

2001 No. 967

COMPANIES

The Companies (Disqualification Orders) Regulations 2001

Made - - - - - 13th March 2001

Laid before Parliament 14th March 2001

Coming into force - - 6th April 2001

The Secretary of State, in exercise of the powers conferred on him by section 18 of the Company Directors Disqualification Act 1986(a) hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Companies (Disqualification Orders) Regulations 2001 and shall come into force on 6th April 2001.

Definitions

2. In these Regulations:

“the Act” means the Company Directors Disqualification Act 1986;

“disqualification order” means an order of the court under any of sections 2 to 6, 8, and 10 of the Act;

“disqualification undertaking” means an undertaking accepted by the Secretary of State under section 7 or 8 of the Act;

“grant of leave” means a grant by the court of leave under section 17 of the Act to any person in relation to a disqualification order or a disqualification undertaking.

Revocation

3. The Companies (Disqualification Orders) Regulations 1986(b) are hereby revoked.

Transitional provisions

4. Other than regulation 9, these regulations apply in relation to:

(a) a disqualification order made after the coming into force of these Regulations; and

(b) (i) a grant of leave made after the coming into force of these Regulations; or

(ii) any action taken by a court after the coming into force of these Regulations in consequence of which a disqualification order or a disqualification undertaking is varied or ceases to be in force,

whether the disqualification order or disqualification undertaking to which, as the case may be, the grant of leave or the action relates was made by the court or accepted by the Secretary of State before or after the coming into force of these Regulations.

(a) 1986 c. 46, as amended by sections 5, 6 and 7 and schedule 4 to the Insolvency Act 2000 (c. 39) and regulation 4 of and part II of schedule 2 to the Limited Liability Partnerships Regulations 2001 (S.I. 2001/1090), and.

(b) S.I. 1986/2067, as amended by the Companies (Disqualification Orders) (Amendment) Regulations 1995 (S.I. 1995/1509).

5. Regulation 9 applies to particulars of orders made and leave granted under Part II of the Companies (Northern Ireland) Order 1989(a) received by the Secretary of State after the coming into force of these Regulations other than particulars of orders made and leave granted under that Order which relate to disqualification orders made by the courts of Northern Ireland before 2 April 2001.

Particulars to be furnished by officers of the court

6.—(1) The following officers of the court shall furnish to the Secretary of State the particulars specified in Regulation 7(a) to (c) below in the form and manner there specified:

- (a) where a disqualification order is made by the Crown Court, the Court Manager;
- (b) where a disqualification order or grant of leave is made by the High Court, the Court Manager;
- (c) where a disqualification order or grant of leave is made by a County Court, the Court Manager;
- (d) where a disqualification order is made by a Magistrates' Court, the Chief Executive to the Justices;
- (e) where a disqualification order is made by the High Court of Justiciary, the Deputy Principal Clerk of Justiciary;
- (f) where a disqualification order or grant of leave is made by a Sheriff Court, the Sheriff Clerk;
- (g) where a disqualification order or grant of leave is made by the Court of Session, the Deputy Principal Clerk of Session;
- (h) where a disqualification order or grant of leave is made by the Court of Appeal, the Court Manager; and
- (i) where a disqualification order or grant of leave is made by the House of Lords, the Judicial Clerk.

(2) Where a disqualification order has been made by any of the courts mentioned in paragraph (1) above or a disqualification undertaking has been accepted by the Secretary of State, and subsequently any action is taken by a court in consequence of which, as the case may be, that order or that undertaking is varied or ceases to be in force, the officer specified in paragraph (1) above of the court which takes such action shall furnish to the Secretary of State the particulars specified in Regulation 7(d) below in the form and manner there specified.

7. The form in which the particulars are to be furnished is:

- (a) that set out in Schedule 1 to these Regulations with such variations as circumstances require when the person against whom the disqualification order is made is an individual, and the particulars contained therein are the particulars specified for that purpose;
- (b) that set out in Schedule 2 to these Regulations with such variations as circumstances require when the person against whom the disqualification order is made is a body corporate, and the particulars contained therein are the particulars specified for that purpose;
- (c) that set out in Schedule 3 to these Regulations with such variations as circumstances require when a grant of leave is made by the court, and the particulars contained therein are the particulars specified for that purpose;
- (d) that set out in Schedule 4 to these Regulations with such variations as circumstances require when any action is taken by a court in consequence of which a disqualification order or a disqualification undertaking is varied or ceases to be in force, and the particulars contained therein are the particulars specified for that purpose.

8. The time within which the officer specified in regulation 6(1) is to furnish the Secretary of State with the said particulars shall be a period of fourteen days beginning with the day on which the disqualification order or grant of leave is made, or any action is taken by a court in consequence of which the disqualification order or disqualification undertaking is varied or ceases to be in force, as the case may be.

(a) S.I. 1989/2404 (N.I. 18).

Extension of certain of the provisions of section 18 of the Act to orders made and leave granted in Northern Ireland

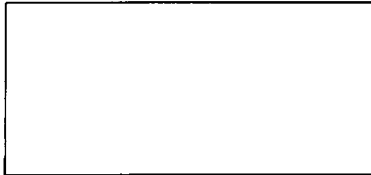
9.—(1) Section 18(2) of the Act is hereby extended to the particulars furnished to the Secretary of State of orders made and leave granted under Part II of the Companies (Northern Ireland) Order 1989.

