
EXPLANATORY NOTE

(This note is not part of the Regulations)

These are the second commencement regulations made under the Small Business, Enterprise and Employment Act 2015 (c.26) (“the Act”). Certain provisions came into force on the passing of the Act.

Regulation 2 commences provisions in the Act on 1st October 2015 including provisions that:

- amend section 87 of the Financial Services Act 2012 (c. 21) (investigation of complaints against regulators) to provide that the Independent Complaints Commissioner must produce and publish an annual report on its investigations under the financial services complaints scheme, including any recommendations for how the complaints handling procedures of the UK financial services regulators (the Prudential Regulation Authority, the Financial Conduct Authority and the Bank of England) could be improved. The Treasury must lay the report (and any responses from the UK financial services regulators) before Parliament;
- amend the Landlord and Tenant Act 1954 (c. 56) in relation to England only. Under tenancies entered into after the amendments come into force the carrying on of a home business will no longer entitle domestic tenants to renew tenancy agreements as business tenancies;
- make changes to the director’s disqualification regime;
- allow the Secretary of State to apply for compensation orders against certain disqualified directors;
- amend the Insolvency Act 1986 (c. 45).

Regulation 3 commences provisions of the Act immediately after the coming into force of related provisions in the Deregulation Act 2015 (c. 20). These provisions relate to the regulation of insolvency practitioners.

Regulation 4 commences provisions of the Act on 10th October 2015 that:

- amend Part 35 of the Companies Act 2006 (c. 46) to require the registrar of companies to omit the ‘day’ of the date of birth of directors from the material on the register available for public inspection;
- remove a requirement on companies to provide the registrar with a consent by a company director or secretary to act in that capacity, replacing it with a requirement to state that the person has consented to act;
- create a duty for the registrar of companies to notify new company directors on appointment; and
- reduce the timescales under which the registrar of companies may strike off companies from the register.

Regulation 5 and the Schedule provide for transitional provisions.