

**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)
- I3** Sch. 9 para. 54 in force at 6.4.2019 for S. in so far as not already in force by S.I. 2019/816, reg. 4(c) (with reg. 5)

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

##### Commencement Information

- I4** Sch. 9 para. 55 in force at 26.5.2015 for specified purposes by S.I. 2015/1329, reg. 3(d)
- I5** 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)
- I6** Sch. 9 para. 55 in force at 6.4.2019 for S. in so far as not already in force by S.I. 2019/816, reg. 4(c) (with reg. 5)

- 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) ”.

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- I7** Sch. 9 para. 56 in force at 26.5.2015 for specified purposes by S.I. 2015/1329, **reg. 3(d)**
- I8** 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)
- I9** Sch. 9 para. 56 in force at 6.4.2019 for S. in so far as not already in force by S.I. 2019/816, **reg. 4(c)** (with **reg. 5**)

- 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**

- I10** Sch. 9 para. 57 in force at 26.5.2015 for specified purposes by S.I. 2015/1329, **reg. 3(d)**
- I11** 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)
- I12** Sch. 9 para. 57 in force at 6.4.2019 for S. in so far as not already in force by S.I. 2019/816, **reg. 4(c)** (with **reg. 5**)

- 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**

- I13** Sch. 9 para. 58 in force at 26.5.2015 for specified purposes by S.I. 2015/1329, **reg. 3(d)**
- I14** 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)
- I15** Sch. 9 para. 58 in force at 6.4.2019 for S. in so far as not already in force by S.I. 2019/816, **reg. 4(c)** (with **reg. 5**)

- 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 ”.

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**Commencement Information**

- I16** Sch. 9 para. 59 in force at 26.5.2015 for specified purposes by [S.I. 2015/1329](#), **reg. 3(d)**
- I17** 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)
- I18** Sch. 9 para. 59 in force at 6.4.2019 for S. in so far as not already in force by [S.I. 2019/816](#), **reg. 4(c)** (with [reg. 5](#))

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