

2016 No. 1020 (C. 73)

INSOLVENCY, ENGLAND AND WALES

COMPANIES

INDIVIDUALS

**The Small Business, Enterprise and Employment Act 2015
(Commencement No. 6 and Transitional and Savings
Provisions) Regulations 2016**

Made - - - - *19th October 2016*

The Secretary of State, in exercise of the powers conferred by sections 160(1), 161(1), 161(2) and 164(1) of the Small Business, Enterprise and Employment Act 2015^(a), makes the following Regulations.

Citation and extent

1. These Regulations may be cited as the Small Business, Enterprise and Employment Act 2015 (Commencement No. 6 and Transitional and Savings Provisions) Regulations 2016.
2. These Regulations extend to England and Wales only.

Interpretation

3. In these Regulations—
“the 1986 Act” means the Insolvency Act 1986^(b); and
“the 2015 Act” means the Small Business, Enterprise and Employment Act 2015.

Provisions coming into force on 6th April 2017

4. The day appointed for the coming into force of the following provisions of the 2015 Act in England and Wales is 6th April 2017—
 - (a) section 122 (abolition of requirements to hold meetings: company insolvency);
 - (b) section 123 (abolition of requirements to hold meetings: individual insolvency);
 - (c) section 124 (ability for creditors to opt not to receive certain notices: company insolvency);
 - (d) section 125 (ability for creditors to opt not to receive certain notices: individual insolvency);

^(a) 2015 c.26.
^(b) 1986 c.45.

- (e) section 126 (sections 122 to 125: further amendments) and Schedule 9; and
- (f) section 133 (trustees in bankruptcy) and Schedule 10.

Transitional and saving provision

5.—(1) This regulation applies where on or after 6th April 2017—

- (a) a creditors’ or contributories’ meeting is to be held as a result of a notice issued before that date in relation to a meeting for which provision is made by the Insolvency Rules 1986(a) or the 1986 Act;
- (b) a meeting is to be held as a result of a requisition by a creditor or contributory made before that date;
- (c) a meeting is to be held as a result of a statement made under paragraph 52(1)(b) of Schedule B1 to the 1986 Act and a request made before that date which obliges the administrator to summon an initial creditors’ meeting;
- (d) a progress meeting is required by section 104A of the 1986 Act(b) in the winding up of a company where the resolution to wind up was passed before 6th April 2010; or
- (e) a meeting is to be held under section 94, 106, 146 or 331 of the 1986 Act as a result of—
 - (i) a final report to creditors sent under rule 4.49D of the Insolvency Rules 1986 (final report to creditors in liquidation),
 - (ii) a final report to creditors and bankrupt sent under rule 6.78B of the Insolvency Rules 1986 (final report to creditors and bankrupt), or
 - (iii) a meeting being called under section 94 of the 1986 Act (final meeting prior to dissolution).

(2) Where such a meeting is to be held, the 1986 Act applies without the amendments made by—

- (a) section 122 of the 2015 Act;
- (b) section 123 of the 2015 Act; and
- (c) section 126 and Schedule 9 to the 2015 Act, insofar as those amendments relate to the abolition of requirements to hold meetings.

Margot James

Minister for Small Business, Consumers, and Corporate Responsibility
Department for Business, Energy and Industrial Strategy

19th October 2016

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force specified provisions of the Small Business, Enterprise and Employment Act 2015 (c.26) (“the 2015 Act”) which amend the Insolvency Act 1986 (c.45). These are the sixth commencement regulations made under the 2015 Act. Some provisions of the 2015 Act came into force on its passing and some two months after that.

Regulation 4 commences sections 122 and 123 of the 2015 Act, which make provision for decision making processes for creditors (other than meetings) in insolvencies. It also commences sections 124 and 125, which make provision for creditors to opt out of receiving communications

(a) S.I. 1986/1925.

