

SCHEDULES

SCHEDULE 4

MINOR AND CONSEQUENTIAL AMENDMENTS ABOUT DISQUALIFICATION OF COMPANY DIRECTORS ETC.

Commencement Information

II Sch. 4 wholly in force at 2.4.2001, see s. 16(1) and S.I. 2001/766, art. 2(1)(a) (subject to art. 3)

PART I

AMENDMENTS OF THE COMPANY DIRECTORS DISQUALIFICATION ACT 1986

- 5 (1) In section 6 (disqualification of unfit directors)—
- (a) for subsection (3) there is substituted—
- “(3) In this section and section 7(2), “the court” means—
- (a) where the company in question is being or has been wound up by the court, that court,
- (b) where the company in question is being or has been wound up voluntarily, any court which has or (as the case may be) had jurisdiction to wind it up,
- (c) where neither of the preceding paragraphs applies but an administration order has at any time been made, or an administrative receiver has at any time been appointed, in relation to the company in question, any court which has jurisdiction to wind it up.
- (3A) Sections 117 and 120 of the ^{M1}Insolvency Act 1986 (jurisdiction) shall apply for the purposes of subsection (3) as if the references in the definitions of “registered office” to the presentation of the petition for winding up were references—
- (a) in a case within paragraph (b) of that subsection, to the passing of the resolution for voluntary winding up,
- (b) in a case within paragraph (c) of that subsection, to the making of the administration order or (as the case may be) the appointment of the administrative receiver.
- (3B) Nothing in subsection (3) invalidates any proceedings by reason of their being taken in the wrong court; and proceedings—
- (a) for or in connection with a disqualification order under this section, or
- (b) in connection with a disqualification undertaking accepted under section 7,

Changes to legislation: *There are currently no known outstanding effects
for the Insolvency Act 2000, Paragraph 5. (See end of Document for details)*

may be retained in the court in which the proceedings were commenced, although it may not be the court in which they ought to have been commenced.

(3C) In this section and section 7, “director” includes a shadow director”.

Marginal Citations

M1 1986 c. 45.

Changes to legislation:

There are currently no known outstanding effects for the Insolvency Act 2000, Paragraph 5.