



Company Directors Disqualification Act 1986

1986 CHAPTER 46

Other cases of disqualification

11 Undischarged bankrupts.

[^{F1}(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 court, at a time when any of the circumstances mentioned in subsection (2) apply to the person.

(2) The circumstances are—

- (a) the person is an undischarged bankrupt—
 - (i) in England and Wales or Scotland, or
 - (ii) in Northern Ireland,
- (b) a bankruptcy restrictions order or undertaking is in force in respect of the person under—
 - (i) the Bankruptcy (Scotland) Act 1985 [^{F2}or 2016] or the Insolvency Act 1986, or
 - (ii) the Insolvency (Northern Ireland) Order 1989,
- (c) a debt relief restrictions order or undertaking is in force in respect of the person under—
 - (i) the Insolvency Act 1986, or
 - (ii) the Insolvency (Northern Ireland) Order 1989,
- (d) a moratorium period under a debt relief order applies in relation to the person under—
 - (i) the Insolvency Act 1986, or
 - (ii) the Insolvency (Northern Ireland) Order 1989.

(2A) In subsection (1) “the court” means—

- (a) for the purposes of subsection (2)(a)(i)—

Changes to legislation: There are currently no known outstanding effects for the Company Directors Disqualification Act 1986, Section 11. (See end of Document for details)

- [^{F3}(i) the court by which the bankruptcy order was made or (if the order was not made by a court) the court to which a debtor may appeal against a refusal to make a bankruptcy order, or]
- (ii) in Scotland, the court by which sequestration of the person's estate was awarded or, if awarded other than by the court, the court which would have jurisdiction in respect of sequestration of the person's estate,
- (b) for the purposes of subsection (2)(b)(i)—
- (i) the court which made the order,
- (ii) in Scotland, if the order has been made other than by the court, the court to which the person may appeal against the order, or
- (iii) the court to which the person may make an application for annulment of the undertaking,
- (c) for the purposes of subsection (2)(c)(i)—
- (i) the court which made the order, or
- (ii) the court to which the person may make an application for annulment of the undertaking,
- (d) for the purposes of subsection (2)(d)(i), the court to which the person would make an application under section 251M(1) of the Insolvency Act 1986 (if the person were dissatisfied as mentioned there),
- (e) for the purposes of paragraphs (a)(ii), (b)(ii), (c)(ii) and (d)(ii) of subsection (2), the High Court of Northern Ireland.]
- (3) In England and Wales, the leave of the court shall not be given unless notice of intention to apply for it has been served on the official receiver; and it is the latter's duty, if he is of opinion that it is contrary to the public interest that the application should be granted, to attend on the hearing of the application and oppose it.
- [^{F4}(4) In this section "company" includes a company incorporated outside Great Britain that has an established place of business in Great Britain.]

Textual Amendments

- F1** S. 11(1)-(2A) substituted for s. 11(1)(2) (1.10.2015) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), **ss. 113(1)**, 164(1); S.I. 2015/1689, reg. 2(i) (with Sch. para. 11)
- F2** Words in s. 11(2)(b)(i) inserted (30.11.2016) by [The Bankruptcy \(Scotland\) Act 2016 \(Consequential Provisions and Modifications\) Order 2016 \(S.I. 2016/1034\)](#), art. 1, **Sch. 1 para. 5**
- F3** S. 11(2A)(a)(i) substituted (6.4.2016) by [The Enterprise and Regulatory Reform Act 2013 \(Consequential Amendments\) \(Bankruptcy\) and the Small Business, Enterprise and Employment Act 2015 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/481\)](#), reg. 1, **Sch. 1 para. 8**
- F4** S. 11(4) inserted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 2(1), **Sch. 1 para. 85(7)** (with art. 10)

Modifications etc. (not altering text)

- C1** Ss. 11, 12(2) extended (with modifications) (1.7.1989) by [S.I. 1989/638](#), **regs. 20, 21**

Changes to legislation:

There are currently no known outstanding effects for the Company Directors Disqualification Act 1986, Section 11.