

2015 No. 1732 (C. 105)

DEREGULATION

**The Deregulation Act 2015 (Commencement No.3 and
Transitional and Saving Provisions) Order 2015**

Made - - - - *29th September 2015*

The Secretary of State makes the following Order in exercise of the powers conferred by sections 104(1) and 115(7) and (9) of the Deregulation Act 2015(a).

Citation and interpretation

1.—(1) This Order may be cited as the Deregulation Act 2015 (Commencement No.3 and Transitional and Saving Provisions) Order 2015.

(2) In this Order—

“the Act” means the Deregulation Act 2015;

“the 2006 Act” means the Companies Act 2006(b).

Provisions coming into force on 1st October 2015

2. The day appointed for the coming into force of the following provisions of the Act is 1st October 2015—

- (a) section 1 (health and safety at work: general duty of self-employed persons) so far as not already in force(c);
- (b) section 15 (suppliers of fuel and fireplaces);
- (c) section 17 (authorisation of insolvency practitioners);
- (d) section 18 and Schedule 5 (auditors ceasing to hold office);
- (e) section 19(d) (insolvency and company law) so far as it relates to the following provisions of Schedule 6, and those provisions:-
 - (i) Part 1 (deeds of arrangement);
 - (ii) paragraphs 4, 6 and 7 of Part 2 (administration of companies);
 - (iii) Part 3 (winding up of companies);
 - (iv) Part 4 (disqualification of unfit directors of insolvent companies);

(a) 2015 c.20.

(b) 2006 c.46.

(c) By virtue of section 115(2) of the Act.

(d) Section 19, to the extent that it relates to paragraph 5, and Parts 7 and 8 of Schedule 6, was commenced by section 115(5) of the Act. Paragraph 5 and Parts 7 and 8 of Schedule 6 were commenced by section 115(3)(n) of the Act.

- (v) paragraph 12 of Part 5, so far as it relates to paragraph 16 of Part 5, and paragraph 16 of Part 5 (bankruptcy); and
- (vi) Part 6 (authorisation of insolvency practitioners);
- (f) section 59, so far as it relates to Part 5 (noise abatement zones) of Schedule 13, and Part 5 of that Schedule;
- (g) section 66(1) to (4) (schools: reduction of burdens);
- (h) section 71(late night refreshment).

Provisions coming into force on 1st January 2016

3. The day appointed for the coming into force of the following provisions of the Act is 1st January 2016—

- (a) section 66(5) (schools: reduction of burdens) so far as it relates to paragraphs 4 and 5 of Schedule 16 (staffing matters), and paragraphs 4 and 5 of that Schedule;
- (b) section 94 (Electoral Commission: changes to facilitate efficient administration);
- (c) section 95 (LGBC for England: changes to facilitate efficient administration).

Transitional and saving provisions

4. The amendments to Chapter 4 of Part 16 of the 2006 Act brought into force by article 2(d) have effect in relation to financial years beginning on or after 1st October 2015.

5. The amendments to section 7(4) of the Company Directors Disqualification Act 1986(a) (“the 1986 Act”) made by paragraph 11 of Schedule 6 to the Act do not have effect in respect of a person who is or has been a director of a company that becomes insolvent (within the meaning of section 6(2) of the 1986 Act) before 1st October 2015.

6. The amendments to Chapter 4 of Part 16 of the 2006 Act brought into force by article 2(d) do not have effect in relation to the application of any provisions of the 2006 Act to—

- (a) limited liability partnerships by regulations 43 to 46 of the Limited Liability Partnerships (Accounts and Audit) (Application of Companies Act 2006) Regulations 2008(b);
- (b) unregistered companies by regulation 3 of the Unregistered Companies Regulations 2009(c);
- (c) companies registered pursuant to section 1040 of the 2006 Act by regulation 18 of the Companies (Companies Authorised to Register) Regulations 2009(d).

7. Where immediately before the coming into force of article 2(e)(vi) an individual has applied for authorisation under section 392 of the Insolvency Act 1986(e) or holds an authorisation granted under section 393 of that Act, the amendments made by paragraph 22 of Schedule 6 to the Act are to have no effect for the transitional period(f).

Spelling out date in paragraph 23 of Part 6 of Schedule 6 to the Act

8. In Part 6 of Schedule 6 to the Act, in the definition of “commencement date” in paragraph 23, for “the date on which paragraph 21 of this Schedule comes into force” substitute “1 October 2015 (the date on which paragraph 21 of this Schedule came into force)”.

Jo Johnson
Minister of State for Universities and Science

(a) 1986 c.46.
 (b) S.I. 2008/1911; relevant amending instruments are S.I. 2012/1439 and 2012/2301.
 (c) S.I. 2009/2436, to which there are amendments not relevant to this Order.
 (d) S.I. 2009/2437, to which there are amendments not relevant to this Order.
 (e) 1986 c.45.
 (f) The transitional period is defined in paragraph 23 of Part 1 of Schedule 6 to the Act. It ends on 30th September 2016.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order (“the Order”) brings into force the specified provisions of the Deregulation Act 2015 (“the Act”) on the dates specified. A reference in this Note to a section is to a section of the Act unless otherwise stated.

