



Small Business, Enterprise and Employment Act 2015

CHAPTER 26

SMALL BUSINESS, ENTERPRISE AND EMPLOYMENT ACT 2015

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PART 1 — THE PUBS CODE ADJUDICATOR

Status

- 1 The Adjudicator is a corporation sole.
- 2 The Adjudicator carries out functions on behalf of the Crown....

Appointment

- 3 The Adjudicator is to be appointed by the Secretary of...

Deputy Adjudicator

- 4 The Secretary of State may appoint a Deputy Adjudicator.
- 5 The Deputy Adjudicator may carry out any of the Adjudicator's...

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Term of office etc

- 6 A person holds and vacates office as the Adjudicator or...
- 7 Service as the Adjudicator, or as the Deputy Adjudicator, is...

Remuneration

- 8 (1) The Adjudicator may pay to or in respect of...

Staff

- 9 (1) The Adjudicator may make arrangements for persons to be...

Conflicts of interest

- 10 (1) The Adjudicator must make procedural arrangements for dealing with...
- 11 (1) This paragraph applies if both the Adjudicator and the...

Validity of acts

- 12 A defect in appointment does not affect the validity of...

Application of seal and proof of documents

- 13 The application of the Adjudicator's seal must be authenticated by...
- 14 A document purporting to be duly executed under the seal—...

Accounts

- 15 (1) The Adjudicator must keep proper accounts and proper records...

Incidental powers

- 16 The Adjudicator may do anything that is calculated to facilitate...

Assistance from the Secretary of State

- 17 The Secretary of State may provide staff, premises, facilities or...

Exemption from liability for damages

- 18 (1) The following are exempt from liability in damages for...
PART 2 — INFORMATION POWERS OF THE PUBS CODE ADJUDICATOR
- 19 (1) The Adjudicator may, for the purposes of an investigation,...
- 20 (1) It is an offence for a person intentionally to...
- 21 It is an offence for a person knowingly to provide...
- 22 A person guilty of an offence under this Part of...
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- 23 In Schedule 2 to the Parliamentary Commissioner Act 1967
(departments...
- 24 In Part 3 of Schedule 1 to the House of...
- 25 In Part 6 of Schedule 1 to the Freedom of...
- 26 In each of Schedules 14 and 15 to the Enterprise...

SCHEDULE 2 — Registration of childcare: premises

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Childcare Act 2006

- 1 The Childcare Act 2006 is amended in accordance with paragraphs...
- 2 In section 34 (requirement to register: other early years providers)—...
- 3 In section 36 (applications for registration: other early years providers)
—...
- 4 In section 37 (entry on the register and certificates), in...
- 5 In section 37A (early years childminder agencies: registers and
certificates),...
- 6 In section 53 (requirement to register: other later years providers)—...
- 7 In section 55 (applications for registration: other later years providers)
—...
- 8 In section 56 (entry on the register and certificates), in...
- 9 In section 56A (later years childminder agencies: registers and
certificates),...
- 10 In section 57 (special procedure for providers registered in the...
- 11 In section 57A (special procedure for providers registered with early...
- 12 In section 63 (applications for registration on the general register:...
- 13 In section 64 (entry on the register and certificates), in...
- 14 In section 65 (special procedure for persons already registered in...
- 15 In section 65A (procedure for persons already registered with a...
- 16 In section 69 (suspension of registration in a childcare register:...
- 17 After section 85 (offence of making false or misleading statement)...
- 18 Omit section 94 (power to amend Part 3: applications in...
- 19 Omit section 105(3)(c) (procedure for an order under section 94)...

Water Industry Act 1991

- 20 In paragraph 12(1) of Schedule 4A to the Water Industry...

SCHEDULE 3 — Register of people with significant control

PART 1 — DUTY TO OBTAIN INFORMATION AND KEEP REGISTER

- 1 After Part 21 of the Companies Act 2006 insert— PART...
- 2 After Schedule 1 to that Act insert— SCHEDULE 1A References...
- 3 The Companies Act 2006 is amended as follows.
- 4 In section 9 (registration documents), in subsection (4), at the...
- 5 After section 12 insert— Statement of initial significant control (1) The
statement of initial significant control required to be...
- 6 In section 120 (information as to state of register and...
- 7 In section 1068 (registrar's requirements as to form, authentication and...
- 8 In section 1087 (material not available for public inspection), in...
- 9 (1) Section 1126 (consents required for certain prosecutions) is
amended...
- 10 In section 1136 (regulations about where certain company records to...
- 11 In Schedule 8 (index of defined expressions), in the appropriate...

