

Changes to legislation: There are currently no known outstanding effects for the Small Business, Enterprise and Employment Act 2015, SCHEDULE 7. (See end of Document for details)

SCHEDULES

SCHEDULE 7

Section 111

SECTIONS 104 TO 110: CONSEQUENTIAL AND RELATED AMENDMENTS

PART 1

COMPANY DIRECTORS DISQUALIFICATION ACT 1986

1 The Company Directors Disqualification Act 1986 is amended as follows.

Commencement Information

- I1** Sch. 7 para. 1 in force at 26.5.2015 for specified purposes by S.I. 2015/1329, reg. 3(c)
I2 Sch. 7 para. 1 in force at 1.10.2015 in so far as not already in force by S.I. 2015/1689, reg. 2(g)

2 In section 1 (disqualification orders: general) in subsection (2), for “section 6” substitute “sections 6 and 8ZA”.

Commencement Information

- I3** Sch. 7 para. 2 in force at 26.5.2015 for specified purposes by S.I. 2015/1329, reg. 3(c)
I4 Sch. 7 para. 2 in force at 1.10.2015 in so far as not already in force by S.I. 2015/1689, reg. 2(g)

3 (1) Section 1A (disqualification undertakings: general) is amended as follows.

(2) In subsection (1), for “7 and 8” substitute “5A, 7, 8, 8ZC and 8ZE”.

(3) In subsection (2), after “7” insert “or 8ZC”.

Commencement Information

- I5** Sch. 7 para. 3 in force at 26.5.2015 for specified purposes by S.I. 2015/1329, reg. 3(c)
I6 Sch. 7 para. 3 in force at 1.10.2015 in so far as not already in force by S.I. 2015/1689, reg. 2(g)

4 (1) Section 2 (disqualification on conviction of indictable offence) is amended as follows.

(2) After subsection (1) insert—

“(1A) In subsection (1), “company” includes overseas company.”

(3) In subsection (2), after paragraph (a) insert—

“(aa) in relation to an overseas company not falling within paragraph (a), the High Court or, in Scotland, the Court of Session, or”.

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I7 Sch. 7 para. 4 in force at 26.5.2015 for specified purposes by S.I. 2015/1329, reg. 3(c)

I8 Sch. 7 para. 4 in force at 1.10.2015 in so far as not already in force by S.I. 2015/1689, reg. 2(g)

5 (1) Section 3 (disqualification for persistent breaches of companies legislation) is amended as follows.

(2) After subsection (3) insert—

“(3A) In this section “company” includes overseas company.”

(3) In subsection (4)—

(a) after “means” insert “—

(a)”,

and

(b) after “committed” insert “, or

(b) in relation to an overseas company not falling within paragraph (a), the High Court or, in Scotland, the Court of Session.”

Commencement Information

I9 Sch. 7 para. 5 in force at 26.5.2015 for specified purposes by S.I. 2015/1329, reg. 3(c)

I10 Sch. 7 para. 5 in force at 1.10.2015 in so far as not already in force by S.I. 2015/1689, reg. 2(g)

6 In section 5 (disqualification on summary conviction), after subsection (4A) insert—

“(4B) In this section “company” includes overseas company.”

Commencement Information

I11 Sch. 7 para. 6 in force at 26.5.2015 for specified purposes by S.I. 2015/1329, reg. 3(c)

I12 Sch. 7 para. 6 in force at 1.10.2015 in so far as not already in force by S.I. 2015/1689, reg. 2(g)

7 In section 6 (duty of court to disqualify unfit directors of insolvent companies), in subsection (2), omit “and the next”.

Commencement Information

I13 Sch. 7 para. 7 in force at 26.5.2015 for specified purposes by S.I. 2015/1329, reg. 3(c)

I14 Sch. 7 para. 7 in force at 1.10.2015 in so far as not already in force by S.I. 2015/1689, reg. 2(g)

8 In section 7 (disqualifications under section 6: applications and undertakings), after subsection (4) insert—

“(5) Subsections (1A) and (2) of section 6 apply for the purposes of this section as they apply for the purposes of that section.”

