

2015 No. 1651

INSOLVENCY

COMPANIES

**The Small Business, Enterprise and Employment Act 2015
(Consequential Amendments) (Insolvency and Company
Directors Disqualification) Regulations 2015**

<i>Made</i> - - - -	<i>1st September 2015</i>
<i>Laid before Parliament</i>	<i>8th September 2015</i>
<i>Coming into force</i> - -	<i>1st October 2015</i>

The Secretary of State, in exercise of the powers conferred by section 159(1) and (2) of the Small Business, Enterprise and Employment Act 2015(a), makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Small Business, Enterprise and Employment Act 2015 (Consequential Amendments) (Insolvency and Company Directors Disqualification) Regulations 2015.

(2) Subject to paragraph (3) these Regulations come into force on 1st October 2015.

(3) Regulation 6 comes into force immediately after the coming into force of the Deregulation Act 2015 (Insolvency) (Consequential Amendments and Transitional and Savings Provisions) Order 2015(b).

Consequential amendments to secondary legislation

2.—(1) The Insolvent Companies (Disqualification of Unfit Directors) Proceedings Rules 1987(c) are amended as follows.

(2) For rule 1(3)(c)(ii) substitute: “by the Secretary of State under section 5A (disqualification for certain convictions abroad), 8 (disqualification of director on finding of unfitness), 8ZB (Application for order under section 8ZA) or 8ZD (order disqualifying person instructing unfit director: other cases) of that Act;”.

(a) 2015 c. 26.

(b) S.I. 2015/1641. This Order makes amendments to secondary legislation in consequence of section 17 of the Deregulation Act 2015 (c.20), which substitutes section 391 of the Insolvency Act 1986 (c.45). Section 137 of the Small Business, Enterprise and Employment Act 2015 substitutes section 391 of the Insolvency Act 1986 as substituted by section 17 of the Deregulation Act 2015.

(c) S.I. 1987/2023; relevant amending instruments are S.I. 2003/1367 and 2007/1906.

- (3) In rule 1(3)(e)(ii)—
 - (a) after “section” insert “5A,”;
 - (b) after “8,” insert “8ZA, 8ZC, 8ZD, 8ZE,”.
- (4) In rule 4(b)(i) after “7” insert “or 8ZB”.
- (5) In rule 4(b)(ii)—
 - (a) after “section” insert “5A,”;
 - (b) after “8” insert “, 8ZD,”.

3.—(1) The Insolvent Companies (Disqualification of Unfit Directors) Proceedings Rules (Northern Ireland) 2003(a) are amended as follows.

(2) For Rule 1(3)(b) substitute: “by the Department under Article 8A (disqualification for certain convictions abroad), Article 11 (disqualification of director on finding of unfitness), Article 11B (application for order under Article 11A) or Article 11D (order disqualifying persons instructing unfit director: other cases) of that Order, or”.

- (3) In Rule 4(b)(i) after “10” insert “ or 11B”.
- (4) In Rule 4(b)(ii) for “11” substitute “8A, 11, 11D”.

4.—(1) The Companies (Disqualification Orders) Regulations 2009(b) (“the 2009 Regulations”) are amended as follows.

- (2) In Regulation 2(1)—
 - (a) for the definition of “disqualification order” substitute: ““disqualification order” means an order of the court under any of sections 2 to 5, 5A, 6, 8, 8ZA, 8ZD, 9A and 10 of the Act;”; and
 - (b) for the definition of “disqualification undertaking”, substitute ““disqualification undertaking” means an undertaking accepted by the Secretary of State under section 5A, 7, 8, 8ZC, 8ZE or 9B of the Act;”.

(3) For form DQ01 in Schedule 1 to the 2009 Regulations substitute form DQ01 as set out in Part 1 of Schedule 1 to these Regulations.

(4) For form DQ02 in Schedule 2 to the 2009 Regulations substitute form DQ02 as set out in Part 2 of Schedule 1 to these Regulations.

5.—(1) The Companies (Disqualification Orders) Regulations (Northern Ireland) 2010(c) (“the 2010 Regulations”) are amended as follows.

