

Sanctions for contravention of section 142 and supplemental provisions

143. (1) If a person, in contravention of section 142 (1), purports to become, or purports to remain, a director of one or more companies he or she shall be guilty of a category 4 offence.

(2) An appointment of a person as a director of a company shall, if it contravenes section 142 (1), be void.

(3) For the avoidance of doubt—

(a) each purported appointment, in excess of the limit (3) to (7)) that is provided for by section 142 (1), of a person as a director of a company shall constitute a separate contravention of section 142 (1);

(b) an appointment, not in excess of the foregoing limit, of a person as a director of a company shall not, by virtue of this section, become unlawful, be rendered void or cease to have effect by reason of a subsequent appointment, in excess of that limit, of the person as a director of a company.

(4) If—

(a) the appointments of a person as a director of 2 or more companies are made at the same time; or

(b) the times at which the appointments of a person as a director of 2 or more companies were made are not capable of being distinguished from one another,

then those appointments shall, for the purposes of section 142, be deemed to have been made at different times on the day concerned and in the same order as the order in which the companies to which the appointments relate were registered under this Act, the prior Companies Acts or any other former enactment relating to companies), as the case may be.

(5) A reference in this section to a company includes a reference to any type of company capable of being wound up under this Act.