



Small Business, Enterprise and Employment Act 2015

CHAPTER 26

SMALL BUSINESS, ENTERPRISE AND EMPLOYMENT ACT 2015

PART 1

ACCESS TO FINANCE

Assignment of receivables

- 1 Power to invalidate certain restrictive terms of business contracts
- 2 Section 1(4)(a): meaning of “financial services”

Business payment practices

- 3 Companies: duty to publish report on payment practices and performance

Financial information about businesses

- 4 Small and medium sized businesses: information to credit reference agencies
- 5 Small and medium sized businesses: information to finance platforms
- 6 Sections 4 and 5: supplementary
- 7 Sections 4 to 6: interpretation
- 8 Disclosure of VAT registration information
- 9 Offences for the purposes of section 8

Exports

- 10 Disclosure of exporter information
- 11 Power of the Secretary of State under section 1 of the EIGA 1991

- 12 EIGA 1991: further amendments

Presentment of cheques etc

- 13 Electronic paying in of cheques etc

Payment systems

- 14 Powers of the Payment Systems Regulator

PART 2

REGULATORY REFORM

Streamlined company registration

- 15 Target for streamlined company registration
16 Streamlined company registration: duty to report on progress

Review of business appeals procedures

- 17 Review of regulators' complaints and appeals procedures
18 Power to specify regulatory functions
19 Guidance by the Secretary of State

Report on investigations under financial regulators' complaints scheme

- 20 Independent Complaints Commissioner: reporting duty

Business impact target

- 21 Duty on Secretary of State to publish business impact target etc
22 Sections 21 and 23 to 25: "qualifying regulatory provisions" etc
23 Duty on Secretary of State to publish reports
24 Additional matters to be included in reports
25 Appointment of body to verify assessments and lists in reports
26 Amending the business impact target etc
27 Sections 21 to 25 etc: interpretation

Secondary legislation: duty to review

- 28 Duty to review regulatory provisions in secondary legislation
29 Section 28(1)(b): interpretation
30 Section 28(2)(a): "provision for review"
31 Section 28(2)(b): appropriateness of making provision for review
32 Sections 28 to 31 etc: supplementary

Definitions of small and micro business

- 33 Definitions of small and micro business
34 Small and micro business regulations: further provision

Home businesses

- 35 Exclusion of home businesses from Part 2 of the Landlord and Tenant Act 1954
36 Section 35: supplementary and consequential provision

CMA recommendations

- 37 CMA to publish recommendations on proposals for Westminster legislation

Liability of bodies concerned with accounting standards

- 38 Exemption from liability for bodies concerned with accounting standards etc

PART 3

PUBLIC SECTOR PROCUREMENT

- 39 Regulations about procurement
40 Investigation of procurement functions

PART 4

THE PUBS CODE ADJUDICATOR AND THE PUBS CODE

The Pubs Code Adjudicator

- 41 The Adjudicator

Pubs Code

- 42 Pubs Code
43 Pubs Code: market rent only option
44 Market rent only option: procedure
45 Market rent only option: disputes
46 Review of Pubs Code
47 Inconsistency with Pubs Code etc

Arbitration by Adjudicator

- 48 Referral for arbitration by tied pub tenants
49 Timing of referral for arbitration by tied pub tenants
50 Arbitration commenced by pub-owning businesses
51 Arbitration: supplementary
52 Information about arbitration

Investigations by Adjudicator

- 53 Investigations
54 Investigation reports
55 Forms of enforcement
56 Recommendations
57 Requirements to publish information
58 Financial penalties
59 Recovery of investigation costs

Advice and guidance by Adjudicator

- 60 Advice
61 Guidance

Adjudicator's reporting requirements

62 Annual report

Funding of Adjudicator

63 Levy funding

64 Loans by Secretary of State

Supervision of Adjudicator

65 Review of Adjudicator and guidance from Secretary of State

66 Abolition of Adjudicator

67 Information to Secretary of State

Supplementary

68 "Tied pub"

69 "Pub-owning business"

70 "Tied pub tenant", "landlord", "tenancy" and "licence"