SCHEDULE 4 — Abolition of share warrants to bearer

PART 1 — ARRANGEMENTS FOR CONVERSION AND CANCELLATION OF EXISTING SHARE WARRANTS

Right of surrender during surrender period

- 1 (1) This paragraph applies in relation to a company which...

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2 (1) A company must, as soon as reasonably practicable and...

Consequences of failure to surrender during first 7 months of surrender period

3 (1) This paragraph applies in relation to a share warrant...

Second notice of right to surrender

4 (1) A company must, before the end of the period...

Expiry of right to surrender and applications for cancellation of outstanding share warrants

5 (1) This paragraph applies in relation to a company which...

Cancellation orders and suspended cancellation orders

6 (1) The court must make a cancellation order in respect...

Registration of reduction of share capital

7 (1) This paragraph applies in relation to a company if...

Reduction of share capital below authorised minimum in case of public company

8 (1) This paragraph applies where the court makes a cancellation...

Payment into court in connection with cancellation

9 (1) Where a share warrant is cancelled by a cancellation...

10 (1) A person who, at the end of the period...

11 (1) This paragraph applies in relation to a company in...

12 (1) Anything left of a sum paid into court under...

Company with outstanding share warrants: prohibition on striking off

13 (1) An application under section 1003 of the Companies Act...

Notices

14 (1) A notice required by virtue of any provision of...

Company filings: language requirements

15 Sections 1103, 1104 and 1107 of the Companies Act 2006...

Application of sections 1112 and 1113 of the Companies Act 2006

16 Sections 1112 (general false statement offence) and 1113 (enforcement of...)

Offences

17 For the purposes of any offence under this Part of...

18 (1) A person guilty of an offence under paragraph 1(5)...

19 The following sections of the Companies Act 2006 apply for...

Interpretation

20 (1) In this Part of this Schedule— “cancellation date” has...

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Transitory provision

- 21 (1) Until section 94 (option to keep information on central...
 PART 2 — CONSEQUENTIAL AMENDMENTS
 22 The Companies Act 2006 is amended as follows.
 23 In section 122 (share warrants)— (a) for subsections (1) and...
 24 In section 617 (alteration of share capital of limited company),...
 25 In section 652 (liability of members following reduction of capital),...
 26 (1) Omit section 780 (duty of company as to issue...
 27 (1) After section 1028 insert— Administrative restoration of company
 with...
 28 (1) After section 1032A insert— Restoration by court of company...

SCHEDULE 5 — Option to keep information on central register PART 1 — CREATION OF THE OPTION

Register of members

- 1 Part 8 of the Companies Act 2006 (a company's members)...
 2 In Chapter 2 (register of members), before section 113 insert—...
 3 After Chapter 2 insert— CHAPTER 2A Option to keep information...

Register of overseas members

- 4 In Chapter 3 of Part 8 of the Companies Act...

Register of directors and register of directors' residential addresses

- 5 Chapter 2 of Part 10 of the Companies Act 2006...
 6 Under the heading “Register of directors, etc”, before section 162...
 7 After section 167 insert— Option to keep information on the...

Register of secretaries

- 8 Part 12 of the Companies Act 2006 (company secretaries) is...
 9 After section 274 insert— Alternative method of record-keeping
 Sections 275 and 276 must be read with sections 279A...
 10 After section 279 insert— Option to keep information on the...
 PART 2 — RELATED AMENDMENTS
 11 The Companies Act 2006 is amended as follows.
 12 In section 12 (statement of proposed officers), in subsection (2),...
 13 In section 112 (the members of a company), after subsection...
 14 In section 127 (register to be evidence), after the words...
 15 In section 246 (putting the address on the public record)—...
 16 In section 286 (votes of joint holders of shares), in...
 17 In section 311 (contents of notices of meetings), in subsection...
 18 In section 360B (traded companies: requirements for participating in
 and...
 19 In section 554 (registration of allotment), after subsection (2) insert—...
 20 In section 558 (when shares are allotted), after “members” insert...
 21 In section 588 (liability of subsequent holders of shares), in...
 22 In section 605 (liability of subsequent holders of shares), in...
 23 In section 616 (interpretation of Chapter 7), in subsection (3),...
 24 In section 655 (shares no bar to damages against company),...
 25 In section 724 (Treasury shares), in subsection (4), after “members”...

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- 26 In section 770 (registration of transfer), after subsection (2) insert—...
- 27 In section 771 (procedure on transfer being lodged), after subsection...
- 28 In section 772 (transfer of shares on application of transferor)—...
- 29 In section 786 (provision enabling or requiring arrangements to be...
- 30 In section 1068 (registrar's requirements as to form, authentication and...
- 31 (1) Section 1081 (annotation of the register) is amended as...
- 32 In section 1094 (administrative removal of material from the register),...
- 33 In section 1136 (regulations about where certain company records to...
- 34 In Schedule 5 (communications by a company)—
- 35 In Schedule 8 (index of defined expressions), in the appropriate...

