

These notes refer to the Small Business, Enterprise and Employment Act 2015 (c.26) which received Royal Assent on 26 March 2015

SMALL BUSINESS, ENTERPRISE AND EMPLOYMENT ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 12: GENERAL

Section 159: Consequential amendments, repeals and revocations; Section 160 Transitional, transitory or saving provision; Section 161: Supplementary provision about regulations; Section 162: Financial provisions; and Section 163: Extent

858. These sections make general provision for the Act.
859. *Section 159* confers upon a Minister of the Crown a regulation making power to amend, repeal, revoke or otherwise modify any provision made by or under an enactment where appropriate in consequence of this Act. *Section 161* makes general provision for regulations made under the Act and sets out the procedure which is to apply in respect of the powers conferred by the Act. It states that these powers include the power to make different provision for different cases and to make incidental, consequential, supplementary or transitory provision or savings.

Section 164: Commencement

860. This section sets out the commencement dates for the provisions in the Act. Subsection (1) sets out the default position, which is that provisions are to come into force on a day appointed by a Minister of the Crown in regulations.
861. Subsection (2) provides that the following provisions will come into force on the day the Bill receives Royal Assent—
- Sections 4 to 7 of Part 1 (financial information about businesses);
 - Section 39 of Part 3 (regulations about procurement);
 - Section 74 of Part 5 (funding for free of charge early years provision);
 - Section 151 of Part 11 (employment tribunal procedure regulations: postponements)
862. Subsection (3) provides that the following provisions will come into force two months after the Bill receives Royal Assent—
- (a) In Part 1 –
- Sections 1 and 2 (power to invalidate certain restrictive terms of business contracts),
 - Section 3 (Companies: duty to publish report on payment practices and performance.”),

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- Sections 8 and 9 (VAT registration information),
 - Sections 10 to 12 (exports), and
 - Section 14 (powers of the Payment Systems Regulator);
- (b) In Part 2 –
- Sections 15 and 16 (streamlined company registration),
 - Sections 21 to 27 (business impact target), and
 - Section 37 (CMA to publish recommendations on proposals of Westminster legislation).
- (c) In Part 3 – Section 40 (investigation of procurement functions);
- (d) In Part 4 –
- Sections 42 to 44 (the Pubs Code),
 - Sections 68 to 73 (Part 4: supplementary)
- (e) In Part 5, Section 75 (exemption from requirement to register as early years provider);
- (f) Part 6 (education evaluation);
- (g) In Part 7 –
- Section 83 (amendment of section 813 of the Companies Act 2006)
 - Sections 84 to 86 and Schedule 4 (abolition of share warrants to bearer), and
 - Sections 89 and 91 (shadow directors);
- (h) In Part 8 -
- Section 95 (recording of optional information on register); and
 - Section 99 (address of company registered office)
- (i) In Part 10 –
- Sections 120 and 121 (removing requirements to seek sanction),
 - Sections 127 and 130 (administration),
 - Sections 131 and 132 (small debts),
 - Sections 134 and 135 (voluntary arrangements), and
 - Section 136 (voluntary winding up: progress reports).
- (j) In Part 11 -
- Section 158 (concessionary coal).