(b) 1986 c.45. Article 12 of the Legislative Reform (Insolvency) (Miscellaneous Provisions) Order 2010 S.I. 2010/18 saves section 104A of the Act in relation to companies where the resolution to wind up was passed before 6th April 2010.

from office-holders in insolvencies. It commences section 126 and Schedule 9, which makes further amendments relating to sections 122 to 125.

Regulation 4 also commences section 133 and Schedule 10. Section 133 inserts a new section 291A into the Insolvency Act 1986 which provides that on the making of a bankruptcy order the official receiver will become trustee (unless the court appoints someone else). Schedule 10 makes consequential amendments.

Regulation 5 contains transitional and savings provisions which apply in respect of the provisions commenced by regulation 4.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Act are brought into force by commencement regulations made before the date of these Regulations:

<i>Provision of the Act</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 17	1st October 2016	2016/321
Section 18	26th May 2015	2015/1329
Section 19(1), (3) and (4)	26th May 2015	2015/1329
Section 19(2)	1st October 2016	2016/321
Section 20	1st October 2015	2015/1689
Sections 28 to 32	1st July 2015	2015/1329
Section 33(4), (6) and (7)	26th May 2015	2015/1329
Section 34	26th May 2015	2015/1329
Sections 35 and 36 (in relation to England)	1st October 2015	2015/1689
Section 38 (partially)	1st January 2016	2015/2029
Section 38 (partially)	1st June 2016	2016/532
Section 41 and Parts 1 and 3 of Schedule 1	2nd May 2016	2016/532
Section 41 to 73 (to the extent not already commenced)	21st July 2016	2016/532
Section 45 (partially)	6th April 2016	2016/321
Section 47 (partially)	6th April 2016	2016/321
Section 51 (partially)	6th April 2016	2016/321
Section 58 (partially)	6th April 2016	2016/321
Sections 63 to 65	2nd May 2016	2016/532
Section 76	1st January 2016	2015/1329
Section 77 and Schedule 2 (partially)	15th June 2015	2015/1329
Section 77 and Schedule 2 (partially)	1st January 2016	2015/1329
Section 81 and Schedule 3 (partially)	26th May 2015	2015/1329
Section 81 and Schedule 3 (to the extent not already commenced)	6th April 2016	2015/2029
Section 82	6th April 2016	2015/2029
Section 92 (partially)	1st May 2016	2016/321
Section 92 to 98 (partially) and Schedule 5	30th June 2016	2016/321
Section 93 (partially)	1st January 2016	2015/2029
Section 96 (partially)	26th May 2015	2015/1329
Section 96 (partially)	10th October 2015	2015/1689
Sections 100 and 101	10th October 2015	2015/1689
Section 102	6th April 2016	2016/321
Section 103	10th October 2015	2015/1689
Sections 104 to 106 (partially)	26th May 2015	2015/1329
Sections 104 to 106 (partially)	1st October 2015	2015/1689
Section 107 (partially)	26th May 2015	2015/1329
Section 107 (partially)	6th April 2016	2016/321
Sections 108 to 111 and Schedule 7 (partially)	26th May 2015	2015/1329
Section 108 to 111 and Schedule 7 (partially)	1st October 2015	2015/1689
Section 112 and Schedule 8 (partially)	1st October 2015	2015/1689
Section 112 and Schedule 8 (partially)	6th April 2016	2016/321
Sections 113 to 119	1st October 2015	2015/1689
Sections 122 to 126 and Schedule 9	26th May 2015	2015/1329

(partially)		
Sections 137 to 146 and Schedule 11	Immediately after the coming into force of section 17 of the Deregulation Act 2015 (c.20)	2015/1689
Section 148	1st January 2016	2015/2029
Section 149	26th May 2015	2015/1329
Section 150	6th April 2016	2016/321
Section 152	26th May 2015	2015/1329
Section 153	26th May 2015	2015/1329
Section 154 to 157	1st January 2016	2015/2029
Section 158	26th May 2015	2015/1329
Part 1 of Schedule 3 (partially)	30th June 2016	2015/2029
Part 2 of Schedule 3 (partially)	30th June 2016	2015/2029

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