
STATUTORY INSTRUMENTS

2002 No. 3150

**The Company Directors Disqualification
(Northern Ireland) Order 2002**

Disqualification for unfitness

[^{F1}Disqualification orders under Article 9: applications and acceptance of undertakings]

10.—(1) If it appears to the Department that it is expedient in the public interest that a disqualification order under Article 9 should be made against any person, an application for the making of such an order against that person may be made—

- (a) by the Department, or
- (b) if the Department so directs in the case of a person who is or has been a director of a company which is being, or has been, wound up by the High Court, by the official receiver.

(2) Except with the leave of the High Court, an application for the making under Article 9 of a disqualification order against any person shall not be made after the expiration of [^{F2}3 years] from [^{F3}—

- (a) in a case where the person is or has been a director of a company which has become insolvent, the day on which the company became insolvent, or
- (b) in a case where the person has been a director of a company which has been dissolved without becoming insolvent, the day on which the company was dissolved.]

(3) If it appears to the Department that the conditions mentioned in Article 9(1) are satisfied as respects any person who has offered to give the Department a disqualification undertaking, the Department may accept the undertaking if it appears to the Department that it is expedient in the public interest that the Department should do so (instead of applying, or proceeding with an application, for a disqualification order).

^{F4}(4)

(5) The Department or the official receiver may require the liquidator, administrator or administrative receiver of a company, or the former liquidator, administrator or administrative receiver of a company—

- (a) to furnish the Department or, as the case may be, the official receiver with such information with respect to any person's conduct as a director of the company, and
- (b) to produce and permit inspection of such books, papers and other records relevant to that person's conduct as such a director,

as the Department or the official receiver may reasonably require for the purpose of determining whether to exercise, or of exercising, any function under this Article.

[^{F5}(5A) The Department or the official receiver may require any person—

- (a) to furnish the Department or, as the case may be, the official receiver with such information with respect to that person's or another person's conduct as a director of a company which has been dissolved without becoming insolvent (whether while the person was a director or subsequently), and

- (b) to produce and permit inspection of such books, papers and other records as are considered by the Department or, as the case may be, the official receiver to be relevant to that person's or another person's conduct as such a director,

as the Department or the official receiver may reasonably require for the purpose of determining whether to exercise, or of exercising, any function under this Article.]

[^{F6}(6) Paragraphs (1A) and (2) of Article 9 apply for the purposes of this Article as they apply for the purposes of that Article.]

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| F1 | Art. 10 heading substituted (6.4.2016) by Small Business, Enterprise and Employment Act 2015 (c. 26), s. 164(1), Sch. 8 para. 5(4) ; S.I. 2016/321, reg. 3(c) (with Sch. paras. 3, 4) |
| F2 | Words in art. 10(2) substituted (1.10.2015) by Small Business, Enterprise and Employment Act 2015 (c. 26), s. 164(1), Sch. 8 para. 4(1) (with Sch. 8 para. 4(2)); S.I. 2015/1689, reg. 2(h) |
| F3 | Art. 10(2)(a)(b) substituted for words (15.12.2021 for specified purposes, 15.2.2022 in so far as not already in force) by Rating (Coronavirus) and Directors Disqualification (Dissolved Companies) Act 2021 (c. 34), ss. 3(3)(a) , 4(4)(c)(5) (with s. 3(13)) |
| F4 | Art. 10(4) omitted (6.4.2016) by virtue of Small Business, Enterprise and Employment Act 2015 (c. 26), s. 164(1), Sch. 8 para. 5(3) ; S.I. 2016/321, reg. 3(c) (with Sch. paras. 3, 4) |
| F5 | Art. 10(5A) inserted (15.12.2021 for specified purposes, 15.2.2022 in so far as not already in force) by Rating (Coronavirus) and Directors Disqualification (Dissolved Companies) Act 2021 (c. 34), ss. 3(3)(b) , 4(4)(c)(5) (with s. 3(13)) |
| F6 | Art. 10(6) inserted (1.10.2015) by Small Business, Enterprise and Employment Act 2015 (c. 26), s. 164(1), Sch. 8 para. 9(9) ; S.I. 2015/1689, reg. 2(h) |

Modifications etc. (not altering text)

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| C1 | Art. 10 applied by S.I. 1989/638, reg. 20(2) (as inserted (1.10.2009) by European Economic Interest Grouping (Amendment) Regulations 2009 (S.I. 2009/2399)), {reg. 21(4)} (with reg. 2) |
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Changes to legislation:

There are currently no known outstanding effects for the The Company Directors Disqualification (Northern Ireland) Order 2002, Section 10.