

ABSTRACT

The aim of this thesis is to analyse the directors disqualification provisions (SS.63-67 BCA) and wrongful trading provisions (S.68 BCA) and to provide their comparison in the light of British model regulation.

First chapter is introductory and provides a brief introduction into the topic. Second chapter deals with the law & economics aspects of the regulation. More specifically it introduces various stakeholders in company and their interests and incentives.

Third chapter focuses on the relationship between the director and the company. Further attention is paid to the managerial contract, the duty to avoid insolvent liquidation, the duty of care and the business judgement rule. Fourth chapter deals with the director's liability towards the company.

Fifth chapter relates to the directors disqualification. In this chapter grounds for disqualification are dealt with as well as temporal, personal and territorial reach of the directors disqualification. Further attention is paid to the consequences of disqualification and consequences of a breach of the disqualification order. Sixth chapter looks at Company Directors Disqualification Act and finds similarities and differences in both regulations.

Seventh chapter looks at the wrongful trading provisions contained in the BCA. Adequate attention is dedicated to the extent of the liability under these provisions. Procedural aspects are considered. Application of the wrongful trading provisions to the Shadow director is also taken into consideration. Eighth chapter replicates some the most important conclusions relating to the wrongful trading provisions in the InsA.

Last chapter concludes and replicates the most important findings of this thesis.