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SCOTTISH STATUTORY INSTRUMENTS

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**2009 No. 310**

**PARTNERSHIPS**

**The Limited Liability Partnerships  
(Scotland) Amendment Regulations 2009**

*Made* - - - - 7th September 2009  
*Laid before the Scottish  
Parliament* - - - - 8th September 2009  
*Coming into force* - - 1st October 2009

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 14(1) and 17(2) and (3) of the Limited Liability Partnerships Act 2000<sup>(1)</sup> and all other powers enabling them to do so:

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Limited Liability Partnerships (Scotland) Amendment Regulations 2009 and shall come into force on 1st October 2009.

(2) These Regulations extend to Scotland only.

**Interpretation**

2. In these Regulations—

“the 1986 Act” means the Insolvency Act 1986<sup>(2)</sup>, and

“the principal regulations” means the Limited Liability Partnerships (Scotland) Regulations 2001<sup>(3)</sup>.

**Amendment of Schedule 2 to the principal regulations**

3. Schedule 2 to the principal regulations (provisions of the 1986 Act as applied to limited liability partnerships) is amended in accordance with Schedule 1 to these Regulations.

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(1) [2000 c.12](#) (“the 2000 Act”). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 ([c.46](#)) as read with section 19(3) of the 2000 Act which deemed the 2000 Act to be a pre-commencement enactment within the meaning of the Scotland Act 1998.

(2) [1986 c.45](#).

(3) [S.S.I. 2001/128](#).

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### **Amendment of Schedule 3 to the principal regulations**

**4.** Schedule 3 to the principal regulations (modifications to provisions of the 1986 Act as applied to limited liability partnerships) is amended in accordance with Schedule 2 to these Regulations.

St Andrew's House,  
Edinburgh  
7th September 2009

*FERGUS EWING*  
Authorised to sign by the Scottish Ministers

## SCHEDULE 1

Regulation 3

### AMENDMENTS TO SCHEDULE 2 TO THE PRINCIPAL REGULATIONS

1. Schedule 2 to the principal regulations is amended as follows:
  - (a) in the entry relating to section 234(4), for “order applies” substitute “has been entered into”;
  - (b) in the entry relating to section 235(5), for “order applies” substitute “has been entered into”;
  - (c) in the entry relating to sections 236 to 237(6), for “administration orders” substitute “administrations entered into”;
  - (