

Disqualification for appointment as receiver

433. (1) None of the following persons shall be qualified for appointment as receiver of the property of a company:

(a) an undischarged bankrupt;

(b) a person who is, or who has, within the period of 12 months before the date of commencement of the receivership been, an officer or employee of the company;

(c) a parent, spouse, civil partner, brother, sister or child of an officer of the company;

(d) a person who is a partner of, or in the employment of, an officer or employee of the company;

(e) a person who is not qualified by virtue of this subsection for appointment as receiver of the property of any other body corporate which is that company's subsidiary or holding company or a subsidiary of that company's holding company, or would be so disqualified if the body corporate were a company;

(f) a body corporate.

(2) References in subsection (1) to—

(a) a child of an officer shall be deemed to include a child of the officer's civil partner who is ordinarily resident with the officer and the civil partner,

(b) an officer or employee of the company include a statutory auditor.

(3) If a receiver of the property of a company becomes disqualified by virtue of this section, he or she shall thereupon vacate his or her office and give notice in writing within 14 days after the date of vacation to—

(a) the company,

(b) the Registrar,

(c) (i) the debenture-holder, if the receiver was appointed by a debenture-holder, or

(ii) the court, if the receiver was appointed by the court,

that he or she has vacated it by reason of such disqualification.

(4) Subsection (3) is without prejudice to sections 430 (3), 436 and 441.

(5) Nothing in this section shall require a receiver appointed before 1 August 1991 to vacate the office to which he or she was so appointed.

(6) Any person who acts as a receiver when disqualified by this section from so doing or who fails to comply with subsection (3), if that subsection applies to him or her, shall be guilty of a category 2 offence.