STATUTORY INSTRUMENTS

2015 No. 1732 (C. 105)

DEREGULATION

The Deregulation Act 2015 (Commencement No.3 and Transitional and Saving Provisions) Order 2015

Made - - - - 29th September 2015

The Secretary of State makes the following Order in exercise of the powers conferred by sections 104(1) and 115(7) and (9) of the Deregulation Act 2015(**1**).

Citation and interpretation

1.—(1) This Order may be cited as the Deregulation Act 2015 (Commencement No.3 and Transitional and Saving Provisions) Order 2015.

(2) In this Order—

"the Act" means the Deregulation Act 2015;

"the 2006 Act" means the Companies Act 2006(**2**).

Provisions coming into force on 1st October 2015

2. The day appointed for the coming into force of the following provisions of the Act is 1st October 2015—

(a) section 1 (health and safety at work: general duty of self-employed persons) so far as not already in force(**3**);

(b) section 15 (suppliers of fuel and fireplaces);

(c) section 17 (authorisation of insolvency practitioners);

(d) section 18 and Schedule 5 (auditors ceasing to hold office);

(e) section 19(**4**) (insolvency and company law) so far as it relates to the following provisions of Schedule 6, and those provisions:-

(i) Part 1 (deeds of arrangement);

(ii) paragraphs 4, 6 and 7 of Part 2 (administration of companies);

(**1**) 2015 c.20.
(**2**) 2006 c.46.
(**3**) By virtue of section 115(2) of the Act.
(**4**) Section 19, to the extent that it relates to paragraph 5, and Parts 7 and 8 of Schedule 6, was commenced by section 115(5) of the Act. Paragraph 5 and Parts 7 and 8 of Schedule 6 were commenced by section 115(3)(n) of the Act.

(iii) Part 3 (winding up of companies);

(iv) Part 4 (disqualification of unfit directors of insolvent companies);

(v) paragraph 12 of Part 5, so far as it relates to paragraph 16 of Part 5, and paragraph 16 of Part 5 (bankruptcy); and

(vi) Part 6 (authorisation of insolvency practitioners);

(f) section 59, so far as it relates to Part 5 (noise abatement zones) of Schedule 13, and Part 5 of that Schedule;

(g) section 66(1) to (4) (schools: reduction of burdens);

(h) section 71(late night refreshment).

Provisions coming into force on 1st January 2016

3. The day appointed for the coming into force of the following provisions of the Act is 1st January 2016—

(a) section 66(5) (schools: reduction of burdens) so far as it relates to paragraphs 4 and 5 of Schedule 16 (staffing matters), and paragraphs 4 and 5 of that Schedule;

(b) section 94 (Electoral Commission: changes to facilitate efficient administration);

(c) section 95 (LGBC for England: changes to facilitate efficient administration).

Transitional and saving provisions

4. The amendments to Chapter 4 of Part 16 of the 2006 Act brought into force by article 2(d) have effect in relation to financial years beginning on or after 1st October 2015.

5. The amendments to section 7(4) of the Company Directors Disqualification Act 1986(**5**) ("the 1986 Act") made by paragraph 11 of Schedule 6 to the Act do not have effect in respect of a person who is or has been a director of a company that becomes insolvent (within the meaning of section 6(2) of the 1986 Act) before 1st October 2015.

6. The amendments to Chapter 4 of Part 16 of the 2006 Act brought into force by article 2(d) do not have effect in relation to the application of any provisions of the 2006 Act to—

(a) limited liability partnerships by regulations 43 to 46 of the Limited Liability Partnerships (Accounts and Audit) (Application of Companies Act 2006) Regulations 2008(**6**);

(b) unregistered companies by regulation 3 of the Unregistered Companies Regulations 2009(**7**);

(c) companies registered pursuant to section 1040 of the 2006 Act by regulation 18 of the Companies (Companies Authorised to Register) Regulations 2009(**8**).

7. Where immediately before the coming into force of article 2(e)(vi) an individual has applied for authorisation under section 392 of the Insolvency Act 1986(**9**) or holds an authorisation granted under section 393 of that Act, the amendments made by paragraph 22 of Schedule 6 to the Act are to have no effect for the transitional period(**10**).

(**5**) 1986 c.46.
(**6**) S.I. 2008/1911; relevant amending instruments are S.I. 2012/1439 and 2012/2301.
(**7**) S.I. 2009/2436, to which there are amendments not relevant to this Order.
(**8**) S.I. 2009/2437, to which there are amendments not relevant to this Order.
(**9**) 1986 c.45.
(**10**) The transitional period is defined in paragraph 23 of Part 1 of Schedule 6 to the Act. It ends on 30th September 2016.

Spelling out date in paragraph 23 of Part 6 of Schedule 6 to the Act

8. In Part 6 of Schedule 6 to the Act, in the definition of "commencement date" in paragraph 23, for "the date on which paragraph 21 of this Schedule comes into force" substitute "1October 2015 (the date on which paragraph 21 of this Schedule came into force)".

Jo Johnson
Minister of State for Universities and Science
Department for Business, Innovation and Skills

29th September 2015

EXPLANATORY NOTE

(This note is not part of the Order)

This Order ("the Order") brings into force the specified provisions of the Deregulation Act 2015 ("the Act") on the dates specified. A reference in this Note to a section is to a section of the Act unless otherwise stated.

This is the third Commencement Order under the Act.

Article 2: provisions coming into force on 1st October 2015

Section 1 was brought into force on 27th March 2015, by section 115(2) of the Act, for the purpose of making provision by regulations. This Order brings section 1 into force for all remaining purposes.

Section 1 amends section 3 of the Health and Safety at Work etc. Act 1974 which imposes a duty on every self-employed person to conduct his or her undertaking in such a way as to ensure, so far as is reasonably practicable, that the self-employed person and other persons (not being his or her employees) who may be affected are not exposed to risks to their health and safety. The amendment limits the scope of the duty to self-employed persons who conduct an undertaking of a prescribed description. The Health and Safety at Work etc. Act 1974 (General Duties of Self-Employed Persons)(Prescribed Undertakings) Regulations 2015 set out the undertakings in respect of which the amended duty will apply.

Section 15 amends Part 3 of the Clean Air Act 1993 (smoke control areas) so that the Secretary of State's powers to authorise fuels and exempt classes of fireplace for the purposes of that Part are exercisable by reference to published lists. These powers are currently exercisable by statutory instrument.

Section 17 amends Part 13 of the Insolvency Act 1986 by introducing a new regime for the full and partial authorisation of insolvency practitioners.

Section 18 amends Chapter 4 of Part 16 of the Companies Act 2006 which sets out the notification requirements applying when an auditor resigns, is removed from office or, in some cases, is not re-appointed. These provisions have effect in relation to financial years beginning on or after 1st October 2015.

Section 18(5) introduces Schedule 5 which further amends Chapter 4 of Part 16 of the Companies Act 2006 by reducing the notification requirements applying when auditors resign or are removed from office, amending the requirements that apply if there is a failure to re-appoint an auditor and replacing references to documents being deposited at a company's registered office. These provisions have effect in relation to financial years beginning on or after 1st October 2015.

The specified parts of section 19 and Schedule 6 have the following effects:

- repeal the Deeds of Arrangement Act 1914 (alternative to bankruptcy);
- amend Schedule B1 to the Insolvency Act 1986, which relates to Administration;
- omit section 151 of the Insolvency Act 1986, which enabled a court to order payment of money due to a company being wound up by the court to be paid into the Bank of England;
- amend section 174 of the Insolvency Act 1986 to provide for the release of a liquidator when the winding up order has been rescinded;