
STATUTORY INSTRUMENTS

2002 No. 3150

The Company Directors Disqualification (Northern Ireland) Order 2002

Disqualification for general misconduct in connection with companies

Disqualification on conviction of offence punishable only on indictment or either on conviction on indictment or on summary conviction

5.—(1) The court may make a disqualification order against a person where he is convicted of an offence punishable only on conviction on indictment or either on conviction on indictment or on summary conviction (whether on indictment or on summary conviction) in connection with the promotion, formation, management, liquidation or striking off of a company, with the receivership of a company's property or with his being an administrative receiver of a company.

[^{F1}(1A) In paragraph (1), “company” includes overseas company.]

(2) “The court” for this purpose means—

- (a) the High Court, or
- (b) the court by or before which the person is convicted of the offence, or
- (c) in the case of a summary conviction, any other court of summary jurisdiction^{F2}....

(3) The maximum period of disqualification under this Article is—

- (a) where the disqualification order is made by a court of summary jurisdiction, 5 years, and
- (b) in any other case, 15 years.

F1 Art. 5(1A) inserted (1.10.2015) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), s. 164(1), [Sch. 8 para. 9\(5\)](#); S.I. 2015/1689, reg. 2(h)

F2 Words in art. 5(2)(c) repealed (31.10.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\)](#), s. 106(2), [Sch. 1 para. 120\(1\)](#), [Sch. 9 Pt. 1](#) (with [Sch. 8 para. 1](#)); S.R. 2016/387, art. 2(k)(m) (with art. 3)

Modifications etc. (not altering text)

C1 Art. 5 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))

Disqualification for persistent default under companies legislation

6.—(1) The High Court may make a disqualification order against a person where it appears to it that he has been persistently in default in relation to [^{F3}relevant provisions of the companies legislation (see paragraph [\(3ZA\)](#))] .

(2) On an application to the High Court for an order to be made under this Article, the fact that a person has been persistently in default in relation to [^{F4}relevant provisions of the companies legislation] may (without prejudice to its proof in any other manner) be conclusively proved by showing that in the 5 years ending with the date of the application he has been adjudged guilty (whether or not on the same occasion) of 3 or more defaults in relation to those provisions.

(3) A person is to be treated under paragraph (2) as being adjudged guilty of a default in relation to any such provision if—

- (a) he is convicted (whether on indictment or on summary conviction) of an offence consisting in a contravention of that provision (whether on his own part or on the part of any company), or
- [^{F5}(aa) a financial penalty is imposed on the person by the registrar in respect of such an offence by virtue of regulations under—
 - (i) section 1132A of the Companies Act 2006, or
 - (ii) section 39 of the Economic Crime (Transparency and Enforcement) Act 2022,]
- (b) a default order is made against him, that is to say an order under any of the following provisions—
 - (i) [^{F6}section 452 of the Companies Act 2006] (order requiring delivery of company accounts),
 - (ii) [^{F7}section 456 of the Companies Act 2006] (order requiring preparation of revised accounts),
 - [^{F8}(iii) section 1113 of the Companies Act 2006 (enforcement of company's filing obligations),]
 - (iv) Article 51 of [^{F9}the Insolvency (Northern Ireland) Order 1989] (enforcement of receiver's or manager's duty to make returns), or
 - (v) Article 144 of [^{F10}that Order] (corresponding provision for liquidator in winding up),
 in respect of any such contravention of that provision (whether on his own part or on the part of any company).

[^{F11}(3ZA) In this Article “relevant provisions of the companies legislation” means—

- (a) any provision of the companies legislation requiring any return, account or other document to be filed with, delivered or sent, or notice of any matter to be given, to the registrar,
- (b) sections 167M and 167N of the Companies Act 2006 (prohibitions on acting as director where identity not verified or where there has been a failure to notify a directorship), and
- (c) sections 790LQ and 790LR of the Companies Act 2006 (persons with significant control: ongoing duties in relation to identity verification).]