- (2) In article 2—
 - (a) for the definition of “disqualification order” substitute “disqualification order” means an order of the court under any of Articles 5 to 8, 8A, 9, 11, 11A, 11D, 13A and 14 of the Order;”; and
 - (b) for the definition of “disqualification undertaking” substitute “disqualification undertaking” means an undertaking accepted by the Department under Article 8A, 10, 11, 11C, 11E or 13B of the Order”.

(3) For form DQ01n in Schedule 1 to the 2010 Regulations substitute form DQ01n as set out in Part 1 of Schedule 2 to these Regulations.

(4) For form DQ02n in Schedule 2 to the 2010 Regulations substitute form DQ02n as set out in Part 2 of Schedule 2 to these Regulations.

6. In the Collective Investment in Transferable Securities (Contractual Scheme) Regulations 2013(d), in Schedule 2 (co-ownership schemes: application of the Insolvency Act 1986 and the

(a) S.I. 2003/358 (N.I.); amended by 2005/517 (N.I.). There are other amending instruments but none is relevant.
 (b) S.I. 2009/2471.
 (c) S.I. 2010/184 (N.I.).
 (d) S.I. 2013/1388 2013; amended by S.I. 2015/1641.

Insolvency (Northern Ireland) Order 1989), in Part 3 (table of applied provisions of the Insolvency Act 1986) after the entry for section 390 insert—

“Sections 390A to 391T (qualification and regulation of insolvency practitioners)	In these sections a reference to a company is to be read without modification by this Schedule.”
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1st September 2015

Anna Soubry
Minister of State for Small Business, Industry and Enterprise
Department for Business, Innovation and Skills

SCHEDULES

SCHEDULE 1

Regulation 4(3) and (4)

PART 1

DQ01

Disqualification order against an individual

In accordance with the Companies (Disqualification Orders) Regulations 2009 (as amended by the Small Business, Enterprise and Employment Act 2015 (Insolvency and Disqualification of Unfit Directors) (Consequential Amendments) Regulations 2015).

DQ01

Disqualification order against an individual

✓ **What this form is for**
You may use this form to give notice of a disqualification order against an individual

✗ **What this form is NOT for**
You cannot use this form to file a disqualification order against a corporate body or firm. To do this, please use form DQ02 'Disqualification order against a corporate body or firm'.

For further information, please refer to our guidance at www.companieshouse.gov.uk

1

Disqualification Act 1986

Please tick which section of the Company Directors Disqualification Act (CDDA) 1986 under which the order was made:

<input type="checkbox"/> S2	<input type="checkbox"/> S3	<input type="checkbox"/> S4	<input type="checkbox"/> S5
<input type="checkbox"/> S5A	<input type="checkbox"/> S6	<input type="checkbox"/> S8	<input type="checkbox"/> S8ZB
<input type="checkbox"/> S8ZD	<input type="checkbox"/> S9	<input type="checkbox"/> S10	

→ **Filling in this form**
Please complete in typescript or in bold black capitals.
All fields are mandatory unless specified or indicated by *

2

Individual's details

Please give the name of the individual against whom the order was made.

Title * _____
Forename(s) _____
Surname _____
Date of birth

d	d	m	m	y	y	y	y
---	---	---	---	---	---	---	---

Nationality _____

3

Individual's address ①

Building name/number _____
Street _____
Post town _____
County/Region _____
Postcode

--	--	--	--	--	--	--	--

Country _____

① **Address**
Please show the last known address of the disqualified director (e.g. as shown on documents submitted to the court).

② **Section 243 exemption**
Please tick the following box if this director is in the process of applying for, or has been granted, exemption by the Registrar from disclosing their usual residential address to credit reference agencies under section 243 of the Companies Act 2006.

4		Disqualification details	
Date of order ❶		d	d
Period of disqualification ❷		m	m
Disqualification start date ❸		y	y
Company/LLP name ❹		y	y
Case number			

❶ **Date of order**
Please enter the date on which the order was made.

❷ **Period of disqualification**
Please enter the period of disqualification specified in the order.


❸ **Disqualification start date**
Unless the court indicates otherwise, this will be 21 days from the date of the order.


❹ **Company/LLP name**
Please give the name(s) of the company(ies)/LLP(s) in respect of the conduct leading to disqualification.


