STATUTORY INSTRUMENTS

2015 No. 1651

INSOLVENCY
COMPANIES

The Small Business, Enterprise and Employment Act 2015 (Consequential Amendments) (Insolvency and Company Directors Disqualification) Regulations 2015

Made - - - -	*1st September 2015*
Laid before Parliament	*8th September 2015*
Coming into force - -	*1st October 2015*

The Secretary of State, in exercise of the powers conferred by section 159(1) and (2) of the Small Business, Enterprise and Employment Act 2015(**1**), makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Small Business, Enterprise and Employment Act 2015 (Consequential Amendments) (Insolvency and Company Directors Disqualification) Regulations 2015.

(2) Subject to paragraph (3) these Regulations come into force on 1st October 2015.

(3) Regulation 6 comes into force immediately after the coming into force of the Deregulation Act 2015 (Insolvency) (Consequential Amendments and Transitional and Savings Provisions) Order 2015(**2**).

Consequential amendments to secondary legislation

2.—(1) The Insolvent Companies (Disqualification of Unfit Directors) Proceedings Rules 1987(**3**) are amended as follows.

(2) For rule 1(3)(c)(ii) substitute: "by the Secretary of State under section 5A (disqualification for certain convictions abroad), 8 (disqualification of director on finding of unfitness), 8ZB (Application

(**1**) 2015 c. 26.
(**2**) S.I. 2015/1641. This Order makes amendments to secondary legislation in consequence of section 17 of the Deregulation Act 2015 (c.20), which substitutes section 391 of the Insolvency Act 1986 (c.45). Section 137 of the Small Business, Enterprise and Employment Act 2015 substitutes section 391 of the Insolvency Act 1986 as substituted by section 17 of the Deregulation Act 2015.
(**3**) S.I. 1987/2023; relevant amending instruments are S.I. 2003/1367 and 2007/1906.

for order under section 8ZA) or 8ZD (order disqualifying person instructing unfit director: other cases) of that Act;".

(3) In rule 1(3)(e)(ii)—

(a) after "section" insert "5A,";

(b) after "8," insert "8ZA, 8ZC, 8ZD, 8ZE,".

(4) In rule 4(b)(i) after "7" insert "or 8ZB".

(5) In rule 4(b)(ii)—

(a) after "section" insert "5A,";

(b) after "8" insert ", 8ZD,".

3.—(1) The Insolvent Companies (Disqualification of Unfit Directors) Proceedings Rules (Northern Ireland) 2003(**4**) are amended as follows.

(2) For Rule 1(3)(b) substitute: "by the Department under Article 8A (disqualification for certain convictions abroad), Article 11 (disqualification of director on finding of unfitness), Article 11B (application for order under Article 11A) or Article 11D (order disqualifying persons instructing unfit director: other cases) of that Order, or".

(3) In Rule 4(b)(i) after "10" insert " or 11B".

(4) In Rule 4(b)(ii) for "11" substitute "8A, 11, 11D".

4.—(1) The Companies (Disqualification Orders) Regulations 2009(**5**) ("the 2009 Regulations") are amended as follows.

(2) In Regulation 2(1)—

(a) for the definition of "disqualification order" substitute: ""disqualification order" means an order of the court under any of sections 2 to 5, 5A, 6, 8, 8ZA, 8ZD, 9A and 10 of the Act;"; and

(b) for the definition of "disqualification undertaking", substitute ""disqualification undertaking" means an undertaking accepted by the Secretary of State under section 5A, 7, 8, 8ZC, 8ZE or 9B of the Act;".

(3) For form DQ01 in Schedule 1 to the 2009 Regulations substitute form DQ01 as set out in Part 1 of Schedule 1 to these Regulations.

(4) For form DQ02 in Schedule 2 to the 2009 Regulations substitute form DQ02 as set out in Part 2 of Schedule 1 to these Regulations.

5.—(1) The Companies (Disqualification Orders) Regulations (Northern Ireland) 2010(**6**) ("the 2010 Regulations") are amended as follows.

