



CEA

Corporate Enforcement Authority

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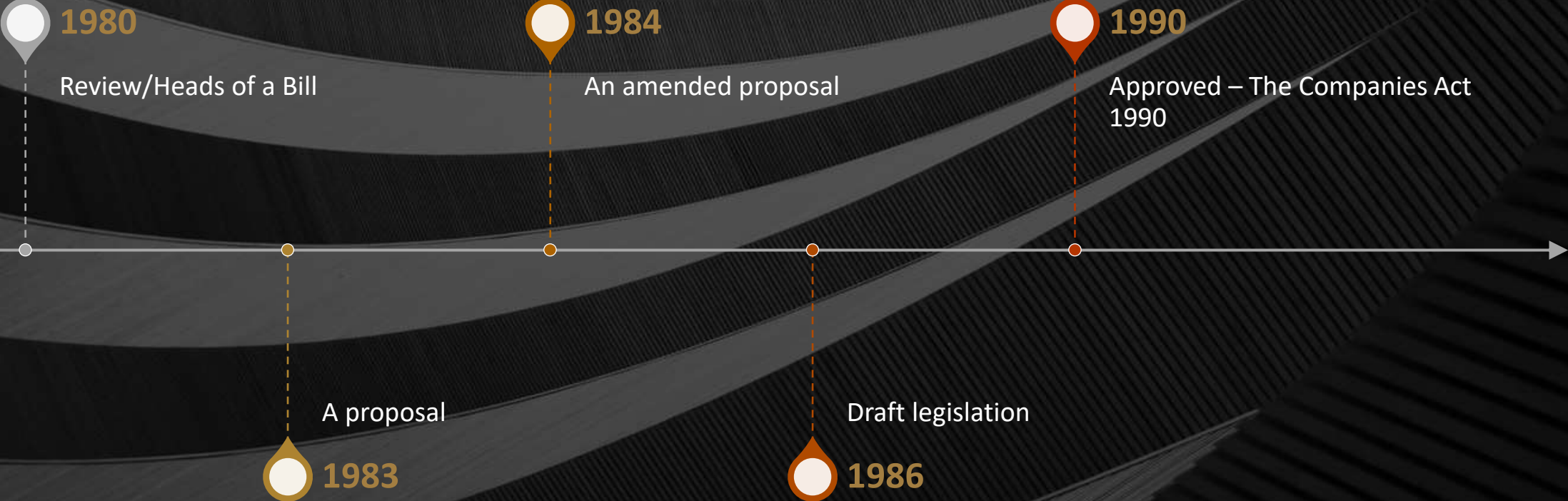
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The Evolution of Ireland's restriction of company directors' regime

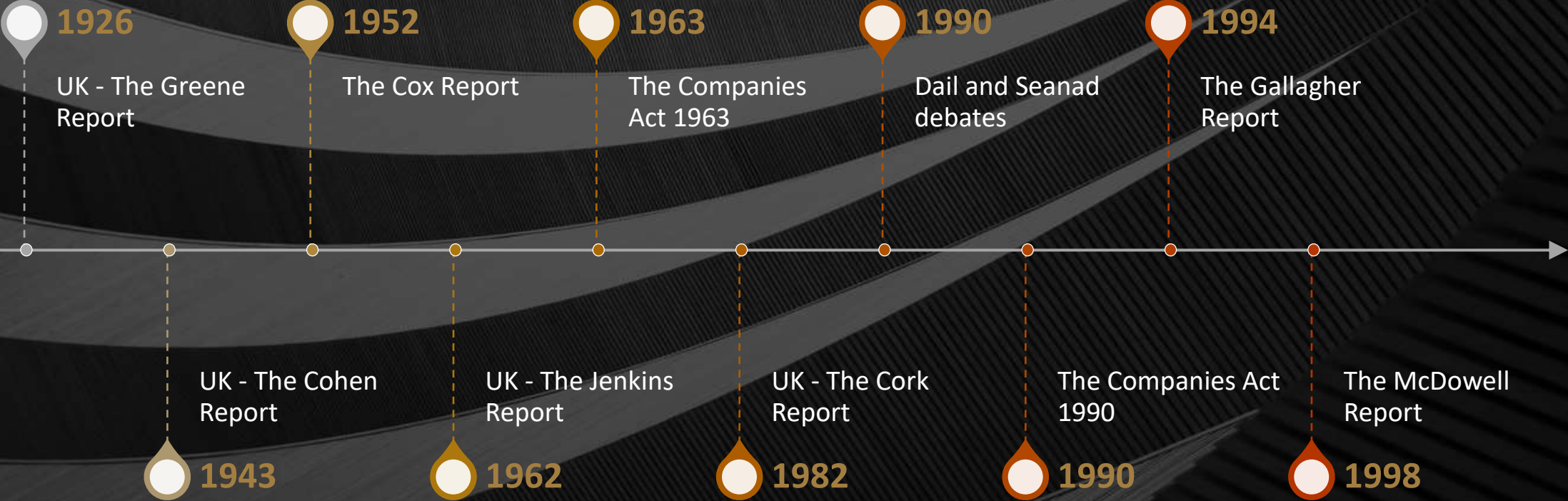
Restriction is:

