



# Small Business, Enterprise and Employment Act 2015

## 2015 CHAPTER 26

### PART 9

#### DIRECTORS' DISQUALIFICATION ETC

##### *New grounds for disqualification*

#### **104 Convictions abroad**

(1) After section 5 of the Company Directors Disqualification Act 1986 insert—

##### **“5A Disqualification for certain convictions abroad**

- (1) If it appears to the Secretary of State that it is expedient in the public interest that a disqualification order under this section should be made against a person, the Secretary of State may apply to the court for such an order.
- (2) The court may, on an application under subsection (1), make a disqualification order against a person who has been convicted of a relevant foreign offence.
- (3) A “relevant foreign offence” is an offence committed outside Great Britain—
  - (a) in connection with—
    - (i) the promotion, formation, management, liquidation or striking off of a company (or any similar procedure),
    - (ii) the receivership of a company's property (or any similar procedure), or
    - (iii) a person being an administrative receiver of a company (or holding a similar position), and
  - (b) which corresponds to an indictable offence under the law of England and Wales or (as the case may be) an indictable offence under the law of Scotland.

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**Changes to legislation:** There are currently no known outstanding effects for the Small Business, Enterprise and Employment Act 2015, Section 104. (See end of Document for details)

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- (4) Where it appears to the Secretary of State that, in the case of a person who has offered to give a disqualification undertaking—
- (a) the person has been convicted of a relevant foreign offence, and
  - (b) it is expedient in the public interest that the Secretary of State should accept the undertaking (instead of applying, or proceeding with an application, for a disqualification order),
- the Secretary of State may accept the undertaking.
- (5) In this section—
- “company” includes an overseas company;
  - “the court” means the High Court or, in Scotland, the Court of Session.
- (6) The maximum period of disqualification under an order under this section is 15 years.”
- (2) Section 5A(2) and (4) of the Company Directors Disqualification Act 1986, as inserted by this section, applies in relation to a conviction of a relevant foreign offence which occurs on or after the day on which this section comes into force regardless of whether the act or omission which constituted the offence occurred before that day.

#### Commencement Information

- I1** S. 104 in force at 26.5.2015 for specified purposes by S.I. 2015/1329, reg. 3(c)
- I2** S. 104 in force at 1.10.2015 in so far as not already in force by S.I. 2015/1689, reg. 2(c) (with Sch. para. 3)

**Changes to legislation:**

There are currently no known outstanding effects for the Small Business, Enterprise and Employment Act 2015, Section 104.