(2) Section 18(3) of the Act is hereby extended to all entries in the register and particulars relating to them furnished to the Secretary of State in respect of orders made under Part II of the Companies (Northern Ireland) Order 1989.

13th March 2001

Kim Howells,
Parliamentary Under-Secretary of State
for Consumers and Corporate Affairs,
Department of Trade and Industry

DO1



Disqualification order against an individual

To be completed in typescript or bold black capitals by a member of the court staff who should then sign it.

Particulars required by the Companies (Disqualification Orders) Regulations 2001:

CHFP000

Section of the Company Directors Disqualification Act 1986 under which the order was made

S2	S3	S4	S5	S6	S8	S10
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please tick the appropriate box

Name of the individual against whom the order was made

Style / Title

Forename(s)

Surname

• "Surname" in the case of a peer or person usually known by a title different from his surname means that title

Day Month Year

Date of birth

Usual residential address

Post town

County / Region

Postcode

Country

Nationality

Day Month Year

Date on which the order was made

Disqualification start date *

Day Month Year

Period of disqualification specified in the order

Company(ies) or Limited Liability Partnership(s) (LLP) named (if any) in relation to conduct leading to disqualification

Case number

Signed

Date

Name / Position

Court

Companies House receipt date barcode

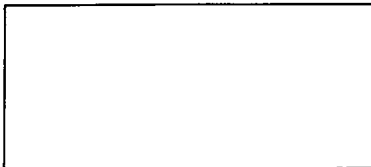
This form has been provided free of charge by Companies House.

* Unless the Court orders otherwise this will be 21 days from the date of the order.

When you have completed the form please send it to

The Secretary of State, The Subpoena Clerk,
Companies House, Crown Way, Cardiff, CF14 3UZ DX 33050 Cardiff

DO2



To be completed in typescript or bold black capitals by a member of the court staff who should then sign it.

Disqualification order against a body corporate

Particulars required by the Companies (Disqualification Orders) Regulations 2001:

Section of the Company Directors Disqualification Act 1986 under which the order was made:

S2	S3	S4	S5	S6	S8	S10
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please tick the appropriate box

Particulars of the body corporate against whom the order was made

Corporate Name

Registered Number (if any) Country of Registration

Address of registered or principal office in Great Britain of the body corporate at the date of the order

Post town

County / Region Postcode

Country

Date on which the order was made

Day	Month	Year	Disqual- ification start date *	Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Period of disqualification specified in the order

Company(ies) or Limited Liability Partnership(s) (LLP) named (if any) in relation to conduct leading to disqualification

Case number

Signed Date

Name / Position Court

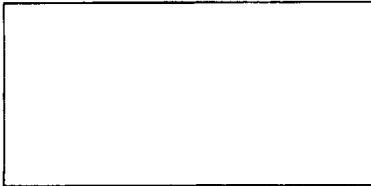
* Unless the Court orders otherwise this will be 21 days from the date of the order.

Companies House receipt date barcode

When you have completed the form please send it to

The Secretary of State, The Subpoena Clerk,
Companies House, Crown Way, Cardiff, CF14 3UZ DX 33050 Cardiff

DO3



Grant of leave in relation to a disqualification order or disqualification undertaking

To be completed in typescript or bold black capitals by a member of the court staff who should then sign it.

Particulars required by the Companies (Disqualification Orders) Regulations 2001:

Date of disqualification order/ acceptance by the Secretary of State of undertaking in relation to which leave was granted

Day Month Year

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Variation or cessation of: (Please tick appropriate box)

disqualification undertaking disqualification order

Name of the Court which made the disqualification order to which leave was granted

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Name of person to whom leave was granted if an individual, Style / Title

	Forename(s)	
--	-------------	--

Surname

--

if a body corporate, Corporate Name

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Registered Number (if any)

	Country of Registration	
--	-------------------------	--

If the name in which the disqualification order was made was different from that above, the name in which that order was made

if an individual, Style / Title

	Forename(s)	
--	-------------	--

Surname

--

if a body corporate, Corporate Name

--

Registered Number (if any)

--

Name of the company or limited liability partnership in respect of which leave was granted, or in the case of leave to promote or form a company or limited liability partnership, the proposed name of the company or limited liability partnership where it is available, or if not, a brief description of the activities of the company or limited liability partnership.

Date on which leave was granted

Day Month Year

--	--	--	--	--	--

Expiry date of leave* Day Month Year

--	--	--	--	--	--

Please tick the appropriate box(es) to indicate the activity for which leave was granted

Promotion Formation Directorship or other participation in management of a company
Designated Member/Member or other participation in management if an LLP Receivership in relation to a company or limited liability partnership

Signed

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Date

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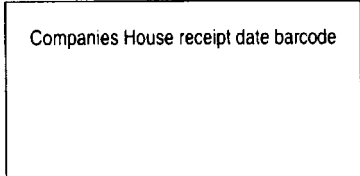
Name / Position

--

Court

--

Companies House receipt date barcode



*Unless the Court orders otherwise the period of disqualification begins 21 days from the date of the original order.