[^{F12}(3A) In this Article “the companies legislation” means—

- (a) the Companies Acts,
- (b) Parts 1A to 7 of the Insolvency (Northern Ireland) Order 1989 (company insolvency and winding up), and
- (c) Part 1 of the Economic Crime (Transparency and Enforcement) Act 2022 (registration of overseas entities).]

[^{F13}(3B) In this Article “company” includes overseas company.]

(4) The maximum period of disqualification under this Article is 5 years.

F3 Words in art. 6(1) substituted (26.10.2023 for specified purposes) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\), ss. 32\(2\)\(a\), 219\(1\)\(2\)\(b\)](#)

F4 Words in art. 6(2) substituted (26.10.2023 for specified purposes) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\), ss. 32\(2\)\(b\), 219\(1\)\(2\)\(b\)](#)

F5 Art. 6(3)(aa) inserted (26.10.2023 for specified purposes) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\), ss. 32\(2\)\(c\), 219\(1\)\(2\)\(b\)](#)

Changes to legislation: There are currently no known outstanding effects for the The Company Directors Disqualification (Northern Ireland) Order 2002, Disqualification for general misconduct in connection with companies. (See end of Document for details)

- F6** Words in art. 6(3)(b)(i) substituted (6.4.2008) by Companies Act 2006 (Consequential Amendments etc) Order 2008 (S.I. 2008/948), arts. 2(2), 3(1)(b), **Sch. 1 para. 226(3)(a)** (with arts. 6, 11, 12)
- F7** Words in art. 6(3)(b)(ii) substituted (6.4.2008) by Companies Act 2006 (Consequential Amendments etc) Order 2008 (S.I. 2008/948), arts. 2(2), 3(1)(b), **Sch. 1 para. 226(3)(b)** (with arts. 6, 11, 12)
- F8** Art. 6(3)(b)(iii) substituted (1.10.2009) by Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 2(1), **Sch. 1 para. 205(2)(a)** (with art. 10)
- F9** Words in art. 6(3)(b)(iv) substituted (1.10.2009) by Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 2(1), **Sch. 1 para. 205(2)(b)** (with art. 10)
- F10** Words in art. 6(3)(b)(v) substituted (1.10.2009) by Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 2(1), **Sch. 1 para. 205(2)(c)** (with art. 10)
- F11** Art. 6(3ZA) inserted (26.10.2023 for specified purposes) by Economic Crime and Corporate Transparency Act 2023 (c. 56), **ss. 32(2)(d)**, 219(1)(2)(b)
- F12** Art. 6(3A) substituted (26.10.2023 for specified purposes) by Economic Crime and Corporate Transparency Act 2023 (c. 56), **ss. 32(2)(e)**, 219(1)(2)(b)
- F13** Art. 6(3B) inserted (1.10.2015) by Small Business, Enterprise and Employment Act 2015 (c. 26), s. 164(1), **Sch. 8 para. 9(6)**; S.I. 2015/1689, reg. 2(h)

Disqualification for fraud, etc., in winding up

7.—(1) The High Court may make a disqualification order against a person if, in the course of the winding up of a company, it appears that he—

- (a) has been guilty of an offence for which he is liable (whether he has been convicted or not) under [F14 section 993 of the Companies Act 2006] (fraudulent trading), or
 - (b) has otherwise been guilty, while an officer or liquidator of the company or receiver of the company's property or administrative receiver of the company, of any fraud in relation to the company or of any breach of his duty as such officer, liquidator, receiver or administrative receiver.
- (2) In this Article “officer” includes a shadow director.
- (3) The maximum period of disqualification under this Article is 15 years.

- F14** Words in art. 7(1)(a) substituted (1.10.2007) by Companies Act 2006 (Commencement No. 3, Consequential Amendments, Transitional Provisions and Savings) Order 2007 (S.I. 2007/2194), arts. 1(3)(a), 10(1), **Sch. 4 para. 99** (with saving in art. 12)

Modifications etc. (not altering text)

- C2** Art. 7 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))

Disqualification on summary conviction of offence

8.—(1) An offence counting for the purposes of this Article is one of which a person is convicted (either on indictment or on summary conviction) in consequence of a contravention of any [F15 of the relevant provisions of the companies legislation] (whether the contravention is on the person's own part or on the part of any company).

