
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;

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- 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.