
STATUTORY INSTRUMENTS

2002 No. 3150

The Company Directors Disqualification (Northern Ireland) Order 2002

Other cases of disqualification

Participation in wrongful trading

14.—(1) Where the High Court makes a declaration under Article 177 or 178 of [^{F1}the Insolvency (Northern Ireland) Order 1989] that a person is liable to make a contribution to a company's assets, then, whether or not an application for such an order is made by any person, the Court may, if it thinks fit, also make a disqualification order against the person to whom the declaration relates.

(2) The maximum period of disqualification under this Article is 15 years.

F1 Words in art. 14(1) substituted (1.10.2009) by [Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 2(1), **Sch. 1 para. 209** (with art. 10)

Modifications etc. (not altering text)

C1 [Art. 14](#) applied by [S.I. 1989/638, reg. 20\(2\)](#) (as inserted (1.10.2009) by [European Economic Interest Grouping \(Amendment\) Regulations 2009 \(S.I. 2009/2399\)](#)), {reg. 21(4)} (with reg. 2))

Undischarged bankrupts

15.—[^{F2}(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 High Court, at a time when—

(a) he is an undischarged bankrupt, or

[^{F3}(aa) a moratorium period under a debt relief order applies in relation to him, or]

(b) a bankruptcy restrictions order [^{F4}or a debt relief restrictions order] is in force in respect of him.]

(2) The leave of the High Court shall not be given unless notice of intention to apply for it has been served on the official receiver and the official receiver shall, if he is of opinion that it is contrary to the public interest that the application should be granted, attend on the hearing of the application and oppose it.

[^{F5}(3) In this Article “company” includes a company incorporated outside Northern Ireland that has an established place of business in Northern Ireland.]

F2 [Art. 15\(1\)](#) substituted (27.3.2006) by [Insolvency \(Northern Ireland\) Order 2005 \(S.I. 2005/1455 \(N.I. 10\)\)](#), arts. 1(3), 13(3), **Sch. 6 para. 5**; [S.R. 2006/21](#), **art. 2** (subject to [S.R. 2006/22](#), arts. 2-7)

F3 [Art. 15\(1\)\(aa\)](#) inserted (30.6.2011) by [Debt Relief Act \(Northern Ireland\) 2010 \(c. 16\)](#), ss. 6, 7(1), **Sch. para. 6(a)**; [S.R. 2011/13](#), **art. 2**

Status: Point in time view as at 30/06/2011.

Changes to legislation: There are currently no known outstanding effects for the The Company Directors Disqualification (Northern Ireland) Order 2002, Other cases of disqualification. (See end of Document for details)

- F4** Words in art. 15(1)(b) inserted (30.6.2011) by Debt Relief Act (Northern Ireland) 2010 (c. 16), ss. 6, 7(1), **Sch. para. 6(b)**; S.R. 2011/13, **art. 2**
- F5** Art. 15(3) added (1.10.2009) by Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 2(1), **Sch. 1 para. 210** (with art. 10)

Modifications etc. (not altering text)

- C2** Art. 15 applied by S.I. 1989/638, **reg. 20(2)** (as inserted (1.10.2009) by European Economic Interest Grouping (Amendment) Regulations 2009 (S.I. 2009/2399)), {reg. 21(4)} (with reg. 2))

Failure to pay under administration order

16.—(1) The following has effect where an administration order under Part VI of the Judgments Enforcement (Northern Ireland) Order 1981 (NI 6) is revoked.

(2) A person to whom Article 86 of that Order of 1981 (default of debtor) applies by virtue of an order under paragraph (1) of that Article shall not, except with the leave of the High Court, act as director or liquidator of, or directly or indirectly take part in or be concerned in the promotion, formation or management of, a company.

Modifications etc. (not altering text)

- C3** Art. 16(2) applied by S.I. 1989/638, **reg. 20(2)** (as inserted (1.10.2009) by European Economic Interest Grouping (Amendment) Regulations 2009 (S.I. 2009/2399)), {reg. 21(4)} (with reg. 2))

Persons disqualified in Great Britain

17. A person subject to a disqualification order or a disqualification undertaking under the Company Directors Disqualification Act 1986 (c. 46)—

- (a) shall not be a director of a company, act as receiver of a company's property or in any way either directly or indirectly be concerned or take part in the promotion, formation or management of a company unless (in each case) he has leave of the High Court; and
- (b) shall not act as an insolvency practitioner.

Status:

Point in time view as at 30/06/2011.

Changes to legislation:

There are currently no known outstanding effects for the The Company Directors Disqualification (Northern Ireland) Order 2002, Other cases of disqualification.