

SCHEDULES

SCHEDULE 7

Section 111

SECTIONS 104 TO 110: CONSEQUENTIAL AND RELATED AMENDMENTS

PART 1

COMPANY DIRECTORS DISQUALIFICATION ACT 1986

- 1 The Company Directors Disqualification Act 1986 is amended as follows.
- 2 In section 1 (disqualification orders: general) in subsection (2), for “section 6” substitute “sections 6 and 8ZA”.
- 3 (1) Section 1A (disqualification undertakings: general) is amended as follows.
 - (2) In subsection (1), for “7 and 8” substitute “5A, 7, 8, 8ZC and 8ZE”.
 - (3) In subsection (2), after “7” insert “or 8ZC”.
- 4 (1) Section 2 (disqualification on conviction of indictable offence) is amended as follows.
 - (2) After subsection (1) insert—

“(1A) In subsection (1), “company” includes overseas company.”
 - (3) In subsection (2), after paragraph (a) insert—

“(aa) in relation to an overseas company not falling within paragraph (a), the High Court or, in Scotland, the Court of Session, or”.
- 5 (1) Section 3 (disqualification for persistent breaches of companies legislation) is amended as follows.
 - (2) After subsection (3) insert—

“(3A) In this section “company” includes overseas company.”
 - (3) In subsection (4)—
 - (a) after “means” insert “—
(a)”,
and
 - (b) after “committed” insert “, or
(b) in relation to an overseas company not falling within paragraph (a), the High Court or, in Scotland, the Court of Session.”
- 6 In section 5 (disqualification on summary conviction), after subsection (4A) insert—

“(4B) In this section “company” includes overseas company.”

- 7 In section 6 (duty of court to disqualify unfit directors of insolvent companies), in subsection (2), omit “and the next”.
- 8 In section 7 (disqualifications under section 6: applications and undertakings), after subsection (4) insert—
- “(5) Subsections (1A) and (2) of section 6 apply for the purposes of this section as they apply for the purposes of that section.”
- 9 Before section 8A insert—
- “Further provision about disqualification undertakings”*
- 10 In section 8A (variation etc of disqualification undertaking), in subsection (3)—
- (a) before paragraph (a) insert—
- “(za) in the case of an undertaking given under section 8ZC has the same meaning as in section 8ZA;
- (zb) in the case of an undertaking given under section 8ZE means the High Court or, in Scotland, the Court of Session;”, and
- (b) in paragraph (b), after “section” insert “5A(5),”.
- 11 In section 10 (participation in wrongful trading), after subsection (2) insert—
- “(3) In this section “company” includes overseas company.”
- 12 (1) Section 16 (application for disqualification order) is amended as follows.
- (2) In subsection (1), omit “by the court having jurisdiction to wind up a company”.
- (3) In subsection (2)—
- (a) for “with jurisdiction to wind up companies” substitute “, other than a court mentioned in section 2(2)(b) or (c),”, and
- (b) after “any company” insert “or overseas company”.
- 13 (1) Section 17 (application for leave under an order or undertaking) is amended as follows.
- (2) In subsection (3), after “under section” insert “5A,”.
- (3) After subsection (3) insert—
- “(3ZA) Where a person is subject to a disqualification undertaking accepted at any time under section 8ZC, any application for leave for the purposes of section 1A(1)(a) must be made to any court to which, if the Secretary of State had applied for a disqualification order under section 8ZA at that time, that application could have been made.
- (3ZB) Where a person is subject to a disqualification undertaking accepted at any time under section 8ZE, any application for leave for the purposes of section 1A(1)(a) must be made to the High Court or, in Scotland, the Court of Session.”
- 14 In section 18 (register of disqualification orders and undertakings), in subsection (2A)(a), for “7 or 8” substitute “5A, 7, 8, 8ZC or 8ZE”.
- 15 In section 20 (admissibility in evidence of statements), in subsection (1), for “6 to 10, 15” substitute “5A, 6 to 10, 12C, 15 to 15C”.

Status: This is the original version (as it was originally enacted).

- 16 In section 21 (interaction with Insolvency Act 1986), in each of subsections (2) and (3), for “6 to 10, 13, 14, 15” substitute “5A, 6 to 10, 12C to 15C”.
- 17 In section 22 (interpretation), after subsection (2) insert—
- “(2A) An “overseas company” is a company incorporated or formed outside Great Britain.”
- 18 In section 22A (application of Act to building societies), omit subsection (4).
- 19 In section 22B (application of Act to incorporated friendly societies)—
- (a) after subsection (3) insert—
- “(3A) In relation to an incorporated friendly society, this Act applies as if sections 8ZA to 8ZE were omitted.”, and
- (b) omit subsection (4).
- 20 In section 22C (application of Act to NHS foundation trusts) omit subsection (3).
- 21 Omit section 22D (application of Act to open-ended investment companies).
- 22 (1) Section 22E (application of Act to registered societies) is amended as follows.
- (2) In subsection (4)—
- (a) omit paragraph (c), and
- (b) after paragraph (e) insert—
- “(f) sections 8ZA to 8ZE are to be disregarded.”
- (3) Omit subsection (5).
- 23 In section 22F (application of Act to charitable incorporated organisations) omit subsection (4).

PART 2

OTHER ENACTMENTS

Companies (Audit, Investigations and Community Enterprises) Act 2004

- 24 Omit paragraph 28 of Schedule 2 to the Companies (Audit, Investigations and Community Enterprises) Act 2004.

Companies Act 2006

- 25 Omit section 1039 of the Companies Act 2006 (disqualification orders consequential amendments).