#### STATUTORY INSTRUMENTS

### 2002 No. 3150 (N.I. 4)

# The Company Directors Disqualification (Northern Ireland) Order 2002

- - - 17th December 2002

### THE COMPANY DIRECTORS DISQUALIFICATION (NORTHERN IRELAND) ORDER 2002

#### Introductory

- 1. Title and commencement
- 2. Interpretation
- 3. Disqualification orders: general
- 4. Disqualification undertakings: general

#### Disqualification for general misconduct in connection with companies

- 5. Disqualification on conviction of offence punishable only on indictment or either on conviction on indictment or on summary conviction
- 6. Disqualification for persistent default under companies legislation
- 7. Disqualification for fraud, etc., in winding up
- 8. Disqualification on summary conviction of offence
- 8A Disqualification for certain convictions abroad

#### Disqualification for unfitness

- 9. Duty of High Court to disqualify unfit directors ...
- 10. Disqualification orders under Article 9: applications and acceptance of undertakings
- 10A Office-holder's report on conduct of directors
- 11. Disqualification of director on finding of unfitness

#### Persons instructing unfit directors

- 11A Order disqualifying person instructing unfit director ...
- 11B Application for order under Article 11A
- 11C Disqualification undertaking instead of an order under Article 11A

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Company Directors Disqualification (Northern Ireland) Order 2002. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- 11D Order disqualifying person instructing unfit director: other cases
- 11E Disqualification undertaking instead of an order under Article 11D

#### Further provision about disqualification undertakings

- 12. Variation etc. of disqualification undertaking
- 13. Matters for determining unfitness of directors

#### Disqualification for competition infringements

- 13A Competition disqualification order
- 13B Competition undertakings
- 13C Competition investigations
- 13D Co-ordination
- 13E Interpretation

#### Other cases of disqualification

- 14. Participation in wrongful trading
- 15. Undischarged bankrupts
- 15A Designated persons under sanctions legislation
- 16. Failure to pay under administration order
- 17. Persons disqualified in Great Britain
- 17A Determining unfitness etc.: matters to be taken into account

#### Consequences of contravention

- 18. Offences
- 19. Personal liability for company's debts where person acts while disqualified

#### Compensation orders and undertakings

- 19A Compensation orders and undertakings
- 19B Amounts payable under compensation orders and undertakings
- 19C Variation and revocation of compensation undertakings

#### Supplementary provisions

- 20. Application for disqualification order
- 21. Application for leave under an order or undertaking
- 22. Register of disqualification orders and undertakings

#### Miscellaneous and general

- 23. Admissibility in evidence of statements
- 23A Legal professional privilege
- 24. Interaction with the Insolvency (Northern Ireland) Order 1989
- 24A Bank insolvency
- 24B Bank administration
- 24C Building society insolvency and special administration

Document Generated: 2024-05-20

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Company Directors Disqualification (Northern Ireland) Order 2002. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- 24D Application of Order to building societies
- 24E Application of Order to open-ended investment companies
- 25. Application of Order to incorporated friendly societies
- 25A Application of Order to registered societies
- 25B Application of Order to credit unions
- 25C Application of Order to protected cell companies
- 25D Power to amend application of Order in relation to relevant entities
- 26. Transitional provisions, savings, amendments and repeals

## SCHEDULES SCHEDULE 1 — DETERMINING UNFITNESS ETC: MATTERS TO BE TAKEN INTO ACCOUNT

#### Matters to be taken into account in all cases

- 1. The extent to which the person was responsible for the causes of any material contravention...
- 2. Where applicable, the extent to which the person was responsible for the causes of a...
- 3. The frequency of conduct of the person which falls within paragraph 1 or 2.
- 4. The nature and extent of any loss or harm caused, or any potential loss or...

#### Additional matters to be taken into account where the person is or has been a director

- 5. Any misfeasance or breach of any fiduciary duty by the director in relation to a
- 6. Any material breach of any legislative or other obligation of the director which applies as...
- 7. The frequency of conduct of the director which falls within paragraph 5 or 6.

#### Interpretation

- 8. Paragraphs (1A) to (2A) of Article 9 apply for the purposes of this Schedule as...
- 9. In this Schedule "director" includes a shadow director.

#### SCHEDULE 2 — TRANSITIONAL PROVISIONS AND SAVINGS

- 1. In this Schedule, "the commencement date" for the purposes of any provision of this Schedule,...
- 2. Where any period of time specified in any provision repealed by Article 26(3) and Schedule...
- 3. The provision of this Schedule shall have effect without prejudice to sections 28 and 29...
  - Schedule 3—Amendments
  - Schedule 4—Repeals

#### **Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Company Directors Disqualification (Northern Ireland) Order 2002. Any changes that have already been made by the team appear in the content and are referenced with annotations. View outstanding changes

#### Changes and effects yet to be applied to:

- Sch. 3 para. 3-5 revoked by S.I. 2008/2860 Sch. 1 (This amendment not applied to legislation.gov.uk. The text to be amended is not available on legislation.gov.uk)
- art. 11 applied (with modifications) by 2024 c. 3 Sch. 13 para. 5(2)
- art. 17 heading words substituted by 2024 c. 3 Sch. 13 para. 3