71 Power to grant exemptions from Pubs Code

72 Interpretation: other provision

73 Regulations under this Part

PART 5

CHILDCARE AND SCHOOLS

74 Funding for free of charge early years provision

75 Exemption from requirement to register as early years provider

76 Childminding other than on domestic premises

77 Registration of childcare: premises

PART 6

EDUCATION EVALUATION

78 Assessments of effectiveness

79 Qualifications

80 Destinations

PART 7

COMPANIES: TRANSPARENCY

Register of people with significant control

81 Register of people with significant control

82 Review of provisions about PSC registers

Register of interests disclosed

83 Amendment of section 813 of the Companies Act 2006

Abolition of share warrants to bearer

84 Abolition of share warrants to bearer

85 Amendment of company's articles to reflect abolition of share warrants

86 Review of section 84

Corporate directors

- 87 Requirement for all company directors to be natural persons
- 88 Review of section 87

Shadow directors

- 89 Application of directors' general duties to shadow directors
- 90 Shadow directors: definition
- 91 Shadow directors: provision for Northern Ireland

PART 8

COMPANY FILING REQUIREMENTS

Annual return reform

- 92 Duty to deliver confirmation statement instead of annual return
- 93 Section 92: related amendments

Additional information on the register

- 94 Option for companies to keep information on central register
- 95 Recording of optional information on register

Information about dates of birth

- 96 Protection of information about a person's date of birth

Statements of capital etc

- 97 Contents of statements of capital
- 98 Public companies: information about aggregate amount paid up on shares

Registered office disputes

- 99 Address of company registered office

Director disputes

- 100 Company filing requirements: consent to act as director or secretary
- 101 Registrar's duty to inform new directors of entry in register
- 102 Removal from register of material about directors

Accelerated strike-off

- 103 Reduction in notice periods etc for striking off companies

PART 9

DIRECTORS' DISQUALIFICATION ETC

New grounds for disqualification

- 104 Convictions abroad
- 105 Persons instructing unfit director

Determining unfitness

- 106 Determining unfitness and disqualifications: matters to be taken into account
107 Reports of office-holders on conduct of directors of insolvent companies

Director disqualification: other amendments

- 108 Unfit directors of insolvent companies: extension of period for applying for disqualification order
109 Directors: removal of restriction on application for disqualification order

Compensation awards

- 110 Compensation orders and undertakings

Consequential amendments and corresponding provision for Northern Ireland

- 111 Sections 104 to 110: consequential and related amendments
112 Provision for Northern Ireland corresponding to sections 104 to 111

Bankruptcy: Scotland and Northern Ireland

- 113 Disqualification as director: bankruptcy, etc in Scotland and Northern Ireland
114 Company Directors Disqualification (Northern Ireland) Order 2002: bankruptcy, etc in England and Wales or Scotland
115 Disqualification as insolvency practitioner: bankruptcy, etc in Scotland or Northern Ireland
116 Disqualification as insolvency practitioner in Northern Ireland: bankruptcy, etc in England and Wales or Scotland

PART 10

INSOLVENCY

Office-holder actions

- 117 Power for administrator to bring claim for fraudulent or wrongful trading
118 Power for liquidator or administrator to assign causes of action
119 Application of proceeds of office-holder claims

Removing requirements to seek sanction

- 120 Exercise of powers by liquidator: removal of need for sanction
121 Exercise of powers by trustee in bankruptcy: removal of need for sanction

Position of creditors

- 122 Abolition of requirements to hold meetings: company insolvency
123 Abolition of requirements to hold meetings: individual insolvency
124 Ability for creditors to opt not to receive certain notices: company insolvency
125 Ability for creditors to opt not to receive certain notices: individual insolvency

126 Sections 122 to 125: further amendments

Administration

127 Extension of administrator's term of office
128 Administration: payments to unsecured creditors
129 Administration: sales to connected persons
130 Attachment of floating charges on administration (Scotland)

Small debts

131 Creditors not required to prove small debts: company insolvency
132 Creditors not required to prove small debts: individual insolvency

Trustees in bankruptcy

133 Trustees in bankruptcy

Voluntary arrangements

134 Time limit for challenging IVAs
135 Abolition of fast-track voluntary arrangements

Progress reports

136 Voluntary winding-up: progress reports

Regulation of insolvency practitioners: amendments to existing regime

137 Recognised professional bodies: recognition
138 Regulatory objectives
139 Oversight of recognised professional bodies
140 Recognised professional bodies: revocation of recognition
141 Court sanction of insolvency practitioners in public interest cases
142 Power for Secretary of State to obtain information
143 Compliance orders

