



Company Directors Disqualification Act 1986

1986 CHAPTER 46

Disqualification for unfitness

8 [F¹Disqualification of director on finding of unfitness.]

[F²(1) If it appears to the Secretary of State ^{F3}... that it is expedient in the public interest that a disqualification order should be made against a person who is, or has been, a director or shadow director of a company, he may apply to the court for such an order.

^{F4}(1A)]

(2) The court may make a disqualification order against a person where, on an application under this section, it is satisfied that his conduct in relation to the company [F⁵(either taken alone or taken together with his conduct as a director or shadow director of one or more other companies or overseas companies)] makes him unfit to be concerned in the management of a company.

[F⁶(2A) Where it appears to the Secretary of State ^{F7}... that, in the case of a person who has offered to give him a disqualification undertaking—

- (a) the conduct of the person in relation to a company of which the person is or has been a director or shadow director [F⁸(either taken alone or taken together with his conduct as a director or shadow director of one or more other companies or overseas companies)] makes him unfit to be concerned in the management of a company, and
- (b) it is expedient in the public interest that he should accept the undertaking (instead of applying, or proceeding with an application, for a disqualification order),

he may accept the undertaking.]

[F⁹(2B) Subsection (1A) of section 6 applies for the purposes of this section as it applies for the purposes of that section.]

(3) In this section “the court” means the High Court or, in Scotland, the Court of Session.

Changes to legislation: There are currently no known outstanding effects for the Company Directors Disqualification Act 1986, Section 8. (See end of Document for details)

(4) The maximum period of disqualification under this section is 15 years.

Textual Amendments

- F1** S. 8 heading substituted (26.5.2015 for specified purposes, 1.10.2015 in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), **ss. 109(2)**, 164(1); S.I. 2015/1329, reg. 3(c); S.I. 2015/1689, reg. 2(e)
- F2** S. 8(1)(1A) substituted (1.12.2001) for s. 8(1) by S.I. 2001/3649, **arts. 1**, 39
- F3** Words in s. 8(1) omitted (26.5.2015 for specified purposes, 1.10.2015 in so far as not already in force) by virtue of [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), **ss. 109(1)(a)**, 164(1); S.I. 2015/1329, reg. 3(c); S.I. 2015/1689, reg. 2(e)
- F4** S. 8(1A) omitted (26.5.2015 for specified purposes, 1.10.2015 in so far as not already in force) by virtue of [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), **ss. 109(1)(b)**, 164(1); S.I. 2015/1329, reg. 3(c); S.I. 2015/1689, reg. 2(e)
- F5** Words in s. 8(2) inserted (26.5.2015 for specified purposes, 1.10.2015 in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), **ss. 106(3)(a)**, 164(1); S.I. 2015/1329, reg. 3(c); S.I. 2015/1689, reg. 2(d) (with Sch. para. 2)
- F6** S. 8(2A) inserted (2.4.2001) by 2000 c. 39, s. 6(4); S.I. 2001/766, **art. 2(1)(a)** (subject to transitional provisions in [art. 3](#))
- F7** Words in s. 8(2A) omitted (26.5.2015 for specified purposes, 1.10.2015 in so far as not already in force) by virtue of [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), **ss. 109(1)(c)**, 164(1); S.I. 2015/1329, reg. 3(c); S.I. 2015/1689, reg. 2(e)
- F8** Words in s. 8(2A)(a) inserted (26.5.2015 for specified purposes, 1.10.2015 in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), **ss. 106(3)(b)**, 164(1); S.I. 2015/1329, reg. 3(c); S.I. 2015/1689, reg. 2(d) (with Sch. para. 2)
- F9** S. 8(2B) inserted (26.5.2015 for specified purposes, 1.10.2015 in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), **ss. 106(3)(c)**, 164(1); S.I. 2015/1329, reg. 3(c); S.I. 2015/1689, reg. 2(d) (with Sch. para. 2)

Modifications etc. (not altering text)

- C1** S. 8 extended (with modifications) by S.I. 1986/2142, **art. 6**
- C2** S. 8 extended (with modifications) (1.7.1989) by S.I. 1989/638, **regs. 20**, 21
- C3** S. 8 applied (with modifications) (1.12.1994) by S.I. 1994/2421, **art. 16**, **Sch. 8** (as amended (1.12.2001) by S.I. 2001/3649, **arts. 1**, 470)
- C4** Ss. 6-10 applied (with modifications) by S.I. 1994/2421, **art. 16**, **Sch. 8** (as amended (E.W.) (8.12.2017) by [The Insolvency \(Miscellaneous Amendments\) Regulations 2017 \(S.I. 2017/1119\)](#), reg. 1(1), **Sch. 2 paras. 4**, **8**)

Changes to legislation:

There are currently no known outstanding effects for the Company Directors Disqualification Act 1986, Section 8.