
STATUTORY INSTRUMENTS

2016 No. 191

INSOLVENCY, ENGLAND AND WALES

**The Enterprise and Regulatory Reform Act 2013
(Commencement No. 9 and Saving Provisions) Order 2016**

Made - - - - 7th February 2016

The Secretary of State makes the following Order in exercise of the powers conferred by sections 100 and 103(3) and (4) of the Enterprise and Regulatory Reform Act 2013⁽¹⁾.

Citation

1. This Order may be cited as the Enterprise and Regulatory Reform Act 2013 (Commencement No. 9 and Saving Provisions) Order 2016.

Day appointed for the coming into force of section 71

2. Section 71 (bankruptcy applications: determination by adjudicators) of the Enterprise and Regulatory Reform Act 2013 (“the Act”) comes into force on 6th April 2016.

Saving provisions

3. The amendments to the Insolvency Act 1986⁽²⁾ brought into force by section 71(3) and Schedule 19 (adjudicators: minor and consequential amendments) to the Act do not have effect in respect of a petition for a bankruptcy order presented to the court by a debtor before 6th April 2016.

4. The repeals of sections 272 and 273 of the Insolvency Act 1986 brought into force by paragraph 9 of Schedule 19 to the Act do not have effect in respect of the application of—

- (a) paragraphs 6 and 7 of Part 2 of Schedule 1 (provisions of the Act applying with relevant modifications to the administration in bankruptcy of insolvent estates of deceased persons dying before presentation of a bankruptcy petition) to the Administration of Insolvent Estates of Deceased Persons Order 1986⁽³⁾; and
- (b) paragraph 5 of Schedule 7 (provisions of the Act which apply with modifications for the purposes of article 11 where joint bankruptcy petition presented by individual members

(1) 2013 c.24.
(2) 1986 c.45.
(3) S.I. 1986/1999.

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without winding up partnership as unregistered company) to the Insolvent Partnerships Order 1994(4).

7th February 2016

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

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.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Act are brought into force by the first to seventh commencement orders made before the date of this order. The eighth commencement order was revoked by S.I. 2015/1558.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 7(1)	6th April 2014	2014/253
Section 7(2) (partially)	6th March 2014	2014/253
Section 7(2) (remainder)	6th April 2014	2014/253
Sections 8 and 9	6th April 2014	2014/253
Section 14	29th July 2013	2013/1648
Section 15(10)	29th July 2013	2013/1648
Section 16	6th April 2014	2014/253
Section 19	25th June 2013	2013/1455
Section 23	29th July 2013	2013/1648
Section 25(1) and (2)	1st October 2013	2013/2227
Section 25(3)	1st April 2014	2014/416
Section 25(4)	1st October 2013	2013/2227

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 26	1st April 2014	2014/416
Section 27	1st October 2013	2013/2227
Sections 29 to 51	1st April 2014	2014/416
Sections 54 to 58	1st April 2014	2014/416
Sections 60 and 61	6th April 2014	2014/416
Section 63 (partially)	25th June 2013	2013/1455
Section 63 (partially)	1st October 2013	2013/2227
Section 63 (partially)	6th April 2014	2014/416
Section 65	1st October 2013	2013/2227
Section 66	6th April 2014	2014/416
Sections 67 to 70	1st October 2013	2013/2227
Section 72(1)	25th June 2013	2013/1455
Section 72(2) and (3)	16th December 2013	2013/2979
Section 72(4) (partially)	25th June 2013	2013/1455
Section 72(4) (partially)	1st October 2013	2013/1455
Section 72(4) (partially, in relation to England only)(4)	1st October 2013	2013/1455(5)
Section 72(4) (partially, in relation to England only)	16th December 2013	2013/2979
Section 72(4) (partially)	16th December 2013	2013/2979
Section 72(4) (partially, in relation to England only)	31st December 2014	2013/2979(6)
Section 72(4) (partially in relation to Scotland)	15th September 2014	2014/2481
Section 73 (partially)	1st October 2013	2013/2227
Sections 79 to 82	1st October 2013	2013/2227
Section 90(7)	1st October 2013	2013/2227
Schedule 1, paragraphs 2 and 3	6th March 2014	2014/253
Schedule 1 (remainder)	6th April 2014	2014/253
Schedules 2 and 3	6th April 2014	2014/253
Schedule 4, paragraphs 1 to 18, 20 to 28, 29(1), 31, 32, 34, 35, 51 (partially), 52 (partially), 53 (partially), 59, 60, 61(1) to (4), and 62 to 65	1st October 2013	2013/2227
Schedule 4 (remainder)	1st April 2014	2014/416
Schedules 5 to 13	1st April 2014	2014/416

(5) S.I. 2013/1455 (C. 55) was amended by S.I. 2013/2271 (C. 94) in relation to the commencement of this provision.

(6) S.I. 2013/2979 (C. 122) was amended by S.I. 2014/824 (C. 33) and S.I. 2014/2481 in relation to the commencement of this provision.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Schedule 14 (paragraphs 1 to 19 and 23 to 29)	1st April 2014	2014/416
Schedule 15	1st April 2014	2014/416
Schedule 16	6th April 2014	2014/416
In Schedule 17—		
Paragraphs 1 to 6	1st October 2013	2013/2227
Paragraph 9	25th June 2013	2013/1455
Paragraph 10	1st October 2013	2013/2227
Paragraph 11	6th April 2014	2014/416
Paragraphs 12 and 13	1st October 2013	2013/2227
Paragraphs 14 to 19	6th April 2014	2014/416
Paragraph 20	25th June 2013	2013/1455
In Schedule 20—		
Paragraph 1	1st October 2013	2013/1455
Paragraph 2 (partially)	25th June 2013	2013/1455
Paragraph 2 (partially in relation to England only)	1st October 2013	2013/1455
Paragraph 2 (partially in relation to England only)	16th December 2013	2013/2979
Paragraph 2 (partially)	16th December 2013	2013/2979
Paragraph 2 (partially in relation to England only)	31st March 2014	2013/2979
Paragraph 2 (partially in relation to Scotland)	15th September 2014	2014/2841
Schedule 21, paragraph 5	1st October 2013	2013/2227