STATUTORY INSTRUMENTS

2015 No. 1689 (C. 100)

COMPANIES
FINANCIAL SERVICES AND MARKETS
INSOLVENCY
LANDLORD AND TENANT, ENGLAND

The Small Business, Enterprise and Employment Act 2015 (Commencement No. 2 and Transitional Provisions) Regulations 2015

Made - - - - 15th September 2015

The Secretary of State, in exercise of the powers conferred by sections 160(1), 161(1), 161(2), 164(1) and 164(6) of the Small Business, Enterprise and Employment Act 2015(**1**) and after consulting the Department of Enterprise, Trade and Investment in Northern Ireland, makes the following Regulations.

Citation and interpretation

1.—(1) These Regulations may be cited as the Small Business, Enterprise and Employment Act 2015 (Commencement No. 2 and Transitional Provisions) Regulations 2015.

(2) In these Regulations—

"the 1986 Act" means the Insolvency Act 1986(**2**);

"the 2002 Order" means the Company Directors Disqualification (Northern Ireland) Order 2002(**3**);

"the Act" means the Small Business, Enterprise and Employment Act 2015; and

"the Disqualification Act" means the Company Directors Disqualification Act 1986(**4**).

Provisions coming into force on 1st October 2015

2. The following provisions of the Act come into force on 1st October 2015—

(**1**) 2015 c. 26.
(**2**) 1986 c.45.
(**3**) S.I. 2002/3150 (N.I. 4).
(**4**) 1986 c.46.

(a) section 20 (Independent Complaints Commissioner: reporting duty);

(b) in relation to England, sections 35 and 36 (home businesses);

(c) sections 104 and 105 (new grounds for disqualification);

(d) section 106 (determining unfitness and disqualifications: matters to be taken into account);

(e) sections 108 and 109 (director disqualification: other amendments);

(f) section 110 (compensation orders and undertakings);

(g) section 111 (sections 104 to 110: consequential and related amendments) and Schedule 7;

(h) section 112 (provision for Northern Ireland corresponding to sections 104 to 111) and Schedule 8, except for paragraph 5 (reports of office-holders on conduct of directors of insolvent companies);

(i) sections 113 to 116 (bankruptcy: Scotland and Northern Ireland); and

(j) sections 117 to 119 (office-holder actions).

Provisions coming into force immediately after the coming into force of section 17 of the Deregulation Act 2015

3. The following provisions of the Act come into force immediately after the coming into force of section 17 of the Deregulation Act 2015(**5**)—

(a) sections 137 to 143 (regulation of insolvency practitioners: amendments to existing regime); and

(b) sections 144 to 146 (power to establish single regulator of insolvency practitioners) and Schedule 11.

Provisions coming into force on 10th October 2015

4. The following provisions of the Act come into force on 10th October 2015—

(a) section 96 (protection of information about a person's date of birth), so far as not yet in force, except for the insertion of sections 1087A(3)(b), 1087A(4)(a) and (b), 1087A(5) 1087A(6), 1087A(7) and 1087B(4) into the Companies Act 2006(**6**);

(b) sections 100 and 101 (director disputes); and

(c) section 103 (reduction in notice periods etc for striking off companies).

Transitional provisions and savings

5. The Schedule (which contains transitional provisions relating to the provisions brought into force by these Regulations) has effect.

Baroness Neville-Rolfe
Parliamentary Under Secretary of State and
Minister for Intellectual Property
Department for Business, Innovation and Skills

15th September 2015

(**5**) 2015 c.20.
(**6**) 2006 c. 46.

SCHEDULE Regulation 5

TRANSITIONAL PROVISIONS IN RESPECT OF PROVISIONS BROUGHT INTO FORCE

PART 1

PROVISIONS COMING INTO FORCE ON 1ST OCTOBER 2015

1. Sections 8ZA to 8ZE of the Disqualification Act (as inserted by section 105 of the Act) apply in a case where—

(a) the main transgressor's conduct (as mentioned in section 8ZA(2) of the Disqualification Act); and

(b) the exercise by P of the requisite amount of influence (as mentioned in section 8ZA(1) and (2) of the Disqualification Act),

occur on or after 1st October 2015.

2. The amendments to sections 6 and 8 of the Disqualification Act (as made by section 106 of the Act) in respect of overseas companies apply in respect of a person's conduct as a director of an overseas company where that conduct occurs on or after 1st October 2015.

3. Save where conduct is considered by a court or by the Secretary of State under section 5A of the Disqualification Act (as inserted by section 104 of the Act), section 12C of the Disqualification Act (as inserted by section 106 of the Act) and Schedule 1 to the Disqualification Act (as substituted by section 106 of the Act) apply to a person's conduct as a director where that conduct occurs on or after 1st October 2015.

4. Sections 15A to 15C of the Disqualification Act (as inserted by section 110 of the Act) apply in respect of a person's—

(a) conduct (as mentioned in section 15A(3)(b) of the Disqualification Act); or

(b) exercise of the requisite amount of influence (as mentioned in in section 15A(6) of the Disqualification Act),

occurring on or after or after 1st October 2015.

5. The amendments to Articles 9 and 11 of the 2002 Order (as made by paragraph 3 of Schedule 8 to the Act) in respect of overseas companies apply in respect of a person's conduct as a director of an overseas company where that conduct occurs on or after 1st October 2015.

6. The amendment to Article 9 of the 2002 Order (as made by paragraph 3 of Schedule 8 to the Act) in respect of a shadow director applies in respect of conduct occurring on or after 1st October 2015.

7. The amendments to Article 11 of the 2002 Order (as made by paragraph 3 of Schedule 8 to the Act) apply in respect of a person's conduct as a director of a company where that conduct occurs on or after 1st October 2015.

8. Save where conduct is considered by a court or by the Department under Article 8A of the 2002 Order (as inserted by paragraph 2 of Schedule 8 to the Act), Article 17A of the 2002 Order (as inserted by paragraph 3 of Schedule 8 to the Act) and Schedule 1 to the 2002 Order (as substituted by paragraph 3 of Schedule 8 to the Act) apply to a person's conduct as a director where that conduct occurs on or after 1st October 2015.

9. Articles 11A to 11E of the 2002 Order (as inserted by paragraph 7 of Schedule 8 to the Act) apply in a case where—

(a) the main transgressor's conduct (as mentioned in Article 11A(2) of the 2002 Order); and