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STATUTORY INSTRUMENTS

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**2019 No. 1058**

**The Small Business, Enterprise and Employment Act 2015 (Consequential Amendments, Savings and Transitional Provisions) Regulations 2019**

**PART 4**

**Saving provisions for the Insolvency Act 1986 and the Insolvency (Scotland) Rules 1986**

**Interpretation of Part 4**

**13.** In this Part—

- (a) the “relevant amendments” means the amendments made by sections 122, 124, 126(b), and Part 1 of Schedule 9(1) to, the Small Business, Enterprise and Employment Act 2015; and
- (b) a reference to the revocation of the Insolvency (Scotland) Rules 1986(2) is a reference to the revocation of the Rules listed in—
  - (i) schedule 1 to the Insolvency (Scotland) (Company Voluntary Arrangements and Administration) Rules 2018(3) by introductory rule 2 of those Rules; and
  - (ii) schedule 1 to the Insolvency (Scotland) (Receivership and Winding up) Rules 2018(4) by introductory rule 2 of those Rules.

**Savings for certain insolvency rules**

**14.** Despite the revocation of the Insolvency (Scotland) Rules 1986, those Rules apply as they applied immediately before they were revoked(5) such that the Insolvency Act 1986(6), insofar as it applies to proceedings under the following instruments, continues to have effect without the relevant amendments for the purposes of the application of those instruments—

- (a) the Energy Administration (Scotland) Rules 2006(7);
- (b) the Energy Supply Company Administration (Scotland) Rules 2013(8); and
- (c) the Postal Administration (Scotland) Rules 2016(9).

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(1) Schedule 9 was amended by [S.S.I. 2016/141](#).

(2) [S.I. 1986/1915](#).

(3) [S.I. 2018/1082 \(S. 4\)](#). The savings in regulations 14, 15 and 16 are made in consequence of the revocation of the Insolvency (Scotland) Rules 1986 on the 6 April 2019 by [S.I. 2018/1082](#) and [S.S.I. 2018/347](#).

(4) [S.S.I. 2018/347](#).

(5) For the purposes specified in sub-paragraph (a), (b) and (c), the Insolvency (Scotland) Rules 1986 applied without the amendments made by the Insolvency (Scotland) Amendment Rules ([S.I. 2010/688](#)) and the amending instruments made after that instrument.

(6) 1986 c. 45.

(7) [S.I. 2006/772](#).

(8) [S.I. 2013/1047](#).

(9) [S.I. 2016/900](#). There are amendments, but none are relevant.

### Savings in relation to special insolvency rules

**15.**—(1) Despite the revocation of the Insolvency (Scotland) Rules 1986, those Rules apply as they applied<sup>(10)</sup> immediately before they were revoked for the purposes of the application of—

- (a) the Bank Insolvency (Scotland) Rules 2009<sup>(11)</sup>;
- (b) the Bank Administration (Scotland) Rules 2009<sup>(12)</sup>;
- (c) the Building Society Special Administration (Scotland) Rules 2009<sup>(13)</sup>; and
- (d) the Building Society Insolvency (Scotland) Rules 2010<sup>(14)</sup>.

(2) Despite the revocation of the Insolvency (Scotland) Rules 1986, Rule 7.30 of, and Schedule 5 to, the Insolvency (Scotland) Rules 1986 (forms for use in insolvency proceedings) apply as they applied before they were revoked for the purpose of prescribing forms for the statement of affairs required to be delivered and for any statement of concurrence required to be submitted under rule 35 of the Investment Bank Special Administration (Scotland) Rules 2011<sup>(15)</sup> (statements of affairs and statements of concurrence).

### Savings in relation to insolvency proceedings

**16.**—(1) Despite the revocation of the Insolvency (Scotland) Rules 1986, those Rules apply as they applied before they were revoked for the purposes of—

- (a) a proposal to a society and its creditors for a voluntary arrangement within the meaning given in section 1 of the Insolvency Act 1986<sup>(16)</sup> as applied in relation to a relevant society by article 2(1) of the 2014 Order;
- (b) the administration of a society under Part 2 of the Insolvency Act 1986 as applied by article 2(2) of the 2014 Order; and
- (c) proceedings instituted in Scotland for the winding up of a relevant scheme (within the meaning given in regulation 17(1)(a) of the Collective Investment in Transferable Securities (Contractual Scheme) Regulations 2013).

(2) In this regulation—

“the 2014 Order” means the Co-operative and Community Benefit Societies and Credit Unions (Arrangements, Reconstructions and Administration) Order 2014<sup>(17)</sup>; and

“society” means a relevant society within the meaning given in article 1(2) of the 2014 Order which the courts in Scotland have jurisdiction to wind up.

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<sup>(10)</sup> For the purposes specified in sub-paragraph (a), (b) and (d), the Insolvency (Scotland) Rules 1986 applied without the amendments made by the Insolvency (Scotland) Amendment Rules (S.I. 2010/688) and the amending instruments made after that instrument.

<sup>(11)</sup> S.I. 2009/351, as amended by S.I. 2010/2586 and 2013/472.

<sup>(12)</sup> S.I. 2009/350, as amended by S.I. 2010/2578 and 2013/472.

<sup>(13)</sup> S.I. 2009/806, as amended by S.I. 2013/472.

<sup>(14)</sup> S.I. 2010/2584, as amended by S.I. 2013/472.

<sup>(15)</sup> S.I. 2011/2262, as amended by S.I. 2013/472. Rule 35(1) and (2) provides that a statement of affairs or statement of concurrence must be in the form required by rule 7.30 of, and Schedule 5 to the Insolvency (Scotland) Rules 1986.

<sup>(16)</sup> Section 1 was amended by the Insolvency Act 2000 (c. 39), Schedule 2, paragraphs 1 and 2, and by the Enterprise Act 2002, Schedule 17, paragraphs 9 and 10. There are other amendments, but they are not relevant.

<sup>(17)</sup> S.I. 2014/229.