

**168H. Duty of court to disqualify unfit directors of insolvent companies**

- (1) The court shall make a disqualification order against a person in any case where, on an application under this section, it is satisfied—
  - (a) that he is or has been a director of a company which has at any time become insolvent whether while he was a director or subsequently; and
  - (b) that his conduct as a director of that company, either taken alone or taken together with his conduct as a director of any other company or companies, makes him unfit to be concerned in the management of a company.
- (2) For the purposes of this section, a company becomes insolvent if—
  - (a) the company goes into liquidation at a time when its assets are insufficient for the payment of its debts and other liabilities and the expenses of the winding up; or
  - (b) a receiver of the company is appointed,and references to a person's conduct as a director of any company or companies include, where that company or any of those companies has become insolvent, that person's conduct in relation to any matter connected with or arising out of the insolvency of that company.
- (3) In this section and section 168I, **director** (董事) includes a shadow director.
- (4) Under this section the minimum period of disqualification is 1 year, and the maximum period is 15 years.