
STATUTORY INSTRUMENTS

1986 No. 185 (C.7)

**BANKRUPTCY, ENGLAND AND WALES
BANKRUPTCY, SCOTLAND
COMPANIES**

The Insolvency Act 1985 (Commencement No. 2) Order 1986

Made - - - - *6th February 1986*

The Secretary of State, in the exercise of his powers under section 236(2) of the Insolvency Act 1985(a), hereby makes the following Order:—

1. This Order may be cited as the Insolvency Act 1985 (Commencement No. 2) Order 1986.
2. The provisions of the Insolvency Act specified in Schedule 1 hereto shall come into operation on 1st March 1986.
3. The provisions of the Insolvency Act 1985 specified in Schedule 2 hereto shall come into operation on 1st April 1986.

Michael Howard,
Parliamentary Under Secretary of State,
Department of Trade and Industry.

6th February 1986.

(a) 1985 c.65.

Article 2

SCHEDULE 1

PROVISIONS COMING INTO OPERATION ON 1ST MARCH 1986

Provisions of the Act	Subject matter of Provision
Section 106 in so far as it relates to:— (a) the making of rules in relation to England and Wales; and (b) the making of rules in relation to Scotland in respect of the matters specified in paragraphs 26, 28, 29, 30 and 31 of Schedule 5 to the Act	Company insolvency rules
Section 108(1) and (3) in so far as they relate to the provisions of the Act herein specified	Construction of Part II
Section 109(1)	Minor and consequential amendments of the Companies Act 1985(a)
Section 109(2) in so far as it relates to general rules under section 663(1) of the Companies Act 1985.	
Section 226 in so far as it relates to the making of rules under section 106	Insolvency Rules Committee
Section 235(1) and (3)	Consequential amendments transitional provisions savings and repeals
Schedule 5 in so far as it relates to:— (a) the making of rules in relation to England and Wales; and (b) the making of rules in relation to Scotland in respect of the matters specified in paragraphs 26, 28, 29, 30 and 31 of the Schedule	Provisions capable of inclusion in company insolvency rules
Schedule 6 paragraph 24 in so far as it relates to the making of rules under section 106 in relation to England and Wales	Amendment to section 461 of the Companies Act 1985
Schedule 8 paragraphs 32(4)(a) and 37(4) in so far as they relate to the making of rules under section 106 in relation to England and Wales.	Consequential amendments to section 31 of the Banking Act 1979(b) and to section 59 of the Insurance Companies Act 1982(c)

(a) 1985 c.6.

(b) 1979 c.37.

(c) 1982 c.50.

Provisions of the Act	Subject matter of Provision
<p>Schedule 10 in so far as it provides for the repeal of or words in the following enactments:—</p> <p>(a) Section 663 of the Companies Act 1985 in so far as it relates to the making of general rules in relation to England and Wales.</p> <p>(b) Section 744 of the Companies Act 1985 in so far as the words repealed relate to the making of general rules in relation to England and Wales.</p> <p>(c) Section 10 of the Insolvency Act 1976(a) in so far as it relates to the making of rules under section 663 of the Companies Act 1985.</p> <p>(d) The entries in Schedule 2 to the Companies Consolidation (Consequential Provisions) Act 1985(b) relating to:—</p> <p>(i) section 31 of the Banking Act 1979 in so far as the entry in respect thereof repeals the reference to section 663 of the Companies Act 1985 in section 31(7)(a) of the Banking Act 1979.</p> <p>(ii) section 59 of the Insurance Companies Act 1982 in so far as the entries in respect thereof repeal the references therein to section 663 of the Companies Act 1985 as that section applies to the making of general rules in England and Wales.</p> <p>(iii) section 10(1) of the Insolvency Act 1976 in so far as the entry in respect thereof repeals the reference to section 663 of the Companies Act 1985 in section 10(1)(b) of the Insolvency Act 1976.</p>	<p>Repeals</p>

(a) 1976 c.60.

(b) 1985 c.9.