This is the third Commencement Order under the Act.

Article 2: provisions coming into force on 1st October 2015

Section 1 was brought into force on 27th March 2015, by section 115(2) of the Act, for the purpose of making provision by regulations. This Order brings section 1 into force for all remaining purposes.

Section 1 amends section 3 of the Health and Safety at Work etc. Act 1974 which imposes a duty on every self-employed person to conduct his or her undertaking in such a way as to ensure, so far as is reasonably practicable, that the self-employed person and other persons (not being his or her employees) who may be affected are not exposed to risks to their health and safety. The amendment limits the scope of the duty to self-employed persons who conduct an undertaking of a prescribed description. The Health and Safety at Work etc. Act 1974 (General Duties of Self-Employed Persons)(Prescribed Undertakings) Regulations 2015 set out the undertakings in respect of which the amended duty will apply.

Section 15 amends Part 3 of the Clean Air Act 1993 (smoke control areas) so that the Secretary of State’s powers to authorise fuels and exempt classes of fireplace for the purposes of that Part are exercisable by reference to published lists. These powers are currently exercisable by statutory instrument.

Section 17 amends Part 13 of the Insolvency Act 1986 by introducing a new regime for the full and partial authorisation of insolvency practitioners.

Section 18 amends Chapter 4 of Part 16 of the Companies Act 2006 which sets out the notification requirements applying when an auditor resigns, is removed from office or, in some cases, is not re-appointed. These provisions have effect in relation to financial years beginning on or after 1st October 2015.

Section 18(5) introduces Schedule 5 which further amends Chapter 4 of Part 16 of the Companies Act 2006 by reducing the notification requirements applying when auditors resign or are removed from office, amending the requirements that apply if there is a failure to re-appoint an auditor and replacing references to documents being deposited at a company’s registered office. These provisions have effect in relation to financial years beginning on or after 1st October 2015.

The specified parts of section 19 and Schedule 6 have the following effects:

- repeal the Deeds of Arrangement Act 1914 (alternative to bankruptcy);
- amend Schedule B1 to the Insolvency Act 1986, which relates to Administration;
- omit section 151 of the Insolvency Act 1986, which enabled a court to order payment of money due to a company being wound up by the court to be paid into the Bank of England;
- amend section 174 of the Insolvency Act 1986 to provide for the release of a liquidator when the winding up order has been rescinded;
- amend the Company Directors Disqualification Act 1986 so that the Secretary of State or the official receiver may request information relevant to a person’s conduct as a director of a company;
- amend section 307 of the Insolvency Act 1986 to facilitate banks offering bank accounts to undischarged bankrupts;

- repeal provisions in the Insolvency Act 1986 which provide for a competent authority to grant, refuse or withdraw authorisation to act as an insolvency practitioner and for authorisations of nominees and supervisors in relation to voluntary arrangements.

Part 5 of Schedule 13 to the Act and, so far as it relates to that Part, section 59 of the Act amend the Control of Pollution Act 1974 to remove the power of local authorities to designate areas as noise abatement zones. It also makes consequential amendments to that Act, the Local Government, Planning and Land Act 1980 and the Environmental Protection Act 1990.

Section 66 provides for the Secretary of State's powers to require governing bodies of maintained schools to set annual targets in relation to school performance to cease to apply in relation to England. It also removes the Secretary of State's power to require local authorities in England to set annual targets in respect of the educational performance of pupils at schools maintained by them.

Section 71 amends Schedule 2 to the Licensing Act 2003, inserting paragraph 2A which gives powers to licensing authorities to designate certain geographical areas, types of premises or time periods as exempt from the licensing requirements which would otherwise apply to the supply of late night refreshment – the supply of hot food or hot drinks to members of the public between 11pm and 5am.

Article 3: provisions coming into force on 1st January 2016

Paragraphs 4 and 5 of Schedule 16, and paragraphs 4 and 5 of Schedule 16, remove the requirements for local authorities, governing bodies and head teachers of maintained schools in England to have regard to guidance when carrying out certain functions relating to school staffing.

Section 94 amends Schedule 1 to the Political Parties, Elections and Referendums Act 2000 by changing the frequency at which the Electoral Commission is required to produce a five-year plan, and making associated changes to the role of Comptroller and Auditor General (the National Audit Office) in respect of the Electoral Commission.

Section 95 amends Schedule 1 to the Local Democracy, Economic Development and Construction Act 2009 by changing the frequency at which the Local Government Boundary Commission for England ("LGBCE") is required to produce a five-year plan, and making associated changes to the role of the Comptroller and Auditor General (the National Audit Office) in respect of the LGBCE. Section 95 also enables the LGBCE to appoint up to two independent members to its audit committee. At present, only a member of the LGBCE may be a member of any of its committees.

