
STATUTORY INSTRUMENTS

2019 No. 816 (S. 2) (C. 18)

INSOLVENCY, SCOTLAND

The Small Business, Enterprise and Employment
Act 2015 (Commencement No. 7, Consequential,
Transitional and Savings Provisions) Regulations 2019

Made - - - - 4th April 2019
Coming into force - - 6th April 2019

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

Citation

1. These Regulations may be cited as the Small Business, Enterprise and Employment Act 2015 (Commencement No. 7, Consequential, Transitional and Savings Provisions) Regulations 2019.

Application

2. These Regulations extend to Scotland only.

Interpretation

3. In these Regulations—

“the 1986 Act” means the Insolvency Act 1986⁽²⁾; and

“the 2015 Act” means the Small Business, Enterprise and Employment Act 2015.

Provisions coming into force on 6th April 2019

4. The day appointed for the coming into force of the following provisions of the 2015 Act in Scotland for all remaining purposes is 6th April 2019—

(a) section 122 (abolition of requirements to hold meetings: company insolvency);

(b) section 124 (ability for creditors to opt not to receive certain notices: company insolvency);
and

(1) 2015 c. 26.
(2) 1986 c. 45.

- (c) section 126 (sections 122 to 125: further amendments) and Part 1 of Schedule 9.

Savings in respect of meetings taking place on or after 6th April 2019

- 5.—(1) This regulation applies where on or after 6th April 2019—
- (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 (Scotland) Rules 1986(3) 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) an initial creditors' meeting is to be held as a result of an invitation issued before that date under paragraph 51(1) of Schedule B1 of the 1986 Act or a request made before that date under paragraph 52(2) of that Schedule; or
 - (d) a meeting is to be held as a result of a meeting being called under section 94, 106 or 146 of the 1986 Act.
- (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; and
 - (b) section 126 and Part 1 of Schedule 9 to the 2015 Act, insofar as those amendments relate to the abolition of requirements to hold meetings.

Consequential Amendments to the Insolvency Amendment (EU 2015/848) Regulations 2017

- 6.—(1) The Insolvency Amendment (EU 2015/848) Regulations 2017(4) are amended as follows.
- (2) In regulation 2(2) omit sub-paragraph (a).
 - (3) In the Schedule omit paragraphs 56, 57, 58 and 60.

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

4th April 2019

(3) [S.I. 1986/1915](#), revoked by [S.I. 2018/1082](#) and [S.S.I. 2018/347](#) subject to transitional and savings in Schedule 2 to each of those instruments.

(4) [S.I. 2017/702](#).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These are the seventh Commencement Regulations made under the Small, Business, Enterprise and Employment Act 2015 (c. 26) (the “2015 Act”). These Regulations bring into force, for Scotland, specified provisions of the 2015 Act which were introduced in England & Wales by S.I. 2016/1020 (and as amended by S.I. 2017/363).

Regulation 4 commences for Scotland: section 122 of the 2015 Act, which makes provision for decision making processes for creditors (other than meetings) in insolvencies; section 124, which make provision for creditors to opt out of receiving communications from office-holders in insolvencies; section 126 and Part 1 of Schedule 9, which makes further amendments relating to the above sections. Regulation 5 makes saving provision in respect of certain meetings called before 6th April 2019. Regulation 6 makes amendments to the Insolvency Amendment (EU 2015/848) Regulations 2017 consequential on the commencement of Part 1 of Schedule 9.

For meetings required by section 93 or 105 of the Insolvency Act 1986 in winding up a company where the resolution to wind up is passed before 6th April 2019 see the savings in the Public Services Reform (Insolvency) (Scotland) Order 2016 (S.S.I. 2016/141), as amended by S.S.I. 2017/209).

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</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
section 122, 123, 124, 125, 126 and Schedule 9, and section 133 and Schedule 10 (in relation to England)	6th April 2017	2016/1020
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 2015	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
section 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

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
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 to 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
sections 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 (partially)	26th May 2015	2015/1329
sections 122 to 126 and Schedule 9 (in relation to England)	6th April 2017	2016/1020
section 133 and Schedule 10 (in relation to England)	6th April 2017	2016/1020
sections 137 to 146 and Schedule 11	Immediately after the coming into force	2015/1689

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
	of section 17 of the Deregulation Act 2015 (c.20)	
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