

Default under section 23 or 150(2) by director disqualified under law of another state

841. (1) This section applies to a person if the person—

(a) is disqualified under the law of another state (whether pursuant to an order of a judge or a tribunal or otherwise) from being appointed or acting as a director or secretary of a body corporate or an undertaking, and

(b) one of the following occurs:

(i) the person fails to comply with section 23 or 150 (2);

(ii) in purported compliance with section 23, the person permits the statement of first directors and secretary to be accompanied by a statement of particulars of foreign disqualification signed by him or her that is false or misleading in a material respect; or

(iii) in purported compliance with section 150 (2), the person permits the notification of change of director to be accompanied by a statement of particulars of foreign disqualification signed by him or her that is false or misleading in a material respect.

(2) A person to whom this section applies shall be deemed, for the purposes of this Act, to be subject to a disqualification order for the period specified in subsection (3).

(3) The period of disqualification—

(a) commences—

(i) in the case of a default referred to in subsection (1)(b)(i), when the statement of first directors and secretary or notification of change of director, as the case may be, is delivered to the Registrar, or

(ii) in the case of a default referred to in subsection (1)(b)(ii) or (iii), when the statement of first directors and secretary or notification of change of director, as the case may be, accompanied by the statement of particulars of foreign disqualification is delivered to the Registrar,

and

(b) continues only for so much of—

(i) the period of foreign disqualification as remains unexpired as at the date of commencement referred to in paragraph (a), or

(ii) if the person is disqualified under the law of more than one state, and the unexpired periods of disqualification in each of the states are not equal, whichever unexpired period of disqualification is the

greatest.

(4) In this section—

“notification of change of director” means the notification of a change in director that is required to be sent under section 149 (8);

“statement of first directors and secretary” means the statement required to be delivered under section 21 (1)(a);

“statement of particulars of foreign disqualification” means the statement of particulars of disqualification that is required under section 23 or 150 (2).