

STATUTORY INSTRUMENTS

1986 No. 2296 (S. 168)

SHERIFF COURT, SCOTLAND

Act of Sederunt (Company Directors Disqualification) 1986*Made* - - - - 19th December 1986*Coming into Operation* 29th December 1986

The Lords of Council and Session, under and by virtue of the powers conferred on them by section 32 of the Sheriff Courts (Scotland) Act 1971(a), and of all other powers enabling them in that behalf, do hereby enact and declare:—

Citation, commencement and interpretation

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Company Directors Disqualification) 1986 and shall come into operation on 29th December 1986.

(2) This Act of Sederunt shall be inserted in the Books of Sederunt.

(3) In this Act of Sederunt —

“disqualification order” shall have the meaning assigned to it by section 1(1) of the Company Directors Disqualification Act 1986(b).

Revocation

2. The Act of Sederunt (Disqualification of Directors etc.) 1986(c) is hereby revoked.

Applications for disqualification orders

3.—(1) An application to the sheriff for a disqualification order or for leave of the court under the Company Directors Disqualification Act 1986 shall be made by summary application.

(2) In an application under sub-paragraph (1) which proceeds as unopposed, evidence submitted by way of affidavit shall be admissible in place of parole evidence.

(3) For the purposes of this paragraph —

(a) “affidavit” includes affirmation and statutory declaration; and

(b) an affidavit shall be treated as admissible if it is duly emitted before a notary public or any other competent authority.

(a) 1971 c. 58; section 32 was amended by the Administration of Justice Act 1977 (c. 38), section 29(2).

(b) 1986 c. 46.

(c) S.I. 1986/692.

Orders to furnish information or for inspection

4.—(1) Subject to sub-paragraph (2), an application for an order of the court under rule 4(2) of the Insolvent Companies (Reports on Conduct of Directors) (No. 2) (Scotland) Rules 1986(a) (order to furnish information, etc.) shall be made by summary application.

(2) Where an application has been made under the Company Directors Disqualification Act 1986 for a disqualification order, an application under this paragraph may be made by minute in the proceedings in which the disqualification order is sought.

Emslie,
Lord President,
I.P.D.

Edinburgh.
19th December 1986.

EXPLANATORY NOTE

(This Note is not part of the Act of Sederunt.)

This Act of Sederunt provides for procedures in the sheriff court for applications made under the Company Directors Disqualification Act 1986 and the Insolvent Companies (Reports on Conduct of Directors) (No. 2) (Scotland) Rules 1986. It also revokes the Act of Sederunt (Disqualification of Directors etc.) 1986.