Power to establish single regulator of insolvency practitioners

144 Power to establish single regulator of insolvency practitioners
145 Regulations under section 144: designation of existing body
146 Regulations under section 144: timing and supplementary

PART 11

EMPLOYMENT

Equal pay

147 Equal pay: transparency

Whistleblowing

148 Protected disclosures: reporting requirements
149 Protection for applicants for employment etc in the health service

Employment tribunals

- 150 Financial penalty for failure to pay sums ordered by employment tribunal etc
- 151 Employment tribunal procedure regulations: postponements

National minimum wage

- 152 Amount of financial penalty for underpayment of national minimum wage

Exclusivity in zero hours contracts

- 153 Exclusivity terms unenforceable in zero hours contracts

Public sector exit payments

- 154 Regulations in connection with public sector exit payments
- 155 Section 154(1): further provision
- 156 Power to make regulations to be exercisable by the Treasury or Scottish Ministers
- 157 Power of Secretary of State to waive repayment requirement

Concessionary coal

- 158 Concessionary coal

PART 12

GENERAL

- 159 Consequential amendments, repeals and revocations
- 160 Transitional, transitory or saving provision
- 161 Supplementary provision about regulations
- 162 Financial provisions
- 163 Extent
- 164 Commencement
- 165 Short title

SCHEDULES**SCHEDULE 1 — The Pubs Code Adjudicator****PART 1 — THE PUBS CODE ADJUDICATOR**

- 1 Status
- 2 The Adjudicator carries out functions on behalf of the Crown...
- 3 Appointment
- 4 Deputy Adjudicator
- 5 The Deputy Adjudicator may carry out any of the Adjudicator's...
- 6 Term of office etc
- 7 Service as the Adjudicator, or as the Deputy Adjudicator, is...
- 8 Remuneration
- 9 Staff
- 10 Conflicts of interest
- 11 (1) This paragraph applies if both the Adjudicator and the...
- 12 Validity of acts

- 13 Application of seal and proof of documents
- 14 A document purporting to be duly executed under the seal—...
- 15 Accounts
- 16 Incidental powers
- 17 Assistance from the Secretary of State
- 18 Exemption from liability for damages
 - PART 2 — INFORMATION POWERS OF THE PUBS CODE ADJUDICATOR
- 19 (1) The Adjudicator may, for the purposes of an investigation,...
- 20 (1) It is an offence for a person intentionally to...
- 21 It is an offence for a person knowingly to provide...
- 22 A person guilty of an offence under this Part of...
 - PART 3 — AMENDMENTS OF LEGISLATION
- 23 In Schedule 2 to the Parliamentary Commissioner Act 1967
(departments...
- 24 In Part 3 of Schedule 1 to the House of...
- 25 In Part 6 of Schedule 1 to the Freedom of...
- 26 In each of Schedules 14 and 15 to the Enterprise...

SCHEDULE 2 — Registration of childcare: premises

- 1 Childcare Act 2006
- 2 In section 34 (requirement to register: other early years providers)—...
- 3 In section 36 (applications for registration: other early years providers)
—...
- 4 In section 37 (entry on the register and certificates), in...
- 5 In section 37A (early years childminder agencies: registers and
certificates),...
- 6 In section 53 (requirement to register: other later years providers)—...
- 7 In section 55 (applications for registration: other later years providers)
—...
- 8 In section 56 (entry on the register and certificates), in...
- 9 In section 56A (later years childminder agencies: registers and
certificates),...
- 10 In section 57 (special procedure for providers registered in the...
- 11 In section 57A (special procedure for providers registered with early...
- 12 In section 63 (applications for registration on the general register:...
- 13 In section 64 (entry on the register and certificates), in...
- 14 In section 65 (special procedure for persons already registered in...
- 15 In section 65A (procedure for persons already registered with a...
- 16 In section 69 (suspension of registration in a childcare register:...
- 17 After section 85 (offence of making false or misleading statement)...
- 18 Omit section 94 (power to amend Part 3: applications in...
- 19 Omit section 105(3)(c) (procedure for an order under section 94)...
- 20 Water Industry Act 1991

