

Provisions relating to particular grounds for disqualification

843. (1) In relation to section 842 (f), the fact that a person has been persistently in default in relation to the relevant requirements 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, the person has been found guilty (whether or not on the same occasion) of 3 or more defaults in relation to those requirements.

(2) For the purposes of subsection (1), a person shall be treated as having been found guilty of a default in relation to a relevant requirement if he or she is convicted of any offence consisting of a contravention of a relevant requirement or a default order is made against him or her.

(3) The court shall not make a disqualification order under section 842 (h) if the person concerned shows that—

(a) the company in question had no liabilities (whether actual, contingent or prospective) when it was struck off the register, or

(b) in a case where the company did have such liabilities when it was struck off the register, those liabilities were discharged before the date of the making of the application for the disqualification order.

(4) The court may make a disqualification order under section 842 (i) notwithstanding that under section 840 (2) or 841 (2) the person concerned is deemed for the purposes of this Act to be subject to a disqualification order.

(5) A disqualification order under section 842 (i) shall express the period of disqualification to begin on the expiry of the disqualification period determined in accordance with section 840 (3)(b) or 841 (3)(b) or such shorter disqualification period following the grant of an application for relief under section 847.