When you have completed the form please send it to

The Secretary of State, The Subpoena Clerk, Companies House, Crown Way, Cardiff, CF14 3UZ DX 33050 Cardiff

DO4



Variation or cessation of a disqualification order or disqualification undertaking

To be completed in typescript or bold black capitals by a member of the court staff who should then sign it.

Particulars required by the Companies (Disqualification Orders) Regulations 2001

Date on which disqualification order was originally made by the court or disqualification undertaking was accepted by the Secretary of State, as the case may be.

Day	Month	Year

Variation or cessation of:
(Please tick appropriate box)

Name of person subject to disqualification order or disqualification undertaking

disqualification undertaking disqualification order

if an individual,

Style / Title

Forename(s)

● "Surname" in the case of a peer or person usually known by a title different from his surname means that title

Surname ●

if a body corporate,

Corporate Name

Registered Number (if any)

Country of Registration

Name of court by which action was taken whereby the above order / undertaking was varied or ceased to be in force

Date of Action taken by the Court

Day	Month	Year

Case Number

Result of such action
Please tick appropriate box

(a) Order or undertaking ceased to be in force

(b) Order or undertaking varied

If (b), please state (I) period of disqualification now specified in the order or undertaking

(II) Start date of period of disqualification *

Day	Month	Year

Signed

Date

Name / Position

Court

Companies House receipt date barcode

April 2001

* Unless the Court orders otherwise this will be 21 days from the date of the original order

When you have completed the form please send it to

The Secretary of State, The Subpoena Clerk,
Companies House, Crown Way, Cardiff, CF14 3UZ

DX 33050 Cardiff

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Companies (Disqualification Orders) Regulations 1986 (S.I. 1986/2067) (“the 1986 Regulations”) and take into account certain amendments made to the Company Directors Disqualification Act 1986 (c. 46) (“the CDDA”) by the Insolvency Act 2000 (c. 39) and regulations made under the Limited Liability Partnerships Act 2000 (c. 12). They come into force on 6 April 2001, and apply to any disqualification order made after that date, and to any grant of leave or action taken by a court after that date in consequence of which a disqualification order or undertaking (whenever made or accepted, as the case may be) is varied or ceases to have effect.

The CDDA gives specified courts power to make a disqualification order against, and, as amended by the Insolvency Act 2000, gives the Secretary of State power to accept an underaking from, any person that he shall not, without the leave of the court, be a director of a company, act as a receiver of a company’s property or in any way take part in the promotion, formation or management of a company; and shall not act as an insolvency practitioner.

The Limited Liability Partnerships Regulations 2001 (S.I. 2001/1090) (“the LLP Regulations”) apply the provisions of the CDDA to limited liability partnerships, so that a person subject to a disqualification order or undertaking may not act as a member of a limited liability partnership without the leave of the court. The LLP Regulations also allow disqualification orders to be made against, and undertakings to be accepted from, limited liability partnerships, and make it possible to disqualify for conduct as a member or, and in relation to them.

The Regulations require certain court officers to provide the Secretary of State with particulars of disqualification orders and grants of leave in relation to such orders or disqualification undertakings; and of any action taken by a court in consequence of which any such orders or undertakings are varied or cease to be in force. They also specify the form, and time within, which they must be given.

Besides specifying a new set of forms, the Regulations differ from the 1986 Regulations in four significant ways. Firstly they provide at regulation 6(1)(d) that where a Magistrates’ Court makes a disqualification order, it is the Chief Executive to the Justices who should furnish the Secretary of State with particulars, rather than the Clerk to the Justices, as provided in regulation 4(1)(d) of the 1986 Regulations. This change is necessary in light of the transfer of the administrative functions of justices’ clerks to justices’ chief executives in line with section 90 of, and Schedule 13 to, the Access to Justice Act 1999 (c. 22).

Secondly, regulation 6(1)(a) to (c) name the official responsible for furnishing the Secretary of State with particulars as the Court Manager, rather than the Chief Clerk of the relevant court, as previously provided. This reflects a change in title of the responsible official rather than a transfer of functions.

Thirdly, the 1986 Regulations provided in regulation 4(2) that where a disqualification order was made by a particular court, and subsequently action was taken by a court as a consequence of which the order was varied or ceased to be in force, then irrespective of which court took that action, the court which made the original order would notify the Secretary of State of it. Regulation 6(2) of the Regulations provides that it is the court whose action causes the order (or, as the case may be, undertaking) to be varied or cease to be in force which must notify the Secretary of State. As a consequence, provision has been made at regulation 6(1) to specify who, in the appellate courts, should furnish such notification.

Finally, the Regulations include new provisions in regulation 9 which place obligations on the Secretary of State regarding the retention and disposal of information furnished to him relating to orders made in Northern Ireland (including variations to and cessations of such orders), as well as leave granted in Northern Ireland. This is necessary because from 2 April 2001, such orders have the same effect in Great Britain as if made under the CDDA.

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