SCHEDULE 3 — Register of people with significant control

- PART 1 — DUTY TO OBTAIN INFORMATION AND KEEP REGISTER
- 1 After Part 21 of the Companies Act 2006 insert— PART...
- 2 After Schedule 1 to that Act insert— SCHEDULE 1A References...
 - PART 2 — RELATED AMENDMENTS
- 3 The Companies Act 2006 is amended as follows.
- 4 In section 9 (registration documents), in subsection (4), at the...
- 5 After section 12 insert— Statement of initial significant control (1) The
statement of initial significant control required to be...

- 6 In section 120 (information as to state of register and...
- 7 In section 1068 (registrar's requirements as to form, authentication and...
- 8 In section 1087 (material not available for public inspection), in...
- 9 (1) Section 1126 (consents required for certain prosecutions) is amended...
- 10 In section 1136 (regulations about where certain company records to...
- 11 In Schedule 8 (index of defined expressions), in the appropriate...

SCHEDULE 4 — Abolition of share warrants to bearer

PART 1 — ARRANGEMENTS FOR CONVERSION AND CANCELLATION OF EXISTING SHARE WARRANTS

- 1 Right of surrender during surrender period
- 2 (1) A company must, as soon as reasonably practicable and...
- 3 Consequences of failure to surrender during first 7 months of surrender period
- 4 Second notice of right to surrender
- 5 Expiry of right to surrender and applications for cancellation of outstanding share warrants
- 6 Cancellation orders and suspended cancellation orders
- 7 Registration of reduction of share capital
- 8 Reduction of share capital below authorised minimum in case of public company
- 9 Payment into court in connection with cancellation
- 10 (1) A person who, at the end of the period...
- 11 (1) This paragraph applies in relation to a company in...
- 12 (1) Anything left of a sum paid into court under...
- 13 Company with outstanding share warrants: prohibition on striking off
- 14 Notices
- 15 Company filings: language requirements
- 16 Application of sections 1112 and 1113 of the Companies Act 2006
- 17 Offences
- 18 (1) A person guilty of an offence under paragraph 1(5)...
- 19 The following sections of the Companies Act 2006 apply for...
- 20 Interpretation
- 21 Transitory provision

PART 2 — CONSEQUENTIAL AMENDMENTS

- 22 The Companies Act 2006 is amended as follows.
- 23 In section 122 (share warrants)— (a) for subsections (1) and...
- 24 In section 617 (alteration of share capital of limited company),...
- 25 In section 652 (liability of members following reduction of capital),...
- 26 (1) Omit section 780 (duty of company as to issue...
- 27 (1) After section 1028 insert— Administrative restoration of company with...
- 28 (1) After section 1032A insert— Restoration by court of company...

SCHEDULE 5 — Option to keep information on central register

PART 1 — CREATION OF THE OPTION

- 1 Register of members
- 2 In Chapter 2 (register of members), before section 113 insert—...
- 3 After Chapter 2 insert— CHAPTER 2A Option to keep information...
- 4 Register of overseas members
- 5 Register of directors and register of directors' residential addresses

