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STATUTORY INSTRUMENTS

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**2018 No. 208**

**The Small Business, Enterprise and Employment Act 2015 (Consequential Amendments, Savings and Transitional Provisions) Regulations 2018**

**PART 2**

Consequential amendments of primary legislation

**The Banking Act 2009**

5.—(1) The Banking Act 2009(1) is amended as follows.

(2) In section 103(2) (general powers and duties of bank liquidators and effect of bank insolvency) after subsection (6) insert—

“(7) In the Table “Schedule 9 to the 2015 Act” means Schedule 9 to the Small Business, Enterprise and Employment Act 2015 (further amendments relating to the abolition of requirements to hold meetings: company insolvency).”.

(3) In the Table in section 103 (Table of applied provisions of the Insolvency Act 1986)—

(a) in the entry for section 141, in column 3 at the beginning insert—

“Ignore the amendment made by paragraph 36 of Schedule 9 to the 2015 Act.”;

(b) in the entry for section 142, in column 3 at the beginning insert—

“Ignore the amendments made by paragraph 37 of Schedule 9 to the 2015 Act.”;

(c) in the entry for section 160, in column 3 insert—

“Ignore the amendment made by paragraph 39 of Schedule 9 to the 2015 Act.”;

(d) in the entry for section 168, in column 3 at the beginning insert—

“(za) Ignore the amendment made by paragraph 41 of Schedule 9 to the 2015 Act.”;

(e) in the entry for section 194, in column 3 insert—

“Section 194 applies as it applied before its repeal by paragraph 46 of Schedule 9 to the 2015 Act.”;

(f) in the entry for section 195, in column 3—

(i) at the beginning insert—

“(a) Ignore the amendments made by paragraph 47 of Schedule 9 to the 2015 Act.”;

(ii) after that modification insert “(b)” (so that the existing modification becomes the second of two modifications); and

(g) in the entry for section 208, in column 3 insert—

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(1) 2009 c. 1.

(2) Section 103 was amended by the Financial Services Act 2012, Schedule 17, paragraphs 29 and 38, and by [S.I. 2017/400](#).

“Ignore the amendment made by paragraph 52 of Schedule 9 to the 2015 Act.”.

(4) In section 145(3) (general powers and duties of bank administrators and effect of bank administration) after subsection (6) insert—

“(7) In the Tables “Schedule 9 to the 2015 Act” means Schedule 9 to the Small Business, Enterprise and Employment Act 2015 (further amendments relating to the abolition of requirements to hold meetings: company insolvency).”.

(5) In Table 1 in section 145 (Table of applied provisions of the Insolvency Act 1986, Schedule B1(4))—

(a) in the entry for paragraph 49, in column 3 after paragraph (e) insert—

“(ea) Ignore the amendment made by paragraph 10(2) of Schedule 9 to the 2015 Act.”;

(b) in the entry for paragraphs 50 to 58, in column 3 at the beginning insert—

“(za) Ignore the repeal of Paras 50 and 58 by paragraph 10(3) and (22) of Schedule 9 to the 2015 Act.

(zb) Ignore the amendments of Paras 51 to 57 made by paragraph 10(4) to (21) of Schedule 9 to the 2015 Act.”;

(c) in the entry for paragraph 62, in column 3 insert—

“Ignore the amendment made by paragraph 10(23) of Schedule 9 to the 2015 Act.”;

(d) in the entry for paragraph 74, in column 3 at the beginning insert—

“(za) Ignore the amendment made by paragraph 10(24) of Schedule 9 to the 2015 Act.”;

(e) in the entry for paragraph 98, in column 3 at the beginning insert—

“Ignore the amendments made by paragraph 10(36) to (38) of Schedule 9 to the 2015 Act.”;

(f) in the entry for paragraph 106 (and section 430 of, and Schedule 10 to, the Insolvency Act 1986), in column 3 insert—

“Ignore the amendments made by paragraph 11 of Schedule 9 to the 2015 Act.”;

(g) in the entry for paragraphs 107 to 109, in column 3 after paragraph (b) insert—

“(ba) Ignore the amendments of Para 108 made by paragraph 10(39) to (43) of Schedule 9 to the 2015 Act.”; and

(h) in the entry for paragraph 111, in column 3 insert—

“Ignore the amendment made by paragraph 10(44) of Schedule 9 to the 2015 Act.”.

(6) In section 154 (winding up or voluntary arrangement)—

(a) after subsection (2) insert—

“(2A) For the purpose of subsection (2)(a), paragraph 84 of Schedule B1 has effect without the amendment made by paragraph 10(33) of Schedule 9 to the Small Business, Enterprise and Employment Act 2015 (further amendments relating to opted-out creditors).”;

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(3) Section 145 was amended by the Financial Services Act 2010 (c. 28), section 21(1) and (6), and by S.I. 2017/400.

(4) Schedule B1 was inserted by the Enterprise Act 2002, section 248(2) and Schedule 16; and was amended by the Small Business, Enterprise and Employment Act 2015, section 126 and Schedule 9, paragraph 10. There are other amendments, but they are not relevant.

- (b) in subsection (3) for “that Act” substitute “the Insolvency Act 1986”; and
- (c) after subsection (3) insert—

“(3A) Sections 2 to 6 and 7 and Schedule A1(5) have effect without the amendments of those provisions made by paragraphs 2 to 9 of Schedule 9 to the Small Business, Enterprise and Employment Act 2015 (further amendments relating to the abolition of requirements to hold meetings).”.

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(5) Schedule A1 was inserted by the Insolvency Act 2000, Schedule 1, paragraphs 1 and 4; and was amended by the Enterprise Act 2002, Schedule 17, paragraphs 9 and 37, and by the Financial Services Act 2012, Schedule 18, paragraphs 51 and 54. There are other amendments, but they are not relevant.