Articles 4 to 7: transitional and saving provisions

Article 6 is a saving provision whose effect is to prevent the amendments to Chapter 4 of Part 16 to the Companies Act 2006 brought into force by article 2(d) from applying to certain other entities.

Article 7 saves, until 30th September 2016, the provisions amended by paragraph 22 of Schedule 6 to the Act. These are amendments made in consequence of the repeal of provisions for authorisation of insolvency practitioners by the Secretary of State.

Article 8: spelling out date in paragraph 23 of Part 6 of Schedule 6 to the Act

Article 8 amends the Act to spell out that the commencement date referred to in paragraph 23(1) – the date upon which paragraph 21 came into force – is 1st October 2015. The transitional period referred to in paragraph 23(1) is to last for one year beginning with this date; as such, it ends on 30th September 2016.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Deregulation Act 2015 have been brought into force, or will be brought into force, by earlier commencement orders.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 2	1st October 2015	2015/994
Section 3 (so far as not already in force)	26th May 2015	2015/994
Section 4	26th May 2015	2015/994
Section 5	26th May 2015	2015/994
Section 6	1st October 2015	2015/994
Section 7	1st October 2015	2015/994
Section 8(1), (3) and (4) (so far as not already in force)	8th June 2015	2015/994
Section 9	30th June 2015	2015/994
Section 10	1st October 2015	2015/994
Section 11	1st October 2015	2015/994
Section 12	1st October 2015	2015/994
Section 14	26th May 2015	2015/994
Section 33	1st October 2015	2015/994
Section 34	1st October 2015	2015/994
Section 35	1st October 2015	2015/994
Section 36	1st October 2015	2015/994
Section 37	1st July 2015	2015/994
Section 38 (partially)	1st July 2015	2015/994
Section 38 (so far as not already in force)	1st October 2015	2015/994
Section 39 (partially)	1st July 2015	2015/994
Section 39 (so far as not already in force)	1st October 2015	2015/994
Section 40	1st October 2015	2015/994
Section 41	1st October 2015	2015/994
Section 44	26th May 2015	2015/994
Section 45	26th May 2015	2015/994
Section 48	1st April 2015	2015/994
Section 49 (so far as not already in force)	1st October 2015	2015/994
Section 51(b) (so far as not already in force)	30th June 2015	2015/994
Section 51(f) (so far as not already in force)	8th June 2015	2015/994
Section 51(g)	1st October 2015	2015/994
Section 52(a)	10th April 2015	2015/994
Section 53 (so far as not already in force)	1st April 2015	2015/994
Section 58 (so far as not already in force)	15th June 2015	2015/994
Section 59(c)	26th May 2015	2015/994
Section 62 (so far as not already in force)	6th April 2015	2015/994
Section 63 (so far as not already in force)	6th April 2015	2015/994
Section 68	26th May 2015	2015/994
Section 69	1st April 2015	2015/994
Section 70	26th May 2015	2015/994
Section 72	26th May 2015	2015/994
Section 76	6th April 2015	2015/994
Section 77	26th May 2015	2015/994
Section 78	26th May 2015	2015/994
Section 80	26th May 2015	2015/994
Section 81	26th May 2015	2015/994
Section 82	26th May 2015	2015/994
Section 86	29th June 2015	2015/994
Section 87	29th June 2015	2015/1402

Section 88	29th June 2015	2015/1402
Section 89	29th June 2015	2015/1402
Section 90 (partially, so far as not already in force)	20th April 2015	2015/1402
Section 90 (so far as not already in force)	26th May 2015	2015/994
Section 93	26th May 2015	2015/994
Section 96	26th May 2015	2015/994
Schedule 1, Part 1 (so far as not already in force)	26th May 2015	2015/994
Schedule 1, Part 2	26th May 2015	2015/994
Schedule 2, Part 2 (so far as not already in force)	8th June 2015	2015/994
Schedule 2, Part 3, paragraphs 30, 32 and 33	8th June 2015	2015/994
Schedule 3	30th June 2015	2015/994
Schedule 8 (so far as not already in force)	1st October 2015	2015/994
Schedule 10, Part 2 (so far as not already in force)	30th June 2015	2015/994
Schedule 10, Part 6 (so far as not already in force)	8th June 2015	2015/994
Schedule 10, Part 7	1st October 2015	2015/994
Schedule 11, Part 1	10th April 2015	2015/994
Schedule 12 (so far as not already in force)	15th June 2015	2015/994
Schedule 13, Part 3	26th May 2015	2015/994
Schedule 18	1st April 2015	2015/994
Schedule 19	29th June 2015	2015/994
Schedule 20	29th June 2015	2015/1402
Schedule 21 (partially, so far as not already in force)	20th April 2015	2015/1402
Schedule 21 (so far as not already in force)	26th May 2015	2015/994

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