(2) In article 2—

(a) for the definition of "disqualification order" substitute "disqualification order" means an order of the court under any of Articles 5 to 8, 8A, 9, 11, 11A, 11D, 13A and 14 of the Order;"; and

(b) for the definition of "disqualification undertaking" substitute "disqualification undertaking" means an undertaking accepted by the Department under Article 8A, 10, 11, 11C, 11E or 13B of the Order".

(**4**) S.I. 2003/358 (N.I.); amended by 2005/517 (N.I.). There are other amending instruments but none is relevant.
(**5**) S.I. 2009/2471.
(**6**) S.I. 2010/184 (N.I.).

(3) For form DQ01n in Schedule 1 to the 2010 Regulations substitute form DQ01n as set out in Part 1 of Schedule 2 to these Regulations.

(4) For form DQ02n in Schedule 2 to the 2010 Regulations substitute form DQ02n as set out in Part 2 of Schedule 2 to these Regulations.

6. In the Collective Investment in Transferable Securities (Contractual Scheme) Regulations 2013(**7**), in Schedule 2 (co-ownership schemes: application of the Insolvency Act 1986 and the Insolvency (Northern Ireland) Order 1989), in Part 3 (table of applied provisions of the Insolvency Act 1986) after the entry for section 390 insert—

"Sections 390A to 391T (qualification and regulation of insolvency practitioners)	In these sections a reference to a company is to be read without modification by this Schedule."

Anna Soubry
Minister of State for Small Business, Industry and Enterprise
Department for Business, Innovation and Skills

1st September 2015

(**7**) S.I. 2013/1388 2013; amended by S.I. 2015/1641.

S C H E D U L E S

SCHEDULE 1

Regulation 4(3) and (4)

PART 1

DQ01

Disqualification order against an individual

In accordance with the Companies (Disqualification Orders) Regulations 2009 (as amended by the Small Business, Enterprise and Employment Act 2015 (Insolvency and Disqualification of Unfit Directors) (Consequential Amendments) Regulations 2015).

DQ01

Disqualification order against an individual

✓ **What this form is for**
You may use this form to give notice of a disqualification order against an individual

✗ **What this form is NOT for**
You cannot use this form to file a disqualification order against a corporate body or firm. To do this, please use form DQ02 'Disqualification order against a corporate body or firm'.

For further information, please refer to our guidance at www.companieshouse.gov.uk

1 Disqualification Act 1986

Please tick which section of the Company Directors Disqualification Act (CDDA) 1986 under which the order was made:

☐ S2 ☐ S3 ☐ S4 ☐ S5
☐ S5A ☐ S6 ☐ S8 ☐ S8ZB
☐ S8ZD ☐ S9 ☐ S10

→ **Filling in this form**
Please complete in typescript or in bold black capitals.

All fields are mandatory unless specified or indicated by *

2 Individual's details

Please give the name of the individual against whom the order was made.

Title *

Forename(s)

Surname

Date of birth d d m m y y y y

Nationality

3 Individual's address ❶

Building name/ number

Street

Post town

County/Region

Postcode

Country

❶ **Address**
Please show the last known address of the disqualified director (e.g. as shown on documents submitted to the court).

❷ **Section 243 exemption**
Please tick the following box if this director is in the process of applying for, or has been granted, exemption by the Registrar from disclosing their usual residential address to credit reference agencies under section 243 of the Companies Act 2006. ☐

4 Disqualification details

Date of order ❶	d d m m y y y y
Period of disqualification ❷	
Disqualification start date ❸	d d m m y y y y
Company/LLP name ❹	
Case number	

❶ **Date of order**
Please enter the date on which the order was made.

❷ **Period of disqualification**
Please enter the period of disqualifcation specified in the order.

❸ **Disqualification start date**
Unless the court indicates otherwise, this will be 21 days from the date of the order.

❹ **Company/LLP name**
Please give the name(s) of the company(ies)/LLP(s) in respect of the conduct leading to disqualification.

5 Signature

Signature	
Name/Position	
Court	