5		Signature	
Signature			
Name/Position			
Court			

DQ01

Disqualification order against an individual

 Presenter information	
Presenter information You do not have to give any contact information, but if you do it will help Companies House if there is a query on the form. The contact information you give will be visible to searchers of the public record	
Contact name	
Company Name	
Address	
Post town	
County/Region	
Postcode	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
Country	
DX	
Telephone	

 Checklist
We may return forms completed incorrectly or with information missing.
Please make sure you have remembered the following:
<input type="checkbox"/> You have indicated which Section of the CDDA applies in section 1.
<input type="checkbox"/> You have provided details of the individual as required by sections 2 and 3.
<input type="checkbox"/> You have completed the required information in section 4.
<input type="checkbox"/> You have signed the form.

 Where to send
When completed and signed, please send to: Secretary of State, C/O The Subpoena Clerk, The Registrar of Companies, Companies House, Crown Way, Cardiff, Wales, CF14 3UZ. DX 33050 Cardiff.

PART 2

DQ02

Disqualification order against a corporate body or firm

In accordance with the Companies (Disqualification Orders) Regulations 2009 (as amended by the Small Business, Enterprise and Employment Act 2015 (Insolvency and Disqualification of Unfit Directors) (Consequential Amendments) Regulations 2015).

DQ02

Disqualification order against a corporate body or firm

What this form is for
You may use this form to give notice of a disqualification order against an individual

What this form is NOT for
You cannot use this form to file a disqualification order against a corporate body or firm. To do this, please use form DQ01 'Disqualification order against an individual.

For further information, please refer to our guidance at www.companieshouse.gov.uk

1

Disqualification Act 1986

Please tick which section of the Company Directors Disqualification Act (CDDA) 1986 under which the order was made:

<input type="checkbox"/> S2	<input type="checkbox"/> S3	<input type="checkbox"/> S4	<input type="checkbox"/> S5
<input type="checkbox"/> S5A	<input type="checkbox"/> S6	<input type="checkbox"/> S8	<input type="checkbox"/> S8ZB
<input type="checkbox"/> S8ZD	<input type="checkbox"/> S9	<input type="checkbox"/> S10	

→ **Filling in this form**
Please complete in typescript or in bold black capitals.
All fields are mandatory unless specified or indicated by *

2

Corporate details

Please give the name of the corporate body or firm against whom the order was made.

Corporate body/firm name

Registered number (if any)

Country of registration

3

Address

Building name/number

Street

Post town

County/Region

Postcode

Country

① **Registered or principal address**
Please enter the address of the registered or principal office in Great Britain of the corporate body at the date of the order.

4**Disqualification details**

Date of order ❶

d	d	m	m	y	y	y	y
---	---	---	---	---	---	---	---

Period of disqualification ❷

--	--	--	--	--	--	--	--

Disqualification start date ❸

d	d	m	m	y	y	y	y
---	---	---	---	---	---	---	---

Company/LLP name ❹

--	--	--	--	--	--	--	--

Case number

--	--	--	--	--	--	--	--

- ❶ **Date of order**
Please enter the date on which the order was made.
- ❷ **Period of disqualification**
Please enter the period of disqualification specified in the order.
- ❸ **Disqualification start date**
Unless the court indicates otherwise, this will be 21 days from the date of the order.
- ❹ **Company/LLP name**
Please give the name(s) of the company(ies)/LLP(s) in respect of the conduct leading to disqualification.

5**Signature**

Signature

--	--	--	--	--	--	--	--

Name/Position

--	--	--	--	--	--	--	--

Court

--	--	--	--	--	--	--	--

DQ02

Disqualification order against a corporate body or firm

Presenter information

You do not have to give any contact information, but if you do it will help Companies House if there is a query on the form. The contact information you give will be visible to searchers of the public record

Court Officer Contact

Court name

Address

Post town

County/Region

Postcode

Country

DX

Telephone

Checklist

We may return forms completed incorrectly or with information missing.

Please make sure you have remembered the following:

- You have indicated which Section of the CDDA applies in section 1.
- You have provided details of the corporate body or firm as required by sections 2 and 3.
- You have completed the required information in section 4.
- You have signed the form.

