

SCHEDULE

Regulation 5

TRANSITIONAL PROVISIONS IN RESPECT OF PROVISIONS BROUGHT INTO FORCE

PART 1

PROVISIONS COMING INTO FORCE ON 1ST OCTOBER 2015

1. Sections 8ZA to 8ZE of the Disqualification Act (as inserted by section 105 of the Act) apply in a case where—

- (a) the main transgressor's conduct (as mentioned in section 8ZA(2) of the Disqualification Act); and
- (b) the exercise by P of the requisite amount of influence (as mentioned in section 8ZA(1) and (2) of the Disqualification Act),

occur on or after 1st October 2015.

2. The amendments to sections 6 and 8 of the Disqualification Act (as made by section 106 of the Act) in respect of overseas companies apply in respect of a person's conduct as a director of an overseas company where that conduct occurs on or after 1st October 2015.

3. Save where conduct is considered by a court or by the Secretary of State under section 5A of the Disqualification Act (as inserted by section 104 of the Act), section 12C of the Disqualification Act (as inserted by section 106 of the Act) and Schedule 1 to the Disqualification Act (as substituted by section 106 of the Act) apply to a person's conduct as a director where that conduct occurs on or after 1st October 2015.

4. Sections 15A to 15C of the Disqualification Act (as inserted by section 110 of the Act) apply in respect of a person's—

- (a) conduct (as mentioned in section 15A(3)(b) of the Disqualification Act); or
- (b) exercise of the requisite amount of influence (as mentioned in section 15A(6) of the Disqualification Act),

occurring on or after 1st October 2015.

5. The amendments to Articles 9 and 11 of the 2002 Order (as made by paragraph 3 of Schedule 8 to the Act) in respect of overseas companies apply in respect of a person's conduct as a director of an overseas company where that conduct occurs on or after 1st October 2015.

6. The amendment to Article 9 of the 2002 Order (as made by paragraph 3 of Schedule 8 to the Act) in respect of a shadow director applies in respect of conduct occurring on or after 1st October 2015.

7. The amendments to Article 11 of the 2002 Order (as made by paragraph 3 of Schedule 8 to the Act) apply in respect of a person's conduct as a director of a company where that conduct occurs on or after 1st October 2015.

8. Save where conduct is considered by a court or by the Department under Article 8A of the 2002 Order (as inserted by paragraph 2 of Schedule 8 to the Act), Article 17A of the 2002 Order (as inserted by paragraph 3 of Schedule 8 to the Act) and Schedule 1 to the 2002 Order (as substituted by paragraph 3 of Schedule 8 to the Act) apply to a person's conduct as a director where that conduct occurs on or after 1st October 2015.

9. Articles 11A to 11E of the 2002 Order (as inserted by paragraph 7 of Schedule 8 to the Act) apply in a case where—

- (a) the main transgressor's conduct (as mentioned in Article 11A(2) of the 2002 Order); and

- (b) the exercise by P of the requisite amount of influence (as mentioned in Article 11A(1) and (2) of the 2002 Order),

occur on or after 1st October 2015.

10. Articles 19A to 19C of the 2002 Order (as inserted by paragraph 8 of Schedule 8 to the Act) apply in respect of a person's—

- (a) conduct (as mentioned in paragraph (3)(b) of Article 19A of the 2002 Order); or
- (b) exercise of the requisite amount of influence (as mentioned in paragraph (6) of Article 19A of the Order,

occurring on or after 1st October 2015.

11. The amendments to section 11 of the Disqualification Act (as made by section 113 of the Act) apply in respect of a person where—

- (a) a bankruptcy order, a bankruptcy restrictions order, a debt relief restrictions order;
- (b) a bankruptcy restrictions undertaking, a debt relief restrictions undertaking; or
- (c) a moratorium period under a debt relief order,

is, as the case may be, made, awarded, accepted, granted or commences on or after 1st October 2015.

12. The amendments to Article 15 of the 2002 Order (as made by section 114 of the Act) apply in respect of a person where—

- (a) a bankruptcy order, a bankruptcy restrictions order, a debt relief restrictions order;
- (b) a bankruptcy restrictions undertaking, a debt relief restrictions undertaking; or
- (c) a moratorium period under a debt relief order,

is, as the case may be, made, awarded, accepted, granted or commences on or after 1st October 2015.

13. The amendments to section 390 of the 1986 Act (as made by section 115 of the Act) apply in relation to an individual in respect of whom a bankruptcy restrictions order or a debt relief restrictions order is made or granted on or after 1st October 2015.

14. The amendments to Article 349 of the Insolvency (Northern Ireland) Order 1989⁽¹⁾, paragraph 4 of Schedule 6 to the Insolvency (Northern Ireland) Order 2005⁽²⁾ and paragraph 4(9)(b) of the Schedule to the Debt Relief Act (Northern Ireland) 2010⁽³⁾ (as made by section 116 of the Act) apply in relation to an individual in respect of whom a bankruptcy restrictions order or a debt relief restrictions order is made or granted on or after 1st October 2015.

15. Sections 246ZA to 246ZC of the 1986 Act and the amendments to section 214 of the 1986 Act (as made by section 117 of the Act) apply in respect of the carrying on of any business of the company on or after 1st October 2015.

16. Section 246ZD of the 1986 Act (as inserted by section 118 of the Act) applies in respect of a company which enters administration or goes into liquidation on or after 1st October 2015.

17. Section 176ZB of the 1986 Act (as inserted by section 119 of the Act) applies in respect of a company which enters administration or goes into liquidation on or after 1st October 2015.

⁽¹⁾ S.I. 1989/2405 (N.I. 19).

⁽²⁾ S.I. 2005/1455 (N.I. 10).

⁽³⁾ 2010 c.16 (N.I.).

PART 2

PROVISIONS COMING INTO FORCE IMMEDIATELY AFTER THE COMING INTO FORCE OF SECTION 17 OF THE DEREGULATION ACT 2015

18. Sections 391O to 391R of the 1986 Act (as inserted by section 141 of the Act) apply in respect of conduct of an individual acting as an insolvency practitioner where that conduct occurs on or after 1st October 2015 notwithstanding the date of the individual's authorisation to act as an insolvency or appointment as office holder in a particular insolvency.