
STATUTORY INSTRUMENTS

2016 No. 1020 (C. 73)

INSOLVENCY, ENGLAND AND WALES

COMPANIES

INDIVIDUALS

The Small Business, Enterprise and Employment
Act 2015 (Commencement No. 6 and Transitional
and Savings Provisions) Regulations 2016

Made - - - - 19th October 2016

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

Citation and extent

1. These Regulations may be cited as the Small Business, Enterprise and Employment Act 2015 (Commencement No. 6 and Transitional and Savings Provisions) Regulations 2016.
2. These Regulations extend to England and Wales 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 2017

4. The day appointed for the coming into force of the following provisions of the 2015 Act in England and Wales is 6th April 2017—
 - (a) section 122 (abolition of requirements to hold meetings: company insolvency);
 - (b) section 123 (abolition of requirements to hold meetings: individual insolvency);

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

- (c) section 124 (ability for creditors to opt not to receive certain notices: company insolvency);
- (d) section 125 (ability for creditors to opt not to receive certain notices: individual insolvency);
- (e) section 126 (sections 122 to 125: further amendments) and Schedule 9; and
- (f) section 133 (trustees in bankruptcy) and Schedule 10.

Transitional and saving provision

- 5.—(1) This regulation applies where on or after 6th April 2017—
- (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 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) a meeting is to be held as a result of a statement made under paragraph 52(1)(b) of Schedule B1 to the 1986 Act and a request made before that date which obliges the administrator to summon an initial creditors’ meeting;
 - (d) a progress meeting is required by section 104A of the 1986 Act⁽⁴⁾ in the winding up of a company where the resolution to wind up was passed before 6th April 2010; or
 - (e) a meeting is to be held under section 94, 106, 146 or 331 of the 1986 Act as a result of—
 - (i) a final report to creditors sent under rule 4.49D of the Insolvency Rules 1986 (final report to creditors in liquidation),
 - (ii) a final report to creditors and bankrupt sent under rule 6.78B of the Insolvency Rules 1986 (final report to creditors and bankrupt), or
 - (iii) a meeting being called under section 94 of the 1986 Act (final meeting prior to dissolution).
- (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;
 - (b) section 123 of the 2015 Act; and
 - (c) section 126 and Schedule 9 to the 2015 Act, insofar as those amendments relate to the abolition of requirements to hold meetings.

Margot James
Minister for Small Business, Consumers, and
Corporate Responsibility
Department for Business, Energy and Industrial
Strategy

19th October 2016

(3) [S.I. 1986/1925](#).

(4) [1986 c.45](#). Article 12 of the Legislative Reform (Insolvency) (Miscellaneous Provisions) Order 2010 [S.I. 2010/18](#) saves section 104A of the Act in relation to companies where the resolution to wind up was passed before 6th April 2010.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force specified provisions of the Small Business, Enterprise and Employment Act 2015 (c.26) (“the 2015 Act”) which amend the Insolvency Act 1986 (c.45). These are the sixth commencement regulations made under the 2015 Act. Some provisions of the 2015 Act came into force on its passing and some two months after that.

Regulation 4 commences sections 122 and 123 of the 2015 Act, which make provision for decision making processes for creditors (other than meetings) in insolvencies. It also commences sections 124 and 125, which make provision for creditors to opt out of receiving communications from office-holders in insolvencies. It commences section 126 and Schedule 9, which makes further amendments relating to sections 122 to 125.

Regulation 4 also commences section 133 and Schedule 10. Section 133 inserts a new section 291A into the Insolvency Act 1986 which provides that on the making of a bankruptcy order the official receiver will become trustee (unless the court appoints someone else). Schedule 10 makes consequential amendments.

Regulation 5 contains transitional and savings provisions which apply in respect of the provisions commenced by regulation 4.

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 of the Act</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|---|-----------------------------|---------------------------|
| 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 2016 | 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 |
| Sections 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 of the Act</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|---|-----------------------------|-----------------|
| Section 41 to 73 (to the extent not already commenced) | 21st July 2016 | 2016/532 |
| 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 and 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 |
| Section 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 |

| <i>Provision of the Act</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|-------------------------------------|---|-----------------|
| Sections 137 to 146 and Schedule 11 | Immediately after the coming into force of section 17 of the Deregulation Act 2015 (c.20) | 2015/1689 |
| 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 |