
STATUTORY INSTRUMENTS

1986 No. 840 (C.22)

INSOLVENCY PRACTITIONERS

The Insolvency Act 1985 (Commencement No. 4) Order 1986

Made - - - - *7th May 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. 4) Order 1986.
2. The provisions of the Insolvency Act 1985 specified in Schedule 1 hereto shall come into force on 1st June 1986.
3. The provisions of the Insolvency Act 1985 specified in Schedule 2 hereto shall come in force on 1st July 1986.

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

7th May 1986.

(a) 1985 c.65.

SCHEDULE 1

Article 2

PROVISIONS COMING INTO FORCE ON 1ST JUNE 1986

Provision of the Act	Subject matter of provision
Section 3(2)	Power of the Secretary of State to declare by order that a professional body be recognised for the purposes of the section.
Section 4(1)(c)	Power of the Secretary of State to prescribe a fee for applications under section 5.
Section 5(2)(b)	Power of the Secretary of State to prescribe education and practical training and experience requirements.
Section 5(3)	Power of the Secretary of State to prescribe the maximum period for authorisation.
Schedule 1 paragraph 4(4)	Power of the Secretary of State to make rules regulating the procedure on any investigation by the Tribunal.

SCHEDULE 2

Article 3

PROVISIONS COMING INTO FORCE ON 1ST JULY 1986

Provision of the Act	Subject matter of provision
section 3 in so far as not already in force	Authorisation of members of recognised professional bodies.
section 4 in so far as not already in force	Applications for authorisation by a relevant authority.
section 5 in so far as not already in force	Grant, refusal and withdrawal of authorisation by a relevant authority.
section 6	Notices.
section 7	Right to make representations.
section 8	Reference to Tribunal.
section 9	Refusal or withdrawal of an authorisation without reference to Tribunal.
Schedule 1 in so far as not already in force	Insolvency Practitioners Tribunal.

EXPLANATORY NOTE

(This Note is not part of the Order.)

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

The provisions brought into force on 1st June 1986 are the following rule-making powers:—

section 3(2) which enables the Secretary of State to recognise professional bodies which meet the criteria set out in section 3(3) as being entitled to authorise their members to act as insolvency practitioners.

section 4(1)(c) which enables the Secretary of State to prescribe fees to be paid by applicants to him for authorisation to act as insolvency practitioners.

section 5(2)(b) which enables the Secretary of State to prescribe the standards of education and experience that must be achieved by applicants to him for authorisation.

section 5(3) which enables the Secretary of State to prescribe the maximum period of duration for authorisations granted by him.

Schedule 1 paragraph 4(4) which enables the Secretary of State to make procedural rules governing investigations by the Insolvency Practitioners Tribunal.

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

the remainder of section 3, 4 and 5, sections 6 to 9 and the remainder of Schedule 1 which together with the rule-making powers commenced on 1st June provide for:—

the recognition of professional bodies entitled to authorise their members to act as insolvency practitioners;

the establishment of the procedure by which the Secretary of State as the relevant authority may grant, refuse or withdraw authorisation to act as an insolvency practitioner; and

the establishment of an investigatory tribunal, the Insolvency Practitioners Tribunal, to which cases may be referred in the circumstances set out in section 8 of the Act.

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 orders 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
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 partially	1.3.86	1986/6
s.106 partially	1.3.86	1986/185
s.108(1) and (3) partially	1.3.86	1986/185
s.109(1)	1.3.86	1986/185
s.109(2) partially	1.3.86	1986/185
s.226 partially	1.3.86	1986/185
s.235(1) and (3)	1.3.86	1986/185
Sched. 5 partially	1.3.86	1986/185
Sched. 6 partially	1.3.86	1986/185
Sched. 8 partially	1.3.86	1986/185
Sched. 10 partially	1.3.86	1986/185
s.213(1), (3), (4), (5) and (6) partially	1.4.86	1986/185
s.234	1.4.86	1986/185
Sched. 8 partially	1.4.86	1986/185
Sched. 10 partially	1.4.86	1986/185
s.214 partially	1.4.86	1986/463
Sched. 8 partially	1.4.86	1986/463
Sched. 10 partially	1.4.86	1986/463

Provision	Date of Commencement	S.I. No.
s.12	28.4.86	1986/463
s.13	28.4.86	1986/463
s.14	28.4.86	1986/463
s.15	28.4.86	1986/463
s.16	28.4.86	1986/463
s.18	28.4.86	1986/463
s.108 partially	28.4.86	1986/463
s.216	28.4.86	1986/463
Sched. 2	28.4.86	1986/463
Sched. 6 partially	28.4.86	1986/463
Sched. 9 partially	28.4.86	1986/463
Sched. 10 partially	28.4.86	1986/463

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