

2001 No. 766 (C. 27)

INSOLVENCY

**The Insolvency Act 2000 (Commencement No. 1 and
Transitional Provisions) Order 2001**

Made - - - -

1st March 2001

The Secretary of State, in exercise of the powers conferred upon him by section 16(1) and (3) of the Insolvency Act 2000(a) hereby makes the following Order:—

Citation and interpretation

1.—(1) This Order may be cited as the Insolvency Act 2000 (Commencement No. 1 and Transitional Provisions) Order 2001.

(2) In this Order, except where contrary provision is made, references to sections and Schedules are references to sections of, and Schedules to, the Insolvency Act 2000.

(3) In this Order—

“administration order” has the same meaning in this Order as it has in section 8(2) of the Insolvency Act 1986(b);

“appointed day” means the day appointed for the coming into force of the provisions of the Insolvency Act 2000 referred to in article 2;

“official receiver” has the same meaning in this Order as it has in section 399(1) of the Insolvency Act 1986.

Appointed day

2.—(1) Subject to article 3, the day appointed for the coming into force of—

(a) sections 5, 6, 7, 8 (Disqualification of company directors etc.) and Schedule 4,

(b) sections 9 (Administration orders), 10 (Investigation and prosecution of malpractice), 11 (Restriction on use of answers obtained under compulsion), 12 (Insolvent estates of deceased persons) and 13 (Bankruptcy: interest on sums held in Insolvency Services Account),

(c) section 15(1) (Repeals) and the entries relating to:—

(i) sections 218(2) and 218(6)(b) of the Insolvency Act 1986,

(ii) sections 9(1) and 22(4) of the Company Directors Disqualification Act 1986(c)
and

(iii) section 78 of the Companies Act 1989(d)

contained in Schedule 5,

is 2nd April 2001.

(a) 2000 c. 39.
(b) 1986 c. 45.
(c) 1986 c. 46.
(d) 1989 c. 40.

Transitional provisions

3.—(1) In a case where a petition for an administration order has been presented before the appointed day the amendments made to sections 10(1) and 11(3) of the Insolvency Act 1986 by section 9 shall not apply and sections 10(1) and 11(3) of the Insolvency Act 1986 as they have effect immediately before the appointed day shall continue to have effect.

(2) In a case where a person subject to a disqualification order under the Company Directors Disqualification Act 1986, made on the application of the Secretary of State, the official receiver or the liquidator, has applied for leave of the court under section 17 of that Act before the appointed day, the amendments made to section 17 of the Company Directors Disqualification Act 1986 by paragraph 12(1) in Part I of Schedule 4 shall not apply and section 17(2) of the Company Directors Disqualification Act 1986 as it has effect immediately before the appointed day shall continue to have effect.

(3) In a case where a person is subject to a disqualification order under Part II of the Companies (Northern Ireland) Order 1989^(a) made before the appointed day the following amendments shall not apply—

- (a) the insertion of section 12A into the Company Directors Disqualification Act 1986 by section 7(1),
- (b) the insertion of “or 12A” into section 13 of the Company Directors Disqualification Act 1986 by paragraph 8(b) of Schedule 4,
- (c) the insertion of “or in contravention of section 12A” into section 14(1) of the Company Directors Disqualification Act 1986 by paragraph 9 of Schedule 4,
- (d) the insertion of “or 12A” into section 15(1) of the Company Directors Disqualification Act 1986 by paragraph 10(2)(a) of Schedule 4,
- (e) the insertion of “or a disqualification order under Part II of the Companies (Northern Ireland) Order 1989” into section 15(1)(b) of the Company Directors Disqualification Act 1986 by paragraph 10(2)(b) of Schedule 4, and
- (f) the insertion of “or a disqualification order under Part II of the Companies (Northern Ireland) Order 1989” into section 15(5) of the Company Directors Disqualification Act 1986 by paragraph 10(3) of Schedule 4.

(4) Where—

- (a) a court has directed a liquidator to refer a matter under section 218(1) of the Insolvency Act 1986,
- (b) a liquidator has reported a matter under section 218(4) of the Insolvency Act 1986, or
- (c) a court has directed a liquidator to make a report under section 218(6) of the Insolvency Act 1986,

before the appointed day, the amendments and repeals, as the case may be, made to section 218 of the Insolvency Act 1986 by section 10 and Schedule 5 shall not apply and section 218 of the Insolvency Act 1986 as it has effect immediately before the appointed day shall continue to have effect.

(5) The provisions of this article are without prejudice to the operation of sections 16 and 17 of the Interpretation Act 1978^(b) (saving from, and effect of, repeals) as they are applied by section 23 of that Act.

Kim Howells,
Parliamentary Under Secretary of State
for Consumers and Corporate Affairs,
Department of Trade and Industry

1st March 2001

(a) S.I. 1989/2404 (N.I. 18).
(b) 1978 c. 30.

EXPLANATORY NOTE

(This note is not part of the Order)

Article 2 of this Order provides for the coming into force on the appointed day of the following provisions of the Insolvency Act 2000 (c. 39)—

- sections 5, 6, 7, 8 (Disqualification of company directors etc.) and Schedule 4,
- sections 9 (Administration orders), 10 (Investigation and prosecution of malpractice), 11 (Restriction of Use of answers obtained under compulsion), 12 (Insolvent estates of deceased persons) and 13 (Bankruptcy: interest on sums held in Insolvency Services Account), and
- section 15(1) (Repeals) and certain repeals contained in Schedule 5.

The appointed day for these provisions is 2nd April 2001.

Article 3 of this Order makes transitional provisions for specific cases relating to amendments made by sections 7, 9 and 10 of, and Schedules 4 and 5 to, the Insolvency Act 2000.

The cost to business of the commencement of these provisions in the Insolvency Act 2000 is detailed in the Regulatory Impact Assessment. Copies of the Assessment are available from the Policy Unit, The Insolvency Service, 21 Bloomsbury Street, London WC1B 3QW.

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