- 6 Under the heading “Register of directors, etc”, before section 162...
 - 7 After section 167 insert— Option to keep information on the...
 - 8 Register of secretaries
 - 9 After section 274 insert— Alternative method of record-keeping
Sections 275 and 276 must be read with sections 279A...
 - 10 After section 279 insert— Option to keep information on the...
- PART 2 — RELATED AMENDMENTS
- 11 The Companies Act 2006 is amended as follows.
 - 12 In section 12 (statement of proposed officers), in subsection (2),...
 - 13 In section 112 (the members of a company), after subsection...
 - 14 In section 127 (register to be evidence), after the words...
 - 15 In section 246 (putting the address on the public record)—...
 - 16 In section 286 (votes of joint holders of shares), in...
 - 17 In section 311 (contents of notices of meetings), in subsection...
 - 18 In section 360B (traded companies: requirements for participating in
and...
 - 19 In section 554 (registration of allotment), after subsection (2) insert—...
 - 20 In section 558 (when shares are allotted), after “members” insert...
 - 21 In section 588 (liability of subsequent holders of shares), in...
 - 22 In section 605 (liability of subsequent holders of shares), in...
 - 23 In section 616 (interpretation of Chapter 7), in subsection (3),...
 - 24 In section 655 (shares no bar to damages against company),...
 - 25 In section 724 (Treasury shares), in subsection (4), after “members”...
 - 26 In section 770 (registration of transfer), after subsection (2) insert—...
 - 27 In section 771 (procedure on transfer being lodged), after subsection...
 - 28 In section 772 (transfer of shares on application of transferor)—...
 - 29 In section 786 (provision enabling or requiring arrangements to be...
 - 30 In section 1068 (registrar’s requirements as to form, authentication
and...
 - 31 (1) Section 1081 (annotation of the register) is amended as...
 - 32 In section 1094 (administrative removal of material from the register),...
 - 33 In section 1136 (regulations about where certain company records to...
 - 34 In Schedule 5 (communications by a company)—
 - 35 In Schedule 8 (index of defined expressions), in the appropriate...

SCHEDULE 6 — Contents of statements of capital

- 1 The Companies Act 2006 is amended as follows.
- 2 In section 10 (statement of capital and initial shareholdings), in...
- 3 In section 32 (constitutional documents to be provided to members),...
- 4 In section 108 (statement of capital required on re-registration as...
- 5 In section 555 (return of allotment by limited company), in...
- 6 In section 619 (notice to registrar of sub-division or consolidation),...
- 7 In section 621 (notice to registrar of reconversion of stock...
- 8 In section 625 (notice to registrar of redenomination), in subsection...
- 9 In section 627 (notice to registrar of reduction of capital...
- 10 In section 644 (registration of resolution reducing share capital), in...
- 11 In section 649 (registration of court order confirming reduction of...
- 12 In section 663 (notice to registrar of cancellation of shares),...
- 13 In section 689 (notice to registrar of redemption), in subsection...
- 14 In section 708 (notice to registrar of cancellation on purchase...
- 15 In section 720B (registration of resolution etc. for purchase of...
- 16 In section 730 (notification of cancellation of treasury shares), in...

SCHEDULE 7 — Sections 104 to 110: consequential and related amendments

PART 1 — COMPANY DIRECTORS DISQUALIFICATION ACT 1986

- 1 The Company Directors Disqualification Act 1986 is amended as follows....
 - 2 In section 1 (disqualification orders: general) in subsection (2), for...
 - 3 (1) Section 1A (disqualification undertakings: general) is amended as follows....
 - 4 (1) Section 2 (disqualification on conviction of indictable offence) is...
 - 5 (1) Section 3 (disqualification for persistent breaches of companies legislation)...
 - 6 In section 5 (disqualification on summary conviction), after subsection (4A)...
 - 7 In section 6 (duty of court to disqualify unfit directors)...
 - 8 In section 7 (disqualifications under section 6: applications and undertakings)...
 - 9 Before section 8A insert— Further provision about disqualification undertakings
 - 10 In section 8A (variation etc of disqualification undertaking), in subsection...
 - 11 In section 10 (participation in wrongful trading), after subsection (2)...
 - 12 (1) Section 16 (application for disqualification order) is amended as...
 - 13 (1) Section 17 (application for leave under an order or...
 - 14 In section 18 (register of disqualification orders and undertakings), in...
 - 15 In section 20 (admissibility in evidence of statements), in subsection...
 - 16 In section 21 (interaction with Insolvency Act 1986), in each...
 - 17 In section 22 (interpretation), after subsection (2) insert—
 - 18 In section 22A (application of Act to building societies), omit...
 - 19 In section 22B (application of Act to incorporated friendly societies) —...
 - 20 In section 22C (application of Act to NHS foundation trusts)...
 - 21 Omit section 22D (application of Act to open-ended investment companies)...
 - 22 (1) Section 22E (application of Act to registered societies) is...
 - 23 In section 22F (application of Act to charitable incorporated organisations)...
- PART 2 — OTHER ENACTMENTS
- 24 Companies (Audit, Investigations and Community Enterprises) Act 2004
 - 25 Companies Act 2006

