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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This is the ninth Commencement Order made under the Enterprise and Regulatory Reform Act 2013 (c.24) (“the Act”).

Article 2 of this Order commences section 71 of the Act on 6th April 2016. Section 71 introduces a new procedure for a debtor to apply for their own bankruptcy. A debtor must make an application to an adjudicator instead of petitioning the court for a bankruptcy order. Section 71 also makes amendments to the Insolvency Act 1986 (c.45) (the “1986 Act”) as a consequence of the new procedure.

Article 3 is a saving provision in respect of petitions for bankruptcy orders presented to the court by debtors before the coming into force of section 71. The amendments to the 1986 Act made by section 71(3) will not apply to such petitions.

Article 4 saves sections 272(1) and 273 of the 1986 Act for the purposes of bankruptcy petitions presented under the Administration of Insolvent Estates of Deceased Persons Order 1986 (“the 1986 Order”) and the Insolvent Partnerships Order 1994 (“the 1994 Order”). The process of a personal representative petitioning on behalf of an insolvent estate and partners petitioning on behalf of an insolvent partnership are unaffected by the new debtor bankruptcy application process and rely on sections 272 and 273 as modified by the 1986 Order and the 1994 Order.