
STATUTORY INSTRUMENTS

2018 No. 208

The Small Business, Enterprise and Employment Act 2015 (Consequential Amendments, Savings and Transitional Provisions) Regulations 2018

PART 3

Consequential amendments of subordinate legislation

The Insurers (Reorganisation and Winding Up) Regulations 2004

9.—(1) The Insurers (Reorganisation and Winding Up) Regulations 2004(1) are amended as follows.

(2) After regulation 28 insert—

“Composite insurers: seeking decisions from creditors

28A.—(1) This regulation applies in the same circumstances as regulation 28, but only if the non-transferring composite insurer is—

- (a) a company registered in England and Wales;
- (b) a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014(2) which the courts in England and Wales have jurisdiction to wind up; or
- (c) a friendly society within the meaning of section 7(1)(a) of the Friendly Societies Act 1974(3), which is registered within the meaning of that Act and is being wound up by the High Court under the Insolvency Act 1986.

(2) The creditors from whom the liquidator is to seek a decision about any matter in relation to the winding up are to be—

- (a) in relation to the long term business assets of that insurer, only those who are creditors in respect of long term business liabilities, and
- (b) in relation to the general business assets of that insurer, only those who are creditors in respect of general business liabilities.”.

(3) In regulation 29 (composite insurers: general meetings of creditors)—

- (a) in paragraph (1) at the end insert “, but only if the non-transferring composite insurer is a company registered in Scotland or Northern Ireland or a society other than a society of a kind to which regulation 28A applies”; and
- (b) in paragraph (2) after “1986 Act” insert “(as applied in relation to such a society)”.

(1) S.I. 2004/353.

(2) 2014 c. 14.

(3) 1974 c. 46. Section 7(1)(a) was amended by the Friendly Societies Act 1992, Schedule 16, paragraphs 1 and 4(b).

(4) In regulation 33 (voluntary arrangements: treatment of insurance debts), in paragraph (2)(a), in the text which is treated as inserted in section 4 of the Insolvency Act 1986—

(a) at the beginning insert—

“(4ZA) In relation to a company registered in England and Wales, neither the company nor its creditors may approve any proposal or modification under which any insurance debt of the company is to be paid otherwise than in priority to such of its debts as are not insurance debts or preferential debts.”; and

(b) in subsection (4A) for “A meeting so summoned” substitute “In relation to a company registered in Scotland, a meeting summoned under section 3”.