SCHEDULE 8 — Northern Ireland: provision corresponding to sections 104 to 111

- 1 The Company Directors Disqualification (Northern Ireland) Order 2002
- 2 Convictions abroad
- 3 Determining unfitness and disqualification orders: matters to be taken into account
- 4 Extension of period for applying for disqualification order for unfit directors
- 5 Reports of office-holders on conduct of directors of insolvent companies
- 6 Directors: removal of restriction on application for disqualification order
- 7 Persons instructing unfit director
- 8 Compensation orders and undertakings

- 9 Amendments consequential on, or related to, amendments made by paragraphs 2 to 8
- 10 Omit paragraph 65 of Schedule 2 to the Insolvency (Northern...

SCHEDULE 9 — Abolition of requirements to hold meetings; opted-out creditors

PART 1 — COMPANY INSOLVENCY

- 1 Introductory
- 2 Company voluntary arrangements
- 3 (1) Section 3 (summoning of meetings) is amended as follows....
- 4 (1) Section 4 (decisions of meetings) is amended as follows....
- 5 (1) Section 4A (approval of arrangement) is amended as follows....
- 6 (1) Section 5 (effect of approval) is amended as follows....
- 7 (1) Section 6 (challenge of decisions) is amended as follows....
- 8 In section 7(2)(a) for “given at one or both of...
- 9 (1) Schedule A1 (moratorium where directors propose voluntary arrangement) is...
- 10 Administration
- 11 (1) Schedule 10 (offences) is amended as follows.
- 12 Receivers and managers
- 13 In section 49(1) (committee of creditors - England and Wales),...
- 14 (1) Section 67 (report by receiver - Scotland) is amended...
- 15 In section 68(1) (committee of creditors - Scotland), for the...
- 16 Winding-up
- 17 In section 93(1) (members’ voluntary winding-up in Scotland: company meeting...
- 18 For section 94 (members’ voluntary winding up: final meeting of...
- 19 (1) Section 95 (effect of company’s insolvency) is amended as...
- 20 (1) For section 96 (conversion to creditors’ voluntary winding up)...
- 21 In section 97(2) (application of Chapter 4), for “98 and...
- 22 Omit section 98 (meeting of creditors).
- 23 (1) Section 99 (directors to lay statement of affairs before...
- 24 For section 100(1) (appointment of liquidator) substitute—
- 25 (1) Section 101 (appointment of liquidation committee) is amended as...
- 26 Omit section 102 (creditors’ meeting where winding up converted under...
- 27 In section 104A (progress report to company and creditors at...
- 28 In section 105(4) (meetings of company and creditors at each...
- 29 For section 106 (creditors’ voluntary winding-up: final meetings of company...
- 30 In section 114(2) (powers of directors in voluntary winding up...
- 31 (1) Section 136 (functions of official receiver in relation to...
- 32 (1) Section 137 (appointment by Secretary of State) is amended...
- 33 (1) Section 138 (appointment of liquidator in Scotland) is amended...
- 34 (1) Section 139 (choice of liquidator at meetings of creditors...
- 35 In section 140(3) (appointment of liquidator by court following administration...
- 36 In section 141 (liquidation committee: England and Wales) for subsections...
- 37 (1) Section 142 (liquidation committee (Scotland)) is amended as follows....
- 38 For section 146 (compulsory winding-up - duty to summon final...
- 39 In section 160(1) (delegation of court’s powers to liquidator (England...
- 40 (1) Section 166 (liquidator’s powers and duties in creditors’ voluntary...

