

SCHEDULE 1

AMENDMENTS COMING INTO FORCE ON 6TH APRIL 2008

PART 2

OTHER AMENDMENTS

Company Directors Disqualification (Northern Ireland) Order 2002 (S.I. 2002/3150 (N.I. 4))

226.—(1) The Company Directors Disqualification (Northern Ireland) Order 2002 is amended as follows.

(2) In Article 2 (interpretation)—

(a) in paragraph (2)—

(i) in the definition of “the companies legislation”, for “the Companies Orders (except Part V of the Criminal Justice Act 1993 (insider dealing))” substitute “ the Companies Acts ”;

(ii) omit the definition of “the Companies Orders”;

(iii) at the appropriate place insert—

““the Companies Acts” has the meaning given in section 2 of the Companies Act 2006; ”;

(b) in paragraph (4)—

(i) for “the Companies Orders” substitute “ the Companies Acts ”;

(ii) for “Article 2(3) of the Companies Order, but also including that Order itself” substitute “ section 1171 of the Companies Act 2006 ”;

(c) for paragraph (5) substitute—

“(5) Subject to the provisions of this Article, expressions that are defined for the purposes of the Companies Acts have the same meaning in this Order.”.

(3) In Article 6(3)(b) (disqualification for persistent breaches of companies legislation)—

(a) in sub-paragraph (i), for “Article 250(3) of the Companies Order”, substitute “ section 452 of the Companies Act 2006 ”;

(b) in sub-paragraph (ii), for “Article 253B of the Companies Order” substitute “ section 456 of the Companies Act 2006 ”.

(4) After Article 23 insert—

“Legal professional privilege

23A. In proceedings against a person for an offence under this Order nothing in this Order is to be taken to require any person to disclose any information that he is entitled to refuse to disclose on grounds of legal professional privilege.”.

(5) In Article 25(4) (application of Order to incorporated friendly societies), for “or the Companies Order” substitute “ , the Companies Order or the Companies Act 2006 ”.

(6) In Part 1 of Schedule 1 (matters for determining unfitness of directors)—

(a) in paragraph 4, for sub-paragraph (1), substitute—

“(1) The extent of the director's responsibility for any failure by the company to comply with any of the following provisions of the Companies Order, namely—

Changes to legislation: There are currently no known outstanding effects for the The Companies Act 2006 (Consequential Amendments etc) Order 2008, Paragraph 226. (See end of Document for details)

- (a) Article 296 (register of directors and secretaries);
- (b) Article 360 (obligation to keep up and enter register of members);
- (c) Article 361 (location of register of members);
- (d) Article 371 (duty of company to make annual returns); and
- (e) Articles 405 and 652D (duty of company to deliver particulars of charges on its property).

(1A) The extent of the director's responsibility for any failure by the company to comply with any of the following provisions of the Companies Act 2006, namely—

- (a) section 386 (companies to keep accounting records); and
- (b) section 388 (where and for how long records to be kept).”;

(b) in paragraph 4(2), for “(g)”, in both places where it occurs, substitute “(e) ”;

(c) for paragraph (5), substitute—

“5. The extent of the director's responsibility for any failure by the directors of the company to comply with the following provisions of the Companies Act 2006—

- (a) section 394 or 399 (duty to prepare annual accounts);
- (b) section 414 or 450 (approval and signature of abbreviated accounts); or
- (c) section 433 (name of signatory to be stated in published copy of accounts).”;

(d) in paragraph 6, after “the Companies Order” insert “ or the Companies Act 2006 ”;

(e) in paragraph 7, after “the Companies Order” insert “ or the Companies Act 2006 ”.

Changes to legislation:

There are currently no known outstanding effects for the The Companies Act 2006 (Consequential Amendments etc) Order 2008, Paragraph 226.