
SCOTTISH STATUTORY INSTRUMENTS

2016 No. 141

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

Savings

Savings

14. Where a receiver is appointed in respect of a company under section 51 of the Act⁽¹⁾ before 1st April 2016, that section continues to have effect on and after 1st April 2016 as if the amendment made in article 2 had not been made.

Commencement Information

II Art. 14 in force at 1.4.2016, see [art. 1\(2\)](#)

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 [F14 and 8 to 10] 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—

⁽¹⁾ Section 51 was amended by the Enterprise Act 2002 (c.40), Schedule 17, paragraph 13, the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3), section 3, the Bankruptcy and Debt Advice (Scotland) Act 2014 (asp 11), schedule 4, paragraph 1 and article 2 of S.S.I. 2011/140.

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are currently no known outstanding effects for the The Public Services Reform (Insolvency) (Scotland) Order 2016, Cross Heading: Savings. (See end of Document for details)

- (a) paragraph 83(6)(b) of Schedule B1 of the Act (administration); ^{F2} ...
- (b) ^{F2} ...

“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.

Textual Amendments

- F1** Words in [art. 15\(1\)](#) substituted (1.8.2017) by [The Public Services Reform \(Corporate Insolvency and Bankruptcy\) \(Scotland\) Order 2017 \(S.S.I. 2017/209\)](#), arts. 1(2), **8(2)**
- F2** Art. 15(6) and word omitted (31.12.2020) by virtue of [The Insolvency \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/94\)](#), regs. 1, **6** (with [reg. 9](#)) (as amended by [S.S.I. 2020/337](#), regs. 1, **2**); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Commencement Information

- I2** Art. 15 in force at 1.4.2016, see [art. 1\(2\)](#)

[^{F3}**16.**—(1) This article applies where, before the day mentioned in article 1(4)—

- (a) there is a members’ or creditors’ voluntary winding up continuing for more than one year;
- (b) the liquidator in that winding up has an obligation under—
 - (i) section 93 or 105 of the Act to summon a general meeting of the company, either at the end of the first year from the commencement of the winding up, or at the end of any succeeding year; or
 - (ii) section 105 of the Act to summon a meeting of the creditors, either at the end of the first year from the commencement of the winding up, or at the end of any succeeding year; and
- (c) that obligation has not been fulfilled or the meeting has not taken place.

(2) 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 5, 6 and 7(2) and (3) had not been made in relation to the liquidator’s obligations to—

- (a) summon the particular meeting;
- (b) lay before that meeting an account of the liquidator’s acts and dealings, and of the conduct of the winding up, in the preceding year.]

Textual Amendments

- F3** [Art. 16](#) inserted (1.8.2017) by [The Public Services Reform \(Corporate Insolvency and Bankruptcy\) \(Scotland\) Order 2017 \(S.S.I. 2017/209\)](#), arts. 1(2), **8(3)**

Status:

Point in time view as at 31/12/2020.

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