



Rating (Coronavirus) and Directors Disqualification (Dissolved Companies) Act 2021

2021 CHAPTER 34

3 Unfit directors of dissolved companies: Northern Ireland

- (1) The Company Directors Disqualification (Northern Ireland) Order 2002 ([S.I. 2002/3150 \(N.I. 4\)](#)) is amended as follows.
- (2) In Article 9 (duty of High Court to disqualify unfit directors of insolvent companies)—
 - (a) in the heading, omit “of insolvent companies”;
 - (b) in paragraph (1)—
 - (i) omit “, it is satisfied”;
 - (ii) for sub-paragraphs (a) and (b) substitute—
 - “(a) the Court is satisfied—
 - (i) that the person is or has been a director of a company which has at any time become insolvent (whether while the person was a director or subsequently), or
 - (ii) that the person has been a director of a company which has at any time been dissolved without becoming insolvent (whether while the person was a director or subsequently), and
 - (b) the Court is satisfied that the person’s conduct as a director of that company (either taken alone or taken together with the person’s conduct as a director of one or more other companies or overseas companies) makes the person unfit to be concerned in the management of a company.”

- (3) In Article 10 (disqualification orders under Article 9: applications and acceptance of undertakings)—
- (a) in paragraph (2), for the words from “the day” to the end substitute “—
 - (a) in a case where the person is or has been a director of a company which has become insolvent, the day on which the company became insolvent, or
 - (b) in a case where the person has been a director of a company which has been dissolved without becoming insolvent, the day on which the company was dissolved.”;
 - (b) after paragraph (5) insert—

“(5A) The Department or the official receiver may require any person—

 - (a) to furnish the Department or, as the case may be, the official receiver with such information with respect to that person’s or another person’s conduct as a director of a company which has been dissolved without becoming insolvent (whether while the person was a director or subsequently), and
 - (b) to produce and permit inspection of such books, papers and other records as are considered by the Department or, as the case may be, the official receiver to be relevant to that person’s or another person’s conduct as such a director,

as the Department or the official receiver may reasonably require for the purpose of determining whether to exercise, or of exercising, any function under this Article.”
- (4) In Article 11A (order disqualifying person instructing unfit director of insolvent company), in the heading, omit “of insolvent company”.
- (5) In Article 11B (application for order under Article 11A)—
- (a) in paragraph (2), at the end insert “or was dissolved without becoming insolvent.”;
 - (b) for paragraph (3) substitute—

“(3) Paragraphs (5) and (5A) of Article 10 apply for the purposes of this Article as they apply for the purposes of that Article.”
- (6) In Article 11C (disqualification undertaking instead of an order under Article 11A), for paragraph (4) substitute—

“(4) Paragraphs (5) and (5A) of Article 10 apply for the purposes of this Article as they apply for the purposes of that Article.”
- (7) In Article 19A (compensation orders and undertakings), in paragraph (3)(b), after “company” insert “, or a company which has been dissolved without becoming insolvent,”.
- (8) In Article 24D (application of Order to building societies), after paragraph (3) insert—

“(3A) In relation to a building society, this Order applies as if—

 - (a) Articles 9(1)(a)(ii) and 10(2)(b) and (5A) were omitted;
 - (b) references in Articles 11B(2) and 19A(3)(b) to a company which has been dissolved without becoming insolvent were omitted.”

- (9) In Article 25 (application of Order to incorporated friendly societies), in paragraph (3A), for the words from “Articles” to the end substitute “—
- (a) Articles 9(1)(a)(ii), 10(2)(b) and (5A) and 11A to 11E were omitted;
 - (b) the reference in Article 19A(3)(b) to a company which has been dissolved without becoming insolvent were omitted.”
- (10) In Article 25A (application of Order to registered societies), in paragraph (2), for sub-paragraph (g) substitute—
- “(g) Articles 9(1)(a)(ii), 10(2)(b) and (5A) and 11A to 11E are to be omitted;
 - (h) the reference in Article 19A(3)(b) to a company which has been dissolved without becoming insolvent is to be omitted.”
- (11) In Article 25B (application of Order to credit unions), in paragraph (3), for sub-paragraph (c) substitute—
- “(c) Articles 9(1)(a)(ii), 10(2)(b) and (5A) and 11A to 11E were omitted;
 - (ca) the reference in Article 19A(3)(b) to a company which has been dissolved without becoming insolvent were omitted;”.
- (12) In Article 25C (application of Order to protected cell companies), in paragraph (4), before sub-paragraph (a) insert—
- “(za) Articles 9(1)(a)(ii) and 10(2)(b) and (5A) are to be omitted;
 - (zb) references in Articles 11B(2) and 19A(3)(b) to a company which has been dissolved without becoming insolvent are to be omitted;”.
- (13) The amendments made by this section have effect in relation to conduct of directors of companies occurring, and in relation to companies dissolved, at any time before, as well as after, the passing of this Act.