STATUTORY INSTRUMENTS

# 1977 No. 775

# COMPANIES

## The Companies (Disqualification Orders) Order 1977

*Made* - - - - *2nd May* 1977

*Coming into Operation* *1st June* 1977

The Secretary of State, in exercise of the powers conferred by section 455(1) of the Companies Act 1948**(a)**, and now vested in him, and section 29(1) of the Companies Act 1976**(b)**, and of all other powers enabling him in that behalf, hereby makes the following Order:—

**1.**—(1) This Order may be cited as the Companies (Disqualification Orders) Order 1977 and shall come into operation on 1st June 1977.

(2) The Interpretation Act 1889**(c)** shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

(3) In this Order

"the Act" means the Companies Act 1976;

"disqualification order" means an order of the court made on or after 1st June 1977 under section 188 of the Companies Act 1948, section 9 of the Insolvency Act 1976**(d)** or section 28 of the Act.

**2.** The following officers of the court shall be the officers prescribed for the purposes of section 29(1) of the Act:—

(*a*) where a disqualification order is made against a person by the Crown Court, the Chief Clerk;

(*b*) where a disqualification order is made against a person, or leave in relation to a disqualification order is granted to a person, by the High Court, the Chief Clerk, the Head Clerk or the Principal Clerk, as the case may be;

(*c*) where a disqualification order is made against a person, or leave in relation to a disqualification order is granted to a person, by a county court, the Chief Clerk;

(*d*) where a disqualification order is made against a person by the High Court of Justiciary, the Deputy Principal Clerk of Justiciary;

(*e*) where a disqualification order is made against a person, or leave in relation to a disqualification order is granted to a person, by a Sheriff Court, the Sheriff Clerk; and

**(a)** 1948 c. 38.
**(b)** 1976 c. 69.
**(c)** 1889 c. 63.
**(d)** 1976 c. 60.

(*f*) where a disqualification order is made against a person, or leave in relation to a disqualification order is granted to a person, by the Court of Session, the Deputy Principal Clerk of Session.

**3.**—(1) The form set out in Schedule 1 to this Order with such variations as circumstances require is the form prescribed for the purposes of section 29(1) of the Act when the person against whom the disqualification order is made is an individual and the particulars contained therein are the particulars prescribed for that purpose.

(2) The form set out in Schedule 2 to this Order with such variations as circumstances require is the form prescribed for the purpose of section 29(1) of the Act when the person against whom the disqualification order is made is a corporation and the particulars contained therein are the particulars prescribed for that purpose.

(3) The form set out in Schedule 3 to this Order with such variations as circumstances require is the form prescribed for the purpose of section 29(1) of the Act when the court grants leave to any person in relation to a disqualification order and the particulars contained therein are the particulars prescribed for that purpose.

**4.** The time within which a prescribed officer is to furnish the Secretary of State with the prescribed particulars under section 29(1) of the Act shall be a period of fourteen days beginning with the day on which the disqualification order is made or leave is granted, as the case may be.

*Derek Eagers,*
An Under-Secretary,
Department of Trade.

2nd May 1977.

*Article* 3(1)

Form D.O.1

SCHEDULE 1

THE COMPANIES ACTS 1948 TO 1976

PARTICULARS OF A DISQUALIFICATION ORDER
PURSUANT TO SECTION 29(1) OF THE COMPANIES ACT 1976

I, being of the
Court, hereby furnish the Secretary of State with the following particulars c
a disqualification order made against an individual:

(1) Statutory provision under which the order was made:

(2) Name of person, being an individual, against whom the order was made

| Mr., Mrs., Miss, or other designation | Surname* | Other names |
|---|---|---|
| | | |

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

(3) Usual residential address of the person at the date of the order:

(4) Date of birth of the person (if known):

| Day | Month | Year |
|---|---|---|
| | | |

(5) Date on which the order was made:

| Day | Month | Year |
|---|---|---|
| | | |

(6) Period of disqualification specified in the order:

Signed..... Date.....

Note: The form should be sent to the Secretary of State, Companies Regis tion Office, Companies House, Crown Way, Maindy, Cardiff, CF4 3UZ.

SCHEDULE 2 *Article* 3(2)

Form D.O.2

THE COMPANIES ACTS 1948 TO 1976

PARTICULARS OF A DISQUALIFICATION ORDER PURSUANT TO SECTION 29(1) OF THE COMPANIES ACT 1976

I, being of the Court, hereby furnish the Secretary of State with the following particulars of a disqualification order made against a body corporate:

(1) Statutory provision under which the order was made:

(2) Corporate name of person against whom the order was made:

(3) The registered or principal office of the body corporate at the date of the order:

(4) Date on which the order was made:

| Date | Month | Year |
|---|---|---|
| | | |

(5) Period of disqualification specified in the order:

Signed..... Date.....

Note: The form should be sent to the Secretary of State, Companies Registration Office, Companies House, Crown Way, Maindy, Cardiff CF4 3UZ.

SCHEDULE 3 *Article* 3(3)

Form D.O.3

THE COMPANIES ACTS 1948 TO 1976

PARTICULARS OF THE GRANT OF LEAVE IN RELATION TO A DISQUALIFICATION ORDER PURSUANT TO SECTION 29(1) OF THE COMPANIES ACT 1976

I, being of the Court, hereby furnish the Secretary of State with the following particulars of the grant of leave in relation to a disqualification order:

(1) Date of disqualification order in relation to which leave was granted:

| Date | Month | Year |
|---|---|---|
| | | |

(2) Name of person to whom leave was granted:

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

| If an individual: Mr., Mrs., Miss, or other designation | Surname* | Other names |
|---|---|---|
| | | |

If a body corporate, the corporate name:

(3) If the name in which the disqualification order was made was differe from that given at (2) above, the name in which that order was made:-

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

| If an individual: Mr., Mrs., Miss, or other designation | Surname* | Other names |
|---|---|---|
| | | |

If a body corporate, the corporate name:

(4) Name of court by which leave was granted:

(5) Name(s) of company or companies in respect of which leave was grante

(6) Date on which leave was granted:

| Date | Month | Year |
|---|---|---|
| | | |

Signed..... Date.....

Note: The form should be sent to the Secretary of State, Companies Registr tion Office, Companies House, Crown Way, Maindy, Cardiff CF4 3UZ.

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order prescribes the court officers who are required to provide the Secretary of State with particulars of disqualification orders, and the granting of leave in relation to such orders, under section 29 of the Companies Act 1976. It also prescribes the particulars which have to be provided and the form and time in which they must be given.

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