SCHEDULE 6 — Contents of statements of capital

- 1 The Companies Act 2006 is amended as follows.
- 2 In section 10 (statement of capital and initial shareholdings), in...
- 3 In section 32 (constitutional documents to be provided to members),...
- 4 In section 108 (statement of capital required on re-registration as...
- 5 In section 555 (return of allotment by limited company), in...
- 6 In section 619 (notice to registrar of sub-division or consolidation),...
- 7 In section 621 (notice to registrar of reconversion of stock...
- 8 In section 625 (notice to registrar of redenomination), in subsection...
- 9 In section 627 (notice to registrar of reduction of capital...
- 10 In section 644 (registration of resolution reducing share capital), in...
- 11 In section 649 (registration of court order confirming reduction of...
- 12 In section 663 (notice to registrar of cancellation of shares),...
- 13 In section 689 (notice to registrar of redemption), in subsection...
- 14 In section 708 (notice to registrar of cancellation on purchase...
- 15 In section 720B (registration of resolution etc. for purchase of...
- 16 In section 730 (notification of cancellation of treasury shares), in...

SCHEDULE 7 — Sections 104 to 110: consequential and related amendments

PART 1 — COMPANY DIRECTORS DISQUALIFICATION ACT 1986

- 1 The Company Directors Disqualification Act 1986 is amended as follows....
- 2 In section 1 (disqualification orders: general) in subsection (2), for...
- 3 (1) Section 1A (disqualification undertakings: general) is amended as follows....
- 4 (1) Section 2 (disqualification on conviction of indictable offence) is...
- 5 (1) Section 3 (disqualification for persistent breaches of companies legislation)...
- 6 In section 5 (disqualification on summary conviction), after subsection (4A)...
- 7 In section 6 (duty of court to disqualify unfit directors...
- 8 In section 7 (disqualifications under section 6: applications and undertakings),...
- 9 Before section 8A insert— “ Further provision about disqualification undertakings...
- 10 In section 8A (variation etc of disqualification undertaking), in subsection...
- 11 In section 10 (participation in wrongful trading), after subsection (2)...
- 12 (1) Section 16 (application for disqualification order) is amended as...
- 13 (1) Section 17 (application for leave under an order or...
- 14 In section 18 (register of disqualification orders and undertakings), in...
- 15 In section 20 (admissibility in evidence of statements), in subsection...

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- 16 In section 21 (interaction with Insolvency Act 1986), in each...
- 17 In section 22 (interpretation), after subsection (2) insert—
- 18 In section 22A (application of Act to building societies), omit...
- 19 In section 22B (application of Act to incorporated friendly societies)
—...
- 20 In section 22C (application of Act to NHS foundation trusts)...
- 21 Omit section 22D (application of Act to open-ended investment
companies)....
- 22 (1) Section 22E (application of Act to registered societies) is...
- 23 In section 22F (application of Act to charitable incorporated
organisations)...

PART 2 — OTHER ENACTMENTS

Companies (Audit, Investigations and Community Enterprises) Act 2004

- 24 Omit paragraph 28 of Schedule 2 to the Companies (Audit,...

Companies Act 2006

- 25 Omit section 1039 of the Companies Act 2006 (disqualification orders...

SCHEDULE 8 — Northern Ireland: provision corresponding to sections 104 to 111

The Company Directors Disqualification (Northern Ireland) Order 2002

- 1 In this Schedule “the 2002 Order” means the Company Directors...

Convictions abroad

- 2 (1) After Article 8 of the 2002 Order insert— Disqualification...

Determining unfitness and disqualification orders: matters to be taken into account

- 3 (1) The 2002 Order is amended as follows.

Extension of period for applying for disqualification order for unfit directors

- 4 (1) In Article 10(2) of the 2002 Order (period within...

Reports of office-holders on conduct of directors of insolvent companies

- 5 (1) The 2002 Order is amended as follows.

Directors: removal of restriction on application for disqualification order

- 6 (1) The 2002 Order is amended as follows.

Persons instructing unfit director

- 7 After Article 11 of the 2002 Order insert— Persons instructing...

Compensation orders and undertakings

- 8 After Article 19 of the 2002 Order insert— Compensation orders...

Amendments consequential on, or related to, amendments made by paragraphs 2 to 8

- 9 (1) The 2002 Order is amended as follows.