(2) Where a person is convicted by a court of summary jurisdiction of an offence mentioned in paragraph (1), the court by which he is convicted, or any other court of summary jurisdiction^{F16}...

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may make a disqualification order against him if the circumstances specified in paragraph (3) are present.

[^{F17}(3) Those circumstances are that, during the 5 years ending with the date of the conviction, there have been no fewer than 3 relevant findings of guilt in relation to the person.

(3A) For these purposes, there is a relevant finding of guilt in relation to the person if —

- (a) the person is convicted of an offence counting for the purposes of this Article (including the offence of which the person is convicted as mentioned in paragraph (2) and any other offence of which the person is convicted on the same occasion),
- (b) a financial penalty of the kind mentioned in Article 6(3)(aa) is imposed on the person, or
- (c) a default order within the meaning of Article 6(3)(b) is made against the person.]

[^{F18}(4)]

[^{F19}(4A) In this Article “relevant provisions of the companies legislation” has the meaning given by Article 6(3ZA).]

[^{F20}(4B) In this Article “company” includes overseas company.]

(5) The maximum period of disqualification under this Article is 5 years.

- F15** Words in art. 8(1) substituted (26.10.2023 for specified purposes) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\), ss. 34\(2\), 219\(1\)\(2\)\(b\)](#)
- F16** Words in art. 8(2) repealed (31.10.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\), s. 106\(2\), Sch. 1 para. 120\(2\), Sch. 9 Pt. 1](#) (with [Sch. 8 para. 1](#)); [S.R. 2016/387, art. 2\(k\)\(m\)](#) (with art. 3)
- F17** [Art. 8\(3\)\(3A\)](#) substituted for [art. 8\(3\)](#) (26.10.2023 for specified purposes) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\), ss. 34\(3\), 219\(1\)\(2\)\(b\)](#)
- F18** [Art. 8\(4\)](#) omitted (26.10.2023 for specified purposes) by virtue of [Economic Crime and Corporate Transparency Act 2023 \(c. 56\), ss. 34\(4\), 219\(1\)\(2\)\(b\)](#)
- F19** [Art. 8\(4A\)](#) substituted (26.10.2023 for specified purposes) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\), ss. 34\(5\), 219\(1\)\(2\)\(b\)](#)
- F20** [Art. 8\(4B\)](#) inserted (1.10.2015) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\), s. 164\(1\), Sch. 8 para. 9\(7\)](#); [S.I. 2015/1689, reg. 2\(h\)](#)

Modifications etc. (not altering text)

- C3** Art. 8 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))

[^{F21}Disqualification for certain convictions abroad

8A.—(1) If it appears to the Department that it is expedient in the public interest that a disqualification order under this Article should be made against a person, the Department may apply to the High Court for such an order.

(2) The High Court may, on an application under paragraph (1), make a disqualification order against a person who has been convicted of a relevant foreign offence.

(3) A “relevant foreign offence” is an offence committed outside Northern Ireland—

- (a) in connection with—
 - (i) the promotion, formation, management, liquidation or striking off of a company (or any similar procedure),
 - (ii) the receivership of a company's property (or any similar procedure), or

- (iii) a person being an administrative receiver of a company (or holding a similar position), and
 - (b) which corresponds to an indictable offence under the law of Northern Ireland.
- (4) Where it appears to the Department that, in the case of a person who has offered to give a disqualification undertaking—
- (a) the person has been convicted of a relevant foreign offence, and
 - (b) it is expedient in the public interest that the Department should accept the undertaking (instead of applying, or proceeding with an application, for a disqualification order),
- the Department may accept the undertaking.
- (5) In this Article, “company” includes an overseas company.
 - (6) The maximum period of disqualification under an order under this Article is 15 years.]

F21 Art. 8A inserted (1.10.2015) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), s. 164(1), **Sch. 8 para. 2(1)** (with [Sch. 8 para. 2\(2\)](#)); S.I. 2015/1689, reg. 2(h) (with [Sch. para. 8](#))

Changes to legislation:

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