- Declaration from court that person who was a director of an insolvent company shall not, for period of 5 years, be appointed or act in any way, directly or indirectly, as a director or secretary of a company, or be concerned in or take part in the formation or promotion of a company
 - Court shall make order unless satisfied: a) Person acted honestly and responsibly in the conduct of the company's affairs; b) Cooperated with the liquidator; and c) No other reason why it would be just and equitable
 - Applies to director unless subsequent company has certain allotted share capital values
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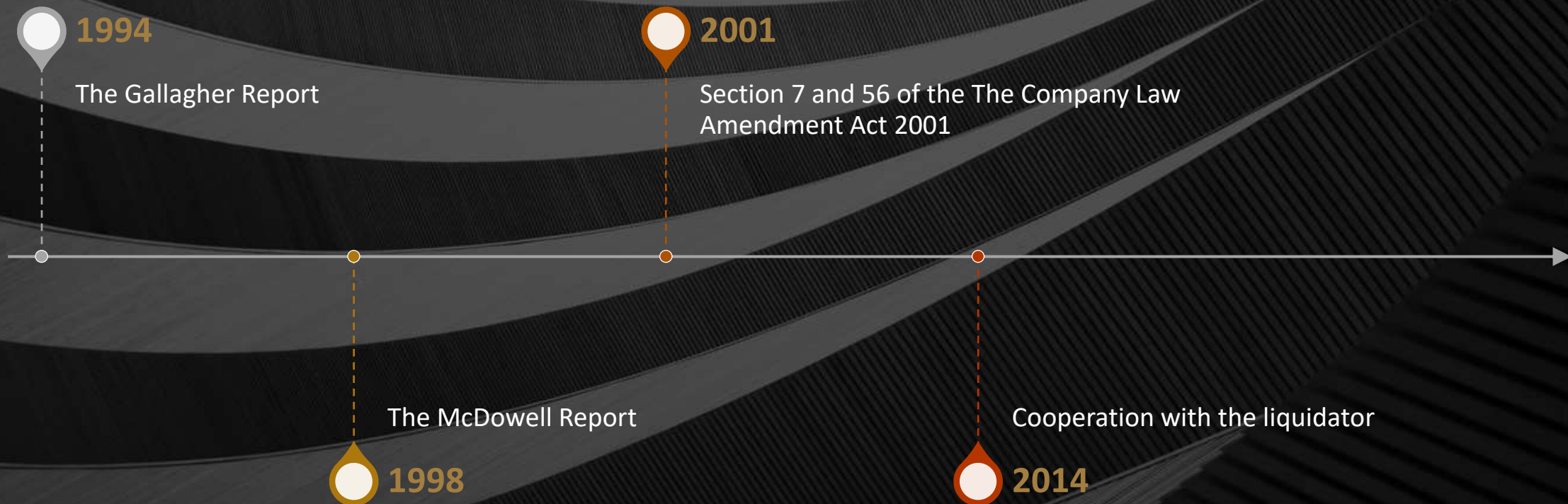
Timeline – before enactment



Timeline – disqualification



Timeline – oversight



Timeline – Present day



2021 amendments

- (1) On the application of a person referred to in section 820(1) and subject to subsection (2), the court shall declare that a person who was a director of--
 - (a) an insolvent company,
 - (b) an insolvent company who failed to convene a general meeting of shareholders for the purpose of nominating a named liquidator,
 - (c) an insolvent company at such a general meeting who fails to table a notice to nominate such liquidator, or
 - (d) an insolvent company who has failed to provide the required notices to employees of the company in the winding up of the company,
- shall not, for a period of 5 years, be appointed or act in any way, directly or indirectly, as a director or secretary of a company, or be concerned in or take part in the formation or promotion of a company, unless the company meets the requirements set out in subsection (3).
- (2) The court shall make a declaration under subsection (1) unless it is satisfied that—
 - (a) the person concerned has acted honestly and responsibly in relation to the conduct of the affairs of the company in question, whether before or after it became an insolvent company,
 - (b) he or she has, when requested to do so by the liquidator of the insolvent company, cooperated as far as could reasonably be expected in relation to the conduct of the winding up of the insolvent company, and
 - (c) there is no other reason why it would be just and equitable that he or she should be subject to the restrictions imposed by an order under subsection (1).



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