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10 Omit paragraph 65 of Schedule 2 to the Insolvency (Northern...

SCHEDULE 9 — Abolition of requirements to hold meetings; opted-out creditors
PART 1 — COMPANY INSOLVENCY

Introductory

1 The Insolvency Act 1986 is amended in accordance with this...

Company voluntary arrangements

- 2 In section 2(2) (nominee's report on company's proposal), for paragraphs...
- 3 (1) Section 3 (summoning of meetings) is amended as follows....
- 4 (1) Section 4 (decisions of meetings) is amended as follows....
- 5 (1) Section 4A (approval of arrangement) is amended as follows....
- 6 (1) Section 5 (effect of approval) is amended as follows....
- 7 (1) Section 6 (challenge of decisions) is amended as follows....
- 8 In section 7(2)(a) for “given at one or both of...
- 9 (1) Schedule A1 (moratorium where directors propose voluntary arrangement) is...

Administration

- 10 (1) Schedule B1 (administration) is amended as follows.
- 11 (1) Schedule 10 (offences) is amended as follows.

Receivers and managers

- 12 (1) Section 48 (report by administrative receiver - England and...
- 13 In section 49(1) (committee of creditors - England and Wales),...
- 14 (1) Section 67 (report by receiver - Scotland) is amended...
- 15 In section 68(1) (committee of creditors - Scotland), for the...

Winding-up

- 16 In section 92A(1) (members' voluntary winding-up in England and Wales:...
- 17 In section 93(1) (members' voluntary winding-up in Scotland: company meeting...
- 18 For section 94 (members' voluntary winding up: final meeting of...
- 19 (1) Section 95 (effect of company's insolvency) is amended as...
- 20 (1) For section 96 (conversion to creditors' voluntary winding up)...
- 21 In section 97(2) (application of Chapter 4), for “98 and...
- 22 Omit section 98 (meeting of creditors).
- 23 (1) Section 99 (directors to lay statement of affairs before...
- 24 For section 100(1) (appointment of liquidator) substitute—
- 25 (1) Section 101 (appointment of liquidation committee) is amended as...
- 26 Omit section 102 (creditors' meeting where winding up converted under...
- 27 In section 104A (progress report to company and creditors at...
- 28 In section 105(4) (meetings of company and creditors at each...
- 29 For section 106 (creditors' voluntary winding-up: final meetings of company...
- 30 In section 114(2) (powers of directors in voluntary winding up...

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- 31 (1) Section 136 (functions of official receiver in relation to...
- 32 (1) Section 137 (appointment by Secretary of State) is amended...
- 33 (1) Section 138 (appointment of liquidator in Scotland) is amended...
- 34 (1) Section 139 (choice of liquidator at meetings of creditors...
- 35 In section 140(3) (appointment of liquidator by court following administration...
- 36 In section 141 (liquidation committee: England and Wales) for subsections...
- 37 (1) Section 142 (liquidation committee (Scotland)) is amended as follows....
- 38 For section 146 (compulsory winding-up - duty to summon final...
- 39 In section 160(1) (delegation of court's powers to liquidator (England...
- 40 (1) Section 166 (liquidator's powers and duties in creditors' voluntary...
- 41 In section 168 (liquidator's supplementary powers: England and Wales) for...
- 42 (1) Section 171 (removal of liquidator in voluntary winding up)...
- 43 (1) Section 172 (removal of liquidator in compulsory winding up)...
- 44 (1) Section 173 (release of liquidator in voluntary winding up)...
- 45 (1) Section 174 (release of liquidator in compulsory winding up)...
- 46 Omit section 194 (resolutions passed at adjourned meetings).
- 47 (1) Section 195 (meetings to ascertain wishes of creditors or...
- 48 (1) Section 201 (voluntary winding up - dissolution) is amended...
- 49 In section 202(3) (early dissolution in England and Wales) after...
- 50 In section 204(2) (early dissolution: Scotland) for “meeting or meetings”...
- 51 (1) Section 205 (compulsory winding up - dissolution) is amended...
- 52 In section 208(2) (misconduct in course of winding up), for...
- 53 (1) Schedule 10 (offences) is amended as follows.

Other provision

- 54 (1) Section 246A (remote attendance at meetings) is amended as...
 - 55 In section 387(2) and (2A) (definition of “relevant date”) for...
 - 56 In section 433(3)(a) (admissibility of evidence in statement of affairs...
 - 57 (1) Section 434B (representation of companies at meetings) is amended...
 - 58 In Schedule 8, after paragraph 9 insert— Provision about how a company's creditors may nominate a person...
 - 59 (1) Paragraph 10 of Schedule 8 (power to make provision...
- PART 2 — INDIVIDUAL INSOLVENCY

Introductory

- 60 The Insolvency Act 1986 is amended in accordance with this...