Where to send

When completed and signed, please send to:

Secretary of State, C/O The Subpoena Clerk,
The Registrar of Companies, Companies House,
Crown Way, Cardiff, Wales, CF14 3UZ.
DX 33050 Cardiff.

SCHEDULE 2

Regulation 5(3) and (4)

PART 1

DQ01n

Disqualification order against an individual in Northern Ireland

In accordance with the Companies (Disqualification Orders) Regulations 2009 (as amended by the Small Business, Enterprise and Employment Act 2015 (Insolvency and Disqualification of Unfit Directors) (Consequential Amendments) Regulations 2015).

DQ01n

Disqualification order against an individual in Northern Ireland



What this form is for
You may use this form to give notice of a disqualification order against an individual in Northern Ireland.

What this form is NOT for
You cannot use this form to file a disqualification order against a corporate body in Northern Ireland. To do this, please use form DQ02n 'Disqualification order against a corporate body in Northern Ireland'.

1

Disqualification Order (Northern Ireland) 2002

Please tick the Article of the Company Directors Disqualification (Northern Ireland) Order (CDDNIO) 2002 under which the order was made:

<input type="checkbox"/> A5	<input type="checkbox"/> A6	<input type="checkbox"/> A7	<input type="checkbox"/> A8
<input type="checkbox"/> A8A	<input type="checkbox"/> A9	<input type="checkbox"/> A11	<input type="checkbox"/> A11B
<input type="checkbox"/> A11D	<input type="checkbox"/> A13A	<input type="checkbox"/> A14	

→ **Filing in this form**
Please complete in typescript or in bold black capitals.

All fields are mandatory unless specified or indicated by *

2

Individual's details

Please give the name of the individual against whom the order was made.

Title * _____

Forename(s) _____

Surname _____

Date of birth

d	d	m	m	y	y	y	y
---	---	---	---	---	---	---	---

Nationality _____

3

Individual's address

Building name/number _____

Street _____

Post town _____

County/Region _____

Postcode

--	--	--	--	--	--	--	--

Country _____

❶ **Address**
Please show the last known address of the disqualified director (e.g. as shown on documents submitted to the court).


4		Disqualification details							
Date of order ❶		d	d	m	m	y	y	y	y
Period of disqualification ❷									
Disqualification start date ❸		d	d	m	m	y	y	y	y
Company/LLP name ❹									
Case number									


- ❶ **Date of order**
Please enter the date on which the order was made.
- ❷ **Period of disqualification**
Please enter the period of disqualification specified in the order.
- ❸ **Disqualification start date**
Unless the court indicates otherwise, this will be 21 days from the date of the order.
- ❹ **Company/LLP name**
Please give the name(s) of the company(ies)/LLP(s) in respect of the conduct leading to disqualification.


5		Signature	
Signature			
Name/Position			
Court			

DQ01n

Disqualification order against an individual in Northern Ireland

 Presenter information
You do not have to give any contact information, but providing your contact details will assist Companies House if a query arises on the form.
Court Officer Contact
Court Name
Address
Post town
County/Region
Postcode
Country
DX
Telephone

 Where to send
When completed and signed, please send to: Secretary of State, C/O The Subpoena Clerk, The Registrar of Companies, Companies House, Crown Way, Cardiff, Wales, CF14 3UZ. DX 33050 Cardiff.
Also send a copy to the Department of Enterprise, Trade and Investment, Insolvency Service, Fermanagh House, Ormeau Avenue, Belfast, BT2 8NJ.

 Checklist
We may return forms completed incorrectly or with information missing.
Please make sure you have remembered the following:
<input type="checkbox"/> You have indicated which Article of the CDDNIO applies in section 1.
<input type="checkbox"/> You have provided details of the individual as required by sections 2 and 3.
<input type="checkbox"/> You have completed the required information in section 4.
<input type="checkbox"/> You have signed the form.

PART 2

DQ02n

Disqualification Order against a corporate body in Northern Ireland

In accordance with the Companies (Disqualification Orders) Regulations 2009 (as amended by the Small Business, Enterprise and Employment Act 2015 (Insolvency and Disqualification of Unfit Directors) (Consequential Amendments) Regulations 2015).

