

SCHEDULES

SCHEDULE 2

Section 14.

MATTERS FOR DETERMINING UNFITNESS OF DIRECTORS

PART I

MATTERS APPLICABLE IN ALL CASES

- 1 Any misfeasance or breach of any fiduciary or other duty by the director in relation to the company.
- 2 Any misapplication or retention by the director of, or any conduct by the director giving rise to an obligation to account for, any money or other property of the company.
- 3 The extent of the director's responsibility for the company entering into any transaction liable to be set aside under section 212 of this Act.
- 4 The extent of the director's responsibility for any failure by the company to comply with any of the following provisions of the 1985 Act, namely—
 - (a) section 221 (companies to keep accounting records) ;
 - (b) section 222 (where and for how long records to be kept);
 - (c) section 288 (register of directors and secretaries);
 - (d) section 352 (obligation to keep and enter up register of members) ;
 - (e) section 353 (location of register of members) ;
 - (f) sections 363 and 364 (company's duty to make annual return) ;
 - (g) section 365 (time for completion of annual return) ; and
 - (h) sections 399 and 415 (company's duty to register charges it creates).
- 5 The extent of the director's responsibility for any failure by the directors of the company to comply with section 227 (directors' duty to prepare annual accounts) or section 238 (signing of balance sheet and documents to be annexed) of the 1985 Act.

PART II

MATTERS APPLICABLE WHERE COMPANY HAS BECOME INSOLVENT

- 6 The extent of the director's responsibility for the causes of the company becoming insolvent.
- 7 The extent of the director's responsibility for any failure by the company to supply any goods or services which have been paid for (in whole or in part).
- 8 The extent of the director's responsibility for the company entering into any transaction or giving any preference, being a transaction or preference liable to

Status: This is the original version (as it was originally enacted).

be set aside under section 101 of this Act or section 522 of the 1985 Act or challengeable under section 615A or 615B of that Act or under any rule of law in Scotland.

- 9 The extent of the director's responsibility for any failure by the directors of the company to comply with section 85 of this Act.
- 10 Any failure by the director to comply with any obligation imposed on him by or under section 482 of the 1985 Act (company's statement of affairs) or section 39, 53, 66, 85, 98 or 99 of this Act.