

Person acting while disqualified or restricted liable for debts of company

859. (1) This section applies if—

(a) a person acts, in relation to a company, in a manner or a capacity which he or she is prohibited from doing by virtue of being a person who is subject to a declaration of restriction under section 819 or who is subject to a disqualification order made under section 842,

(b) the company commences to be wound up—

(i) while he or she is acting in such a manner or capacity, or

(ii) within 12 months after the date of his or her so acting,

and

(c) the company is unable to pay its debts within the meaning of section 570.

(2) In any case to which this section applies, the court may, on the application of the liquidator or any creditor of the company, declare that the person referred to in subsection (1) shall be personally liable, without any limitation of liability, for all or part of the debts or other liabilities of the company incurred in the period during which the person was acting as described in subsection (1)(a).