

Status: Point in time view as at 06/04/2017.

Changes to legislation: There are currently no known outstanding effects for the Small Business, Enterprise and Employment Act 2015, Cross Heading: Other provision. (See end of Document for details)

SCHEDULES

SCHEDULE 9

ABOLITION OF REQUIREMENTS TO HOLD MEETINGS; OPTED-OUT CREDITORS

PART 1

COMPANY INSOLVENCY

Other provision

- 54 (1) Section 246A (remote attendance at meetings) is amended as follows.
- (2) In subsection (1), for the words from “applies to” to the end substitute “applies to any meeting of the members of a company summoned by the office-holder under this Act or the rules, other than a meeting of the members of the company in a members' voluntary winding up.”
- (3) In subsection (8) for “creditors, members or contributories” substitute “ members ”.
- (4) In subsection (9)(c), for the words from “made” to “of members,” substitute “ made ”.

Commencement Information

- I1** Sch. 9 para. 54 in force at 26.5.2015 for specified purposes by S.I. 2015/1329, reg. 3(d)
- I2** Sch. 9 para. 54 in force at 6.4.2017 for E.W. in so far as not already in force by S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3)

- 55 In section 387(2) and (2A) (definition of “relevant date”) for “meetings to consider” substitute “ consideration of ”.

Commencement Information

- I3** Sch. 9 para. 55 in force at 26.5.2015 for specified purposes by S.I. 2015/1329, reg. 3(d)
- I4** Sch. 9 para. 55 in force at 6.4.2017 for E.W. in so far as not already in force by S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3)

- 56 In section 433(3)(a) (admissibility of evidence in statement of affairs etc)—
- (a) omit “98(6),”;
- (b) for “99(3)(a)” substitute “ 99(3) ”.

Commencement Information

- I5** Sch. 9 para. 56 in force at 26.5.2015 for specified purposes by S.I. 2015/1329, reg. 3(d)

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16 Sch. 9 para. 56 in force at 6.4.2017 for E.W. in so far as not already in force by S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3)

57 (1) Section 434B (representation of companies at meetings) is amended as follows.

(2) In subsection (1), for paragraph (a) substitute—

“(a) in a qualifying decision procedure, held in pursuance of this Act or of rules made under it, by which a decision is sought from the creditors of a company, or”.

(3) In the heading, after “corporations” insert “ in decision procedures and ”.

Commencement Information

I7 Sch. 9 para. 57 in force at 26.5.2015 for specified purposes by S.I. 2015/1329, reg. 3(d)

I8 Sch. 9 para. 57 in force at 6.4.2017 for E.W. in so far as not already in force by S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3)

58 In Schedule 8, after paragraph 9 insert—

“9A Provision about how a company's creditors may nominate a person to be liquidator, including in the case of a voluntary winding up provision conferring functions on the directors of the company.”

Commencement Information

I9 Sch. 9 para. 58 in force at 26.5.2015 for specified purposes by S.I. 2015/1329, reg. 3(d)

I10 Sch. 9 para. 58 in force at 6.4.2017 for E.W. in so far as not already in force by S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3)

59 (1) Paragraph 10 of Schedule 8 (power to make provision about creditors committees etc) is amended as follows.

(2) In sub-paragraph (1)—

(a) after “to the” insert “ establishment, ”;

(b) for “established under” substitute “ provided for by ”.

(3) In sub-paragraph (2)—

(a) in paragraph (a), omit “a meeting of” in both places;

(b) in paragraph (b), for “a meeting of” substitute “ seeking a decision from ”.

Commencement Information

I11 Sch. 9 para. 59 in force at 26.5.2015 for specified purposes by S.I. 2015/1329, reg. 3(d)

I12 Sch. 9 para. 59 in force at 6.4.2017 for E.W. in so far as not already in force by S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3)

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