Individual voluntary arrangements

- 61 (1) Section 256 (nominee's report on debtor's proposal) is amended...
- 62 (1) Section 256A (nominee's report on debtor's proposal) is amended...
- 63 In the heading before section 257, for “meeting” substitute “...
- 64 (1) Section 257 (summoning of creditors' meeting) is amended as...
- 65 (1) Section 258 (decision of creditors' meeting) is amended as...
- 66 (1) Section 259 (report of decisions to court) is amended...
- 67 (1) Section 260 (effect of approval) is amended as follows....

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- 68 (1) Section 261 (additional effect on undischarged bankrupt) is amended...
- 69 (1) Section 262 (challenge of meeting's decision) is amended as...
- 70 In section 262B(1) (prosecution of delinquent debtors), for “creditors' meeting...”
- 71 In section 262C (arrangements coming to an end prematurely), for...
- 72 In section 263(1) (implementation and supervision of approved voluntary arrangement),...

Bankruptcy

- 73 In section 276(1)(b)(ii) (default in connection with voluntary arrangement) for...
- 74 In section 283(4)(a) (definition of bankrupt's estate), for the words...
- 75 In section 287(3)(c) (powers of interim receiver), for “summon a...”
- 76 In section 296(5) (trustee to give notice relating to creditors'...
- 77 (1) Section 298 (trustee's vacation of office) is amended as...
- 78 (1) Section 299 (release of trustee) is amended as follows....
- 79 (1) Section 300 (vacancy in office of trustee) is amended...
- 80 (1) Section 301 (creditors' committees) is amended as follows.
- 81 In section 314(7) (trustee's power and duty to summon creditors'...
- 82 In section 330 (final distribution), after subsection (1) insert—
- 83 (1) Section 331 (final meeting) is amended as follows.
- 84 In section 332(2) (bankrupt's home), for “summon a meeting under...”
- 85 In section 356(2)(c) (offence of making false statements)—
- 86 In Schedule 9, after paragraph 12 insert— Provision about how a bankrupt's creditors may appoint a person...
- 87 In paragraph 13 of Schedule 9 (creditors' committee)—

Other provision

- 88 Omit section 379A (remote attendance at meetings) and the heading...

SCHEDULE 10 — Trustees in bankruptcy

Insolvency Act 1986 (c. 45)

- 1 The Insolvency Act 1986 is amended as provided in paragraphs...
- 2 In section 286(3) (interim receiver to have powers and duties...
- 3 (1) Section 287 (receivership pending appointment of first trustee) is...
- 4 Omit section 291(1) to (3) (bankrupt's duty to deliver possession...
- 5 (1) Section 292 (power to make appointments) is amended as...
- 6 Omit sections 293 to 295 (meeting of creditors to appoint...
- 7 In section 296 (appointment of trustee by Secretary of State)—...
- 8 Omit section 297.
- 9 (1) Section 298 (removal of trustees) is amended as follows....
- 10 Omit paragraph 10 of Schedule 9 (exercise by official receiver...
- 11 In paragraph 30 of Schedule 9 omit “, of the...”

Enterprise and Regulatory Reform Act 2013 (c. 24)

- 12 In Schedule 19 to the Enterprise and Regulatory Reform Act...

SCHEDULE 11 — Single regulator of insolvency practitioners: supplementary provision

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Operation of this Schedule

- 1 (1) This Schedule has effect in relation to regulations under...

Name, members and chair

- 2 (1) The Regulations must prescribe the name by which the...

Remuneration etc.

- 3 (1) The Regulations must provide that the body must pay...

Staff

- 4 The Regulations must provide that— (a) the body may appoint...

Proceedings

- 5 (1) The Regulations may make provision about the proceedings of...

Fees

- 6 (1) The Regulations may make provision— (a) about the setting...

Consultation

- 7 The Regulations may make provision as to the circumstances and...

Training and other services

- 8 (1) The Regulations may make provision authorising the body to...

Report and accounts

- 9 (1) The Regulations must require the body, at least once...

Funding

- 10 The Regulations may provide that the Secretary of State may...

Financial penalties

- 11 (1) This paragraph applies where the Regulations include provision enabling...

Status etc.

- 12 The Regulations must provide that— (a) the body is not...

Transfer schemes

- 13 (1) This paragraph applies if the Regulations make provision designating...

Additional provision where body is unincorporated association

- 14 (1) This paragraph applies where the body is an unincorporated...

Status:

Point in time view as at 26/05/2015.

Changes to legislation:

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