



Small Business, Enterprise and Employment Act 2015

2015 CHAPTER 26

PART 12

GENERAL

159 Consequential amendments, repeals and revocations

- (1) A Minister of the Crown may by regulations make such provision as the Minister considers appropriate in consequence of this Act (other than sections 35 and 36 as they apply in Wales).
- (2) The power conferred by subsection (1) includes power—
 - (a) to make transitional, transitory or saving provision;
 - (b) to amend, repeal, revoke or otherwise modify any provision made by or under an enactment (including an enactment contained in this Act and any enactment passed or made in the same Session as this Act).
- (3) Subject to subsection (4)(b), regulations under subsection (1) which amend, repeal or revoke any provision of primary legislation are subject to affirmative resolution procedure.
- (4) Regulations under subsection (1) which—
 - (a) do not amend, repeal or revoke any provision of primary legislation, or
 - (b) amend, repeal or revoke any provision of primary legislation only in connection with there ceasing to be any share warrants (see section 84),are subject to negative resolution procedure.
- (5) The Welsh Ministers may by regulations make such provision as they consider appropriate in consequence of section 35 or 36 as it applies in Wales.
- (6) The power conferred by subsection (5) includes power—
 - (a) to make transitional, transitory or saving provision;

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- (b) to amend, repeal, revoke or otherwise modify any provision made by or under any Act (including this Act and any Act passed in the same Session as this Act) or any Measure or Act of the National Assembly for Wales.
- (7) A statutory instrument containing regulations under subsection (5) which amend or repeal an Act or a Measure or Act of the National Assembly for Wales may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.
- (8) A statutory instrument containing regulations under subsection (5), other than a statutory instrument within subsection (7), is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (9) In this Part—
 - “enactment” includes an Act of the Scottish Parliament, a Measure or Act of the National Assembly for Wales and Northern Ireland legislation;
 - “Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975;
 - “primary legislation” means—
 - (a) an Act of Parliament,
 - (b) an Act of the Scottish Parliament,
 - (c) a Measure or Act of the National Assembly for Wales, and
 - (d) Northern Ireland legislation.

160 Transitional, transitory or saving provision

- (1) A Minister of the Crown may by regulations make such transitional, transitory or saving provision as the Minister considers appropriate in connection with the coming into force of this Act (other than sections 35 and 36 as they apply in Wales).
- (2) The Welsh Ministers may by regulations make such transitional, transitory or saving provision as they consider appropriate in connection with the coming into force of section 35 or 36 as it applies in Wales.

161 Supplementary provision about regulations

- (1) Regulations under this Act, other than regulations made by the Scottish Ministers under section 1 [F1, 153A] or 154(1), are to be made by statutory instrument.
- (2) Regulations under this Act may make—
 - (a) different provision for different purposes or cases;
 - (b) different provision for different areas;
 - (c) provision generally or for specific cases;
 - (d) provision subject to exceptions;
 - (e) incidental, supplementary, consequential, transitional or transitory provision or savings.
- (3) Where regulations under this Act are subject to “negative resolution procedure” the statutory instrument containing the regulations is subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) Where regulations under this Act are subject to “affirmative resolution procedure” the regulations may not be made unless a draft of the statutory instrument containing

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them has been laid before Parliament and approved by a resolution of each House of Parliament.

- (5) Any provision that may be included in an instrument under this Act for which no Parliamentary procedure is prescribed may be made by regulations subject to negative or affirmative resolution procedure.
- (6) Any provision that may be included in an instrument under this Act subject to negative resolution procedure may be made by regulations subject to affirmative resolution procedure.

Textual Amendments

- F1** Word in s. 161(1) inserted (1.2.2017) by Enterprise Act 2016 (c. 12), s. 44(4)(b), Sch. 6 para. 3; S.I. 2017/70, reg. 2(c)

162 Financial provisions

There is to be paid out of money provided by Parliament—

- (a) any expenditure incurred under or by virtue of this Act by a Minister of the Crown, and
- (b) any increase attributable to this Act in the sums payable under any other Act out of money so provided.

163 Extent

- (1) Subject to subsections (2) to (4), this Act extends to England and Wales, Scotland and Northern Ireland.
- (2) Any amendment, repeal or revocation made by this Act has the same extent as the enactment amended, repealed or revoked, except the amendments made by sections 113 and 114, which extend as mentioned in subsection (1).
- (3) Part 4 extends to England and Wales only.
- (4) In Part 10, sections 144 to 146 and Schedule 11 extend to England and Wales and Scotland only.

164 Commencement

- (1) The provisions of this Act come into force on such day as a Minister of the Crown may by regulations appoint, subject to subsections (2) to (5).
- (2) The following provisions of this Act come into force on the day this Act is passed—
 - (a) in Part 1, sections 4 to 7 (regulations about financial information on small and medium sized businesses);
 - (b) in Part 3, section 39 (regulations about procurement);
 - (c) in Part 5, section 74 (funding for free of charge early years provision);
 - (d) in Part 11, section 151 (employment tribunal procedure regulations: postponements);
 - (e) this Part.

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- (3) The following provisions of this Act come into force at the end of the period of two months beginning with the day on which this Act is passed—
- (a) in Part 1—
 - (i) sections 1 and 2 (power to invalidate certain restrictive terms of business contracts),
 - (ii) section 3 (companies: duty to publish report on payment practices),
 - (iii) sections 8 and 9 (VAT registration information),
 - (iv) sections 10 to 12 (exports), and
 - (v) section 14 (powers of the Payment Systems Regulator);
 - (b) in Part 2—
 - (i) sections 15 and 16 (streamlined company registration),
 - (ii) sections 21 to 27 (business impact target), and
 - (iii) section 37 (CMA to publish recommendations on proposals for Westminster legislation);
 - (c) in Part 3, section 40 (investigation of procurement functions);
 - (d) in Part 4—
 - (i) sections 42 to 44 (the Pubs Code), and
 - (ii) sections 68 to 73 (Part 4: supplementary);
 - (e) in Part 5, section 75 (exemption from requirement to register as early years provider);
 - (f) Part 6;
 - (g) in Part 7—
 - (i) section 83 (amendment of section 813 of the Companies Act 2006),
 - (ii) sections 84 to 86 and Schedule 4 (abolition of share warrants to bearer), and
 - (iii) sections 89 to 91 (shadow directors);
 - (h) in Part 8—
 - (i) section 95 (recording of optional information on register),
 - (ii) section 99 (address of company registered office);
 - (i) in Part 10—
 - (i) sections 120 and 121 (removing requirements to seek sanction),
 - (ii) sections 127 to 130 (administration),
 - (iii) sections 131 and 132 (small debts),
 - (iv) sections 134 and 135 (voluntary arrangements), and
 - (v) section 136 (voluntary winding-up: progress reports);
 - (j) in Part 11, section 158 (concessionary coal).
- (4) Section 13 (electronic paying in of cheques etc) comes into force—
- (a) on the day this Act is passed, for the purpose of enabling the making of regulations under Part 4A of the Bills of Exchange Act 1882 (as inserted by section 13);
 - (b) on 31 July 2016, for all other purposes.
- (5) Sections 35 and 36 as they apply in Wales come into force on such day as the Welsh Ministers may by regulations appoint.

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- (6) Before making regulations under subsection (1) in relation to section 112 and Schedule 8, the Secretary of State must consult the Department of Enterprise, Trade and Investment in Northern Ireland.

165 Short title

This Act may be cited as the Small Business, Enterprise and Employment Act 2015.

Changes to legislation:

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