DQ02n

Disqualification order against a corporate body in Northern Ireland



What this form is for
You may use this form to give notice of a disqualification order against a corporate body in Northern Ireland.

What this form is NOT for
You cannot use this form to file a disqualification order against an individual in Northern Ireland. To do this, please use form DQ01n 'Disqualification order against an individual in Northern Ireland'.

1

Disqualification Order (Northern Ireland) 2002

Please tick the Article of the Company Directors Disqualification (Northern Ireland) Order (CDDNIO) 2002 under which the order was made:

<input type="checkbox"/> A5	<input type="checkbox"/> A6	<input type="checkbox"/> A7	<input type="checkbox"/> A8
<input type="checkbox"/> A8A	<input type="checkbox"/> A9	<input type="checkbox"/> A11	<input type="checkbox"/> A11B
<input type="checkbox"/> A11D	<input type="checkbox"/> A13A	<input type="checkbox"/> A14	

→ **Filling in this form**
Please complete in typescript or in bold black capitals.

All fields are mandatory unless specified or indicated by *

2

Corporate details

Please give the name of the corporate body against whom the order was made.

Corporate body name

Registered number (if any)

Country of registration

3

Address

Building name/number

Street

Post town

County/Region

Postcode

Country

① **Registered or principal address**
Please enter the address of the registered or principal office in Northern Ireland of the corporate body at the date of the order.

4		Disqualification details							
Date of order ❶		d	d	m	m	y	y	y	y
Period of disqualification ❷									
Disqualification start date ❸		d	d	m	m	y	y	y	y
Company/LLP name ❹									
Case number									

❶ **Date of order**
Please enter the date on which the order was made.

❷ **Period of disqualification**
Please enter the period of disqualification specified in the order.


❸ **Disqualification start date**
Unless the court indicates otherwise, this will be 21 days from the date of the order.


❹ **Company/LLP name**
Please give the name(s) of the company(ies)/LLP(s) in respect of the conduct leading to disqualification.


5		Signature	
Signature			
Name/Position			
Court			

DQ02n

Disqualification order against a corporate body in Northern Ireland

 Presenter information
You do not have to give any contact information, but providing your contact details will assist Companies House if a query arises on the form.
Court Officer Contact
Court name
Address
Post town
County/Region
Postcode
Country
DX
Telephone

 Where to send
When completed and signed, please send to: Secretary of State, C/O The Subpoena Clerk, The Registrar of Companies, Companies House, Crown Way, Cardiff, Wales, CF14 3UZ. DX 33050 Cardiff.
Also send a copy to the Department of Enterprise, Trade and Investment, Insolvency Service, Fermanagh House, Ormeau Avenue, Belfast, BT2 8NJ.

 Checklist
We may return forms completed incorrectly or with information missing.
Please make sure you have remembered the following:
<input type="checkbox"/> You have indicated which Article of the CDDNIO applies in section 1.
<input type="checkbox"/> You have provided details of the corporate body as required by sections 2 and 3.
<input type="checkbox"/> You have completed the required information in section 4.
<input type="checkbox"/> You have signed the form.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to secondary legislation in consequence of the commencement of sections 104 to 116 and 137 to 146 of the Small Business, Enterprise and Employment Act 2015 (“the Act”).

In consequence of the commencement of sections 104 to 116 of the Act, regulation 2 of and Schedule 1 make amendments to secondary legislation (in both Great Britain and Northern Ireland) relating to the procedure for the disqualification under the Company Directors Disqualification Act 1986(c.46), which gives specified courts power to make a disqualification order against a person and the Secretary of State power to accept a disqualification undertaking. In particular there are amendments to the forms specified to be used by certain court officers so as to include in the form DQ01 (used when a disqualification order is made against an individual) reference to new section 5A, 8ZB and 8ZD of the Company Directors Disqualification Act 1986 and so as to include reference to them in form DQ02 (used when a disqualification order is made against a corporate body or firm). Similar amendments are made to such forms used in Northern Ireland.

In consequence of sections 137 to 146 of the Act regulation 6 makes amendment to secondary legislation relating to collective investment scheme.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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