



# Company Directors Disqualification Act 1986

## CHAPTER 46

### COMPANY DIRECTORS DISQUALIFICATION ACT 1986

#### *Preliminary*

- 1 Disqualification orders: general.
- 1A Disqualification undertakings: general.

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

- 2 Disqualification on conviction of indictable offence.
- 3 Disqualification for persistent breaches of companies legislation.
- 4 Disqualification for fraud, etc., in winding up.
- 5 Disqualification on summary conviction.
- 5A Disqualification for certain convictions abroad

#### *Disqualification for unfitness*

- 6 Duty of court to disqualify unfit directors ....
- 7 Disqualification orders under section 6: applications and acceptance of undertakings
- 7A Office-holder's report on conduct of directors
- 8 Disqualification of director on finding of unfitness.

#### *Persons instructing unfit directors*

- 8ZA Order disqualifying person instructing unfit director of insolvent company
- 8ZB Application for order under section 8ZA
- 8ZC Disqualification undertaking instead of an order under section 8ZA

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- 8ZD Order disqualifying person instructing unfit director: other cases
- 8ZE Disqualification undertaking instead of an order under section 8ZD

*Further provision about disqualification undertakings*

- 8A Variation etc. of disqualification undertaking.
- 9 Matters for determining unfitness of directors.

*Disqualification for competition infringements*

- 9A Competition disqualification order
- 9B Competition undertakings
- 9C Competition investigations
- 9D Co-ordination
- 9E Interpretation

*Other cases of disqualification*

- 10 Participation in wrongful trading.
- 11 Undischarged bankrupts.
- 11A Designated persons under sanctions legislation
- 12 Failure to pay under county court administration order.
- 12A Northern Irish disqualification orders.
- 12B Northern Irish disqualification undertakings
- 12C Determining unfitness etc: matters to be taken into account

*Consequences of contravention*

- 13 Criminal penalties.
- 14 Offences by body corporate.
- 15 Personal liability for company's debts where person acts while disqualified.

*Compensation orders and undertakings*

- 15A Compensation orders and undertakings
- 15B Amounts payable under compensation orders and undertakings
- 15C Variation and revocation of compensation undertakings

*Supplementary provisions*

- 16 Application for disqualification order.
- 17 Application for leave under an order or undertaking.
- 18 Register of disqualification orders and undertakings.
- 19 Special savings from repealed enactments.

*Miscellaneous and general*

- 20 Admissibility in evidence of statements.
- 20A Legal professional privilege
- 21 Interaction with Insolvency Act 1986 .
- 21A Bank insolvency
- 21B Bank administration
- 21C Building society insolvency and special administration
- 22 Interpretation.
- 22A Application of Act to building societies.

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- 22B Application of Act to incorporated friendly societies.
- 22C Application of Act to NHS foundation trusts
- 22D Application of Act to open-ended investment companies
- 22E Application of Act to registered societies
- 22F Application of Act to charitable incorporated organisations
- 22G Application of Act to further education bodies
- 22H Application of Act to protected cell companies
- 22I Power to amend application of Act in relation to relevant entities
- 23 Transitional provisions, savings, repeals.
- 24 Extent.
- 25 Commencement.
- 26 Citation.

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## 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...
- 2 Where applicable, the extent to which the person was responsible...
- 3 The frequency of conduct of the person which falls within...
- 4 The nature and extent of any loss or harm caused,...

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

- 5 Any misfeasance or breach of any fiduciary duty by the...
- 6 Any material breach of any legislative or other obligation of...
- 7 The frequency of conduct of the director which falls within...

#### *Interpretation*

- 8 Subsections (1A) to (2A) of section 6 apply for the...
- 9 In this Schedule “director” includes a shadow director...

### SCHEDULE 2 — Savings from Companies Act 1981 ss. 93, 94, and Insolvency Act 1985 Schedule 9

- 1 Sections 2 and 4(1)(b) do not apply in relation to...
- 2 Subject to paragraph 1— (a) section 2 applies in a...
- 3 Subject to paragraph 1, section 4 applies in relation to...
- 4 The powers of a court under section 5 are not...
- 5 For purposes of section 3(1) and section 5, no account...
- 6 An order made under section 28 of the Companies Act...
- 7 Where— (a) an application is made for a disqualification order...
- 8 An application shall not be made under section 8 of...

### SCHEDULE 3 — Transitional Provisions and Savings

- 1 In this Schedule, “the former enactments” means so much of...
- 2 So far as anything done or treated as done under...
- 3 Where any period of time specified in a provision of...
- 4 Where in any provision of this Act there is a...
- 5 Offences committed before the appointed day under any provision of...

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- 6 A reference in any enactment, instrument or document (whether express...

#### SCHEDULE 4 — Repeals

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

- s. 12 applied by 1986 c. 45 s. 429(2) (as substituted) by [2007 c. 15 Sch. 16 para. 3\(2\)](#)
- s. 12 title substituted by [2007 c. 15 Sch. 16 para. 5\(2\)](#)
- s. 12(1) repealed by [2007 c. 15 Sch. 16 para. 5\(3\)](#)[Sch. 23 Pt. 5](#)
- s. 12(2) words substituted by [2007 c. 15 Sch. 16 para. 5\(4\)](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act amendment to earlier affecting provision S.I. 2021/716, reg. 5 by [S.I. 2023/1399 reg. 4](#)