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I15 Sch. 7 para. 8 in force at 26.5.2015 for specified purposes by S.I. 2015/1329, reg. 3(c)

I16 Sch. 7 para. 8 in force at 1.10.2015 in so far as not already in force by S.I. 2015/1689, reg. 2(g)

9 Before section 8A insert— “ Further provision about disqualification undertakings ”

Commencement Information

I17 Sch. 7 para. 9 in force at 26.5.2015 for specified purposes by S.I. 2015/1329, reg. 3(c)

I18 Sch. 7 para. 9 in force at 1.10.2015 in so far as not already in force by S.I. 2015/1689, reg. 2(g)

10 In section 8A (variation etc of disqualification undertaking), in subsection (3)—
(a) before paragraph (a) insert—
 “(za) in the case of an undertaking given under section 8ZC has the same meaning as in section 8ZA;
 (zb) in the case of an undertaking given under section 8ZE means the High Court or, in Scotland, the Court of Session;”, and
(b) in paragraph (b), after “section” insert “ 5A(5), ”.

Commencement Information

I19 Sch. 7 para. 10 in force at 26.5.2015 for specified purposes by S.I. 2015/1329, reg. 3(c)

I20 Sch. 7 para. 10 in force at 1.10.2015 in so far as not already in force by S.I. 2015/1689, reg. 2(g)

11 In section 10 (participation in wrongful trading), after subsection (2) insert—
 “(3) In this section “company” includes overseas company.”

Commencement Information

I21 Sch. 7 para. 11 in force at 26.5.2015 for specified purposes by S.I. 2015/1329, reg. 3(c)

I22 Sch. 7 para. 11 in force at 1.10.2015 in so far as not already in force by S.I. 2015/1689, reg. 2(g)

12 (1) Section 16 (application for disqualification order) is amended as follows.
(2) In subsection (1), omit “by the court having jurisdiction to wind up a company”.
(3) In subsection (2)—
(a) for “with jurisdiction to wind up companies” substitute “ , other than a court mentioned in section 2(2)(b) or (c), ”, and
(b) after “any company” insert “ or overseas company ”.

Commencement Information

I23 Sch. 7 para. 12 in force at 26.5.2015 for specified purposes by S.I. 2015/1329, reg. 3(c)

I24 Sch. 7 para. 12 in force at 1.10.2015 in so far as not already in force by S.I. 2015/1689, reg. 2(g)

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13 (1) Section 17 (application for leave under an order or undertaking) is amended as follows.

(2) In subsection (3), after “under section” insert “ 5A, ”.

(3) After subsection (3) insert—

“(3ZA) Where a person is subject to a disqualification undertaking accepted at any time under section 8ZC, any application for leave for the purposes of section 1A(1)(a) must be made to any court to which, if the Secretary of State had applied for a disqualification order under section 8ZA at that time, that application could have been made.

(3ZB) Where a person is subject to a disqualification undertaking accepted at any time under section 8ZE, any application for leave for the purposes of section 1A(1)(a) must be made to the High Court or, in Scotland, the Court of Session.”

Commencement Information

I25 Sch. 7 para. 13 in force at 26.5.2015 for specified purposes by S.I. 2015/1329, reg. 3(c)

I26 Sch. 7 para. 13 in force at 1.10.2015 in so far as not already in force by S.I. 2015/1689, reg. 2(g)

14 In section 18 (register of disqualification orders and undertakings), in subsection (2A)(a), for “7 or 8” substitute “ 5A, 7, 8, 8ZC or 8ZE ”.

Commencement Information

I27 Sch. 7 para. 14 in force at 26.5.2015 for specified purposes by S.I. 2015/1329, reg. 3(c)

I28 Sch. 7 para. 14 in force at 1.10.2015 in so far as not already in force by S.I. 2015/1689, reg. 2(g)

15 In section 20 (admissibility in evidence of statements), in subsection (1), for “6 to 10, 15” substitute “ 5A, 6 to 10, 12C, 15 to 15C ”.

Commencement Information

I29 Sch. 7 para. 15 in force at 26.5.2015 for specified purposes by S.I. 2015/1329, reg. 3(c)

I30 Sch. 7 para. 15 in force at 1.10.2015 in so far as not already in force by S.I. 2015/1689, reg. 2(g)

16 In section 21 (interaction with Insolvency Act 1986), in each of subsections (2) and (3), for “6 to 10, 13, 14, 15” substitute “ 5A, 6 to 10, 12C to 15C ”.

