

Small Business, Enterprise and Employment Bill

Amendments
to be moved
ON REPORT

[Supplementary to the Marshalled List]

Clause 122

BARONESS NEVILLE-ROLFE

Page 98, line 31, leave out “prescribed proportion of the” and insert “minimum number of”

Page 98, line 32, leave out “of the”

Page 99, line 7, at end insert—

“(6A) For the purposes of subsection (3) the “minimum number” of creditors or contributories is any of the following—

- (a) 10% in value of the creditors or contributories;
- (b) 10% in number of the creditors or contributories;
- (c) 10 creditors or contributories.

(6B) The references in subsection (6A) to creditors are to creditors of any class, even where a decision is sought only from creditors of a particular class.”

Page 99, line 12, leave out “In this section references” and insert “Except as provided by subsection (6B), references in this section”

Page 99, line 36, leave out “prescribed proportion of the” and insert “appropriate number of”

Page 99, line 37, leave out first “the”

Page 99, line 47, at end insert—

“() For the purposes of subsection (4) the “appropriate number” of relevant creditors or relevant contributories is 10% in value of those creditors or contributories.”

Page 100, line 10, at end insert—

“246ZG Power to amend sections 246ZE and 246ZF

(1) The Secretary of State may by regulations amend section 246ZE so as to change the definition of—

- (a) the minimum number of creditors;
- (b) the minimum number of contributories.

(2) The Secretary of State may by regulations amend section 246ZF so as to change the definition of—

- (a) the appropriate number of relevant creditors;
- (b) the appropriate number of relevant contributories.

(3) Regulations under this section may define the minimum number or the appropriate number by reference to any one or more of—

- (a) a proportion in value,
- (b) a proportion in number,
- (c) an absolute number,

and the definition may include alternative, cumulative or relative requirements.

(4) Regulations under subsection (1) may define the minimum number of creditors or contributories by reference to all creditors or contributories, or by reference to creditors or contributories of a particular description.

(5) Regulations under this section may make provision that will result in section 246ZE or 246ZF having different definitions for different cases, including—

- (a) for creditors and for contributories,
- (b) for different kinds of decisions.

(6) Regulations under this section may make transitional provision.

(7) The power of the Secretary of State to make regulations under this section is exercisable by statutory instrument.

(8) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.””

Clause 123

BARONESS NEVILLE-ROLFE

Page 101, line 10, leave out “prescribed proportion of the” and insert “minimum number of”

Page 101, line 22, at end insert—

“(6A) For the purposes of subsection (3) the “minimum number” of creditors is any of the following—

- (a) 10% in value of the creditors;
- (b) 10% in number of the creditors;
- (c) 10 creditors.

(6B) The references in subsection (6A) to creditors are to creditors of any class, even where a decision is sought only from creditors of a particular class.”

Page 101, line 27, leave out “In this section references” and insert “Except as provided by subsection (6B), references in this section”

Page 102, line 8, leave out “prescribed proportion of the” and insert “appropriate number of”

Page 102, line 17, at end insert—

“() For the purposes of subsection (4) the “appropriate number” of relevant creditors is 10% in value of those creditors.”

Page 102, line 24, at end insert—

“379ZC Power to amend sections 379ZA and 379ZB

(1) The Secretary of State may by regulations amend section 379ZA so as to change the definition of the minimum number of creditors.

(2) The Secretary of State may by regulations amend section 379ZB so as to change the definition of the appropriate number of relevant creditors.

(3) Regulations under this section may define the minimum number or the appropriate number by reference to any one or more of—

(a) a proportion in value,

(b) a proportion in number,

(c) an absolute number,

and the definition may include alternative, cumulative or relative requirements.

(4) Regulations under subsection (1) may define the minimum number of creditors by reference to all creditors, or by reference to creditors of a particular description.

(5) Regulations under this section may make provision that will result in section 379ZA or 379ZB having different definitions for different cases, including for different kinds of decisions.

(6) Regulations under this section may make transitional provision.

(7) The power of the Secretary of State to make regulations under this section is exercisable by statutory instrument.

(8) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.””

Prepared 4th March 2015