



Small Business, Enterprise and Employment Act 2015

2015 CHAPTER 26

PART 9

DIRECTORS' DISQUALIFICATION ETC

Bankruptcy: Scotland and Northern Ireland

113 Disqualification as director: bankruptcy, etc in Scotland and Northern Ireland

(1) For subsections (1) and (2) of section 11 of the Company Directors Disqualification Act 1986 (undischarged bankrupts) substitute—

“(1) It is an offence for a person to act as director of a company or directly or indirectly to take part in or be concerned in the promotion, formation or management of a company, without the leave of the court, at a time when any of the circumstances mentioned in subsection (2) apply to the person.

(2) The circumstances are—

- (a) the person is an undischarged bankrupt—
 - (i) in England and Wales or Scotland, or
 - (ii) in Northern Ireland,
- (b) a bankruptcy restrictions order or undertaking is in force in respect of the person under—
 - (i) the Bankruptcy (Scotland) Act 1985 or the Insolvency Act 1986, or
 - (ii) the Insolvency (Northern Ireland) Order 1989,
- (c) a debt relief restrictions order or undertaking is in force in respect of the person under—
 - (i) the Insolvency Act 1986, or
 - (ii) the Insolvency (Northern Ireland) Order 1989,

Changes to legislation: There are currently no known outstanding effects for the Small Business, Enterprise and Employment Act 2015, Section 113. (See end of Document for details)

- (d) a moratorium period under a debt relief order applies in relation to the person under—
 - (i) the Insolvency Act 1986, or
 - (ii) the Insolvency (Northern Ireland) Order 1989.

(2A) In subsection (1) “the court” means—

- (a) for the purposes of subsection (2)(a)(i)—
 - (i) the court by which the person was adjudged bankrupt, or
 - (ii) in Scotland, the court by which sequestration of the person's estate was awarded or, if awarded other than by the court, the court which would have jurisdiction in respect of sequestration of the person's estate,
- (b) for the purposes of subsection (2)(b)(i)—
 - (i) the court which made the order,
 - (ii) in Scotland, if the order has been made other than by the court, the court to which the person may appeal against the order, or
 - (iii) the court to which the person may make an application for annulment of the undertaking,
- (c) for the purposes of subsection (2)(c)(i)—
 - (i) the court which made the order, or
 - (ii) the court to which the person may make an application for annulment of the undertaking,
- (d) for the purposes of subsection (2)(d)(i), the court to which the person would make an application under section 251M(1) of the Insolvency Act 1986 (if the person were dissatisfied as mentioned there),
- (e) for the purposes of paragraphs (a)(ii), (b)(ii), (c)(ii) and (d)(ii) of subsection (2), the High Court of Northern Ireland.”

(2) In section 24 of that Act (extent), for subsection (2) substitute—

“(2) Subsections (1) to (2A) of section 11 also extend to Northern Ireland.”

Commencement Information

II S. 113 in force at 1.10.2015 by S.I. 2015/1689, reg. 2(i) (with Sch. para. 11)

Changes to legislation:

There are currently no known outstanding effects for the Small Business, Enterprise and Employment Act 2015, Section 113.