

---

DRAFT SCOTTISH STATUTORY INSTRUMENTS

---

**2016 No.**

**The Public Services Reform (Insolvency) (Scotland) Order 2016**

*Savings*

**Savings**

**15.**—(1) Where this article applies, subject to article 1(3) the Act continues to have effect on and after the day mentioned in article 1(4) as if the amendments made by articles 4 to 6 and 7(2) to 13 had not been made.

(2) This article applies where, in a receivership, a receiver is appointed in respect of a company under section 51 of the Act before the day mentioned in article 1(4).

(3) This article applies where a company goes into liquidation upon a resolution for voluntary winding up passed before the day mentioned in article 1(4).

(4) This article applies where—

(a) there is an application for the appointment of a provisional liquidator under section 135 of the Act; or

(b) a company goes into liquidation on the making of a winding up order,

on a winding up petition presented before the day mentioned in article 1(4).

(5) This article applies where—

(a) there is an application for the appointment of a provisional liquidator under section 135 of the Act; or

(b) a company goes into liquidation on the making of a winding up order,

on a winding up petition presented on or after the day mentioned in article 1(4) if, at the time the winding up petition is presented, the company is in liquidation upon a resolution for voluntary winding up passed before the day mentioned in article 1(4).

(6) In this article—

“resolution for voluntary winding up” includes a resolution which is deemed to occur by virtue of—

(a) paragraph 83(6)(b) of Schedule B1 of the Act (administration); or

(b) an order made following conversion of administration or a voluntary arrangement into winding up by virtue of Article 37 of Council Regulation (EC) No. 1346/2000 on insolvency proceedings<sup>(1)</sup>; and

“winding up petition” includes an administration application under paragraph 12 of Schedule B1 to the Act which the court treats as a winding up petition under paragraph 13(1)(e) of that Schedule.

---

(1) OJ L 160, 30.6.2000, p.19. Article 37 of Council Regulation (EC) No. 1346/2000 is replaced from 26th June 2017 by Article 51 of EU Regulation (EU) 2015/848 of the Council and the Parliament on insolvency proceedings (OJ L 141, 5.6.2015, p.19).