

STATUTORY INSTRUMENTS

2002 No. 3150

The Company Directors Disqualification (Northern Ireland) Order 2002

[^{F1}Disqualification for competition infringements

[^{F1}Competition undertakings

13B.—(1) This Article applies if—

- (a) the [^{F2}CMA] or a specified regulator thinks that in relation to any person an undertaking which is a company of which he is a director has committed or is committing a breach of competition law,
- (b) the [^{F2}CMA] or the specified regulator thinks that the conduct of the person as a director makes him unfit to be concerned in the management of a company, and
- (c) the person offers to give the [^{F2}CMA] or the specified regulator (as the case may be) a disqualification undertaking.

(2) The [^{F2}CMA] or the specified regulator (as the case may be) may accept a disqualification undertaking from the person instead of applying for or proceeding with an application for a disqualification order.

(3) A disqualification undertaking is an undertaking by a person that for the period specified in the undertaking he will not—

- (a) be a director of a company;
- (b) act as receiver of a company's property;
- (c) in any way, whether directly or indirectly, be concerned or take part in the promotion, formation or management of a company;
- (d) act as an insolvency practitioner.

(4) But a disqualification undertaking may provide that a prohibition falling within paragraph (3) (a) to (c) does not apply if the person obtains the leave of the High Court.

(5) The maximum period which may be specified in a disqualification undertaking is 15 years.

(6) If a disqualification undertaking is accepted from a person who is already subject to a disqualification undertaking under this Order or to a disqualification order the periods specified in those undertakings or the undertaking and the order (as the case may be) run concurrently.

(7) Paragraphs (4) to (8) of Article 13A apply for the purposes of this Article as they apply for the purposes of that Article but in the application of paragraph (5) of that Article the reference to the High Court shall be construed as a reference to the [^{F3}CMA] or a specified regulator (as the case may be).]

F1 2005 NI 9

F2 Word in art. 13B(1)(2) substituted (1.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), art. 1(1), [Sch. 1 para. 227](#) (with art. 3)

Changes to legislation: There are currently no known outstanding effects for the *The Company Directors Disqualification (Northern Ireland) Order 2002, Section 13B.* (See end of Document for details)

F3 Word in art. 13B(7) substituted (1.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), art. 1(1), [Sch. 1 para. 227](#) (with art. 3)

Changes to legislation:

There are currently no known outstanding effects for the The Company Directors Disqualification (Northern Ireland) Order 2002, Section 13B.