

CHAPTER 6 Enforcement in relation to disqualification and restriction

Offence of contravening disqualification order or restriction

855. (1) A person shall be guilty of a category 2 offence who acts, in relation to any company, in a manner or a capacity which he or she is prohibited from doing by virtue of being a person—

(a) who is subject to a disqualification order, or

(b) who is subject to a declaration of restriction under section 819.

(2) A person convicted of an offence under subsection (1) shall be deemed to be subject to a disqualification order from the date of the conviction unless he or she is already subject to a disqualification order at that date.

(3) Where a person convicted of an offence under subsection (1) was subject to a disqualification order immediately before the date of the conviction, the period for which he or she was disqualified shall be extended for—

(a) a further period of 10 years beginning after the date of the conviction, or

(b) such other (shorter or longer) further period as the court, on the application of the prosecutor or the defendant and having regard to all the circumstances of the case, may order.

(4) Section 847 shall not apply to a person convicted of an offence under subsection (1).

(5) In this section and the subsequent provisions of this Chapter—

(a) a reference to a company—

(i) shall be read as a reference to a company within the meaning of section 819 (6), and

(ii) in addition, where the context admits, shall be deemed to include a reference to any friendly society within the meaning of the Friendly Societies Acts 1896 to 2014 and any society registered under the Industrial and Provident Societies Acts 1893 to 2014,

(b) for the avoidance of doubt, the employment, in relation to “disqualification order”, of the words “shall be deemed to be subject to”, followed by the employment, in relation to another occurrence of “disqualification order”, of the words “is subject to” does not limit the meaning of the latter to a case of the person's being actually subject (as distinct from being deemed to be subject) to a disqualification order.

(6) Likewise, the employment, in this or any subsequent provision of this Chapter, of the words “shall

be deemed to be subject to" does not so limit the meaning of the words "is subject to" where employed in relation to "a declaration of restriction under section 819".

(7) If a case referred to in subsection (1) would also fall within section 405 (prohibition on acting in relation to audit while disqualification order in force), then section 405 applies to that case to the exclusion of this section.