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- 41 In section 168 (liquidator’s supplementary powers: England and Wales) for...
- 42 (1) Section 171 (removal of liquidator in voluntary winding up)...
- 43 (1) Section 172 (removal of liquidator in compulsory winding up)...
- 44 (1) Section 173 (release of liquidator in voluntary winding up)...
- 45 (1) Section 174 (release of liquidator in compulsory winding up)...
- 46 Omit section 194 (resolutions passed at adjourned meetings).
- 47 (1) Section 195 (meetings to ascertain wishes of creditors or...
- 48 (1) Section 201 (voluntary winding up - dissolution) is amended...
- 49 In section 202(3) (early dissolution in England and Wales) after...
- 50 In section 204(2) (early dissolution: Scotland) for “meeting or meetings”...
- 51 (1) Section 205 (compulsory winding up - dissolution) is amended...
- 52 In section 208(2) (misconduct in course of winding up), for...
- 53 (1) Schedule 10 (offences) is amended as follows.
- 54 Other provision
- 55 In section 387(2) and (2A) (definition of “relevant date”) for...
- 56 In section 433(3)(a) (admissibility of evidence in statement of affairs...
- 57 (1) Section 434B (representation of companies at meetings) is amended...
- 58 In Schedule 8, after paragraph 9 insert— Provision about how a company’s creditors may nominate a person...
- 59 (1) Paragraph 10 of Schedule 8 (power to make provision...
- PART 2 — INDIVIDUAL INSOLVENCY
- 60 Introductory
- 61 Individual voluntary arrangements
- 62 (1) Section 256A (nominee’s report on debtor’s proposal) is amended...
- 63 In the heading before section 257, for “meeting” substitute “decisions”....
- 64 (1) Section 257 (summoning of creditors’ meeting) is amended as...
- 65 (1) Section 258 (decision of creditors’ meeting) is amended as...
- 66 (1) Section 259 (report of decisions to court) is amended...
- 67 (1) Section 260 (effect of approval) is amended as follows....
- 68 (1) Section 261 (additional effect on undischarged bankrupt) is amended...
- 69 (1) Section 262 (challenge of meeting’s decision) is amended as...
- 70 In section 262B(1) (prosecution of delinquent debtors), for “creditors’ meeting”...
- 71 In section 262C (arrangements coming to an end prematurely), for...
- 72 In section 263(1) (implementation and supervision of approved voluntary arrangement),...
- 73 Bankruptcy
- 74 In section 283(4)(a) (definition of bankrupt’s estate), for the words...
- 75 In section 287(3)(c) (powers of interim receiver), for “summon a...
- 76 In section 296(5) (trustee to give notice relating to creditors’ ...
- 77 (1) Section 298 (trustee’s vacation of office) is amended as...
- 78 (1) Section 299 (release of trustee) is amended as follows....
- 79 (1) Section 300 (vacancy in office of trustee) is amended...
- 80 (1) Section 301 (creditors’ committees) is amended as follows.
- 81 In section 314(7) (trustee’s power and duty to summon creditors’ ...
- 82 In section 330 (final distribution), after subsection (1) insert—
- 83 (1) Section 331 (final meeting) is amended as follows.
- 84 In section 332(2) (bankrupt’s home), for “summon a meeting under...

- 85 In section 356(2)(c) (offence of making false statements)—
- 86 In Schedule 9, after paragraph 12 insert— Provision about how a bankrupt’s creditors may appoint a person...
- 87 In paragraph 13 of Schedule 9 (creditors’ committee)—
- 88 Other provision

SCHEDULE 10 — Trustees in bankruptcy

- 1 Insolvency Act 1986 (c. 45)
- 2 In section 286(3) (interim receiver to have powers and duties...
- 3 (1) Section 287 (receivership pending appointment of first trustee) is...
- 4 Omit section 291(1) to (3) (bankrupt’s duty to deliver possession...
- 5 (1) Section 292 (power to make appointments) is amended as...
- 6 Omit sections 293 to 295 (meeting of creditors to appoint...
- 7 In section 296 (appointment of trustee by Secretary of State)—...
- 8 Omit section 297.
- 9 (1) Section 298 (removal of trustees) is amended as follows....
- 10 Omit paragraph 10 of Schedule 9 (exercise by official receiver...
- 11 In paragraph 30 of Schedule 9 omit “, of the...
- 12 Enterprise and Regulatory Reform Act 2013 (c. 24)

SCHEDULE 11 — Single regulator of insolvency practitioners: supplementary provision

- 1 Operation of this Schedule
- 2 Name, members and chair
- 3 Remuneration etc.
- 4 Staff
- 5 Proceedings
- 6 Fees
- 7 Consultation
- 8 Training and other services
- 9 Report and accounts
- 10 Funding
- 11 Financial penalties
- 12 Status etc.
- 13 Transfer schemes
- 14 Additional provision where body is unincorporated association