act 2003 (c. 39)**, ss. 109(1), 110, **Sch. 8 para. 30(a)**; S.I. 2005/910, **art. 3(y)**

Modifications etc. (not altering text)

- C1** Ss. 1, 2 extended (with modifications) (1.7.1989) by S.I. 1989/638, **regs. 20, 21**

Marginal Citations

- M1** 1978 c. 30.

Changes to legislation:

There are currently no known outstanding effects for the Company Directors Disqualification Act 1986, Section 2.