Article 3

SCHEDULE 2

PROVISIONS COMING INTO OPERATION ON 1ST APRIL 1986

Provisions of the Act	Subject matter of Provision
Section 213(1) (3) (4) (5) and (6) save in so far as they relate to the assisting of the courts of any relevant country or territory	Co-operation between courts exercising jurisdiction in relation to insolvency law
Section 234	Crown application
Schedule 8 paragraph 36	Consequential amendments
Schedule 10 in so far as it provides for the repeal of or words in the following enactments:—	Repeals
(a) The Irish Bankrupt and Insolvent Act 1857(a)	
(b) sections 65 and 121(7) of the Bankruptcy (Ireland) Amendment Act 1872(b)	
(c) section 121 of the Bankruptcy Act 1914(c)	
(d) section 122 of the Bankruptcy Act 1914 except in so far as it relates to courts in the United Kingdom acting in aid of and being auxiliary to British courts elsewhere	
(e) section 123 of the Bankruptcy Act 1914	
(f) section 38(5) of the Criminal Law Act 1977(d)	
(g) section 570 of the Companies Act 1985	
(h) section 246 of the Companies Act (Northern Ireland) 1960(e)	

(a) 1857 c.60.
(d) 1977 c.45.

(b) 1872 c.58.
(e) 1960 c.22 (N.I.).

(c) 1914 c.59.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order brings into force on 1st March 1986 those provisions of the Insolvency Act 1985 specified in Schedule 1 to the Order and on 1st April 1986 those further provisions of that Act specified in Schedule 2 to this Order.

The provisions brought into force on 1st March 1986 are:—

the rule-making power contained in section 106 as far as it confers power to make rules generally in relation to England and Wales together with Schedule 5 in respect thereof and in relation to Scotland in respect of the matters specified in paragraphs 26, 28, 29, 30 and 31 of Schedule 5.

section 108(1) and (3) providing for the construction and interpretation of the provisions brought into force.

section 109(1) and paragraph 24 of Schedule 6 making amendments to the Companies Act 1985 consequential upon the commencement of section 106 generally in respect of England and Wales.

section 109(2) to the extent that it provides for references in the Companies Act 1985 to general rules under section 663(1) to have effect as references to rules under section 106 of the Act.

section 226 in so far as it relates to the enabling of the Insolvency Rules Committee to be consulted on the making of rules under section 106.

section 235(1) and paragraphs 32(4)(a) and 34(4) of Schedule 8 making amendments consequential upon the commencement of section 106 in relation to England and Wales under this instrument.

section 235(3) and the provisions of Schedule 10 to the Act specified in Schedule 1 hereto making repeals consequential upon the commencement of section 106 in relation to England and Wales and of section 226 under this instrument.

The provisions brought into force on 1st April 1986 are:—

section 213 to the extent that it provides for co-operation between the courts of the three insolvency jurisdictions within the United Kingdom, England and Wales, Scotland and Northern Ireland.

section 234 making provision in respect of the application of the Act to the Crown.

Schedule 8 paragraph 36 and the provisions of Schedule 10 to the Act specified in Schedule 2 hereto making amendments and repeals consequential upon the commencement of section 213 under this instrument.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This Note is not part of the Order.)

The following provisions of the Act have been brought into force by commencement order made before the date of this Order.

Provision	Date of Commencement	S.I. No.
s.10	1.2.86	1986/6
s.11	1.2.86	1986/6
s.106 partially	1.2.86	1986/6
s.108(1) and (3) partially	1.2.86	1986/6
s.213(2) (7) (8) and (9)	1.2.86	1986/6
s.226 partially	1.2.86	1986/6
s.232	1.2.86	1986/6
s.236(1)-(4)	1.2.86	1986/6
Sched 5 partially	1.2.86	1986/6

The following provisions of the Act will be brought into force after the making of this order by a commencement order made before the date of this order.

Provision	Date of Commencement	S.I. No.
s.45	1.3.86	1986/6
s.108(1) and (3) partially	1.3.86	1986/6
s.109(3)	1.3.86	1986/6
s.235(2)	1.3.86	1986/6
Sched 9 paragraphs 7 and 8	1.3.86	1986/6

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