Commencement Information

I31 Sch. 7 para. 16 in force at 26.5.2015 for specified purposes by S.I. 2015/1329, reg. 3(c)

I32 Sch. 7 para. 16 in force at 1.10.2015 in so far as not already in force by S.I. 2015/1689, reg. 2(g)

17 In section 22 (interpretation), after subsection (2) insert—

“(2A) An “overseas company” is a company incorporated or formed outside Great Britain.”

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I33 Sch. 7 para. 17 in force at 26.5.2015 for specified purposes by S.I. 2015/1329, reg. 3(c)

I34 Sch. 7 para. 17 in force at 1.10.2015 in so far as not already in force by S.I. 2015/1689, reg. 2(g)

18 In section 22A (application of Act to building societies), omit subsection (4).

Commencement Information

I35 Sch. 7 para. 18 in force at 26.5.2015 for specified purposes by S.I. 2015/1329, reg. 3(c)

I36 Sch. 7 para. 18 in force at 1.10.2015 in so far as not already in force by S.I. 2015/1689, reg. 2(g)

19 In section 22B (application of Act to incorporated friendly societies)—
(a) after subsection (3) insert—
“(3A) In relation to an incorporated friendly society, this Act applies as if sections 8ZA to 8ZE were omitted.”, and
(b) omit subsection (4).

Commencement Information

I37 Sch. 7 para. 19 in force at 26.5.2015 for specified purposes by S.I. 2015/1329, reg. 3(c)

I38 Sch. 7 para. 19 in force at 1.10.2015 in so far as not already in force by S.I. 2015/1689, reg. 2(g)

20 In section 22C (application of Act to NHS foundation trusts) omit subsection (3).

Commencement Information

I39 Sch. 7 para. 20 in force at 26.5.2015 for specified purposes by S.I. 2015/1329, reg. 3(c)

I40 Sch. 7 para. 20 in force at 1.10.2015 in so far as not already in force by S.I. 2015/1689, reg. 2(g)

21 Omit section 22D (application of Act to open-ended investment companies).

Commencement Information

I41 Sch. 7 para. 21 in force at 26.5.2015 for specified purposes by S.I. 2015/1329, reg. 3(c)

I42 Sch. 7 para. 21 in force at 1.10.2015 in so far as not already in force by S.I. 2015/1689, reg. 2(g)

22 (1) Section 22E (application of Act to registered societies) is amended as follows.
(2) In subsection (4)—
(a) omit paragraph (c), and
(b) after paragraph (e) insert—
“(f) sections 8ZA to 8ZE are to be disregarded.”
(3) Omit subsection (5).

Commencement Information

I43 Sch. 7 para. 22 in force at 26.5.2015 for specified purposes by S.I. 2015/1329, reg. 3(c)

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I44 Sch. 7 para. 22 in force at 1.10.2015 in so far as not already in force by S.I. 2015/1689, reg. 2(g)

23 In section 22F (application of Act to charitable incorporated organisations) omit subsection (4).

Commencement Information

I45 Sch. 7 para. 23 in force at 26.5.2015 for specified purposes by S.I. 2015/1329, reg. 3(c)

I46 Sch. 7 para. 23 in force at 1.10.2015 in so far as not already in force by S.I. 2015/1689, reg. 2(g)

PART 2

OTHER ENACTMENTS

Companies (Audit, Investigations and Community Enterprises) Act 2004

24 Omit paragraph 28 of Schedule 2 to the Companies (Audit, Investigations and Community Enterprises) Act 2004.

Commencement Information

I47 Sch. 7 para. 24 in force at 26.5.2015 for specified purposes by S.I. 2015/1329, reg. 3(c)

I48 Sch. 7 para. 24 in force at 1.10.2015 in so far as not already in force by S.I. 2015/1689, reg. 2(g)

Companies Act 2006

25 Omit section 1039 of the Companies Act 2006 (disqualification orders consequential amendments).

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I49 Sch. 7 para. 25 in force at 26.5.2015 for specified purposes by S.I. 2015/1329, reg. 3(c)

I50 Sch. 7 para. 25 in force at 1.10.2015 in so far as not already in force by S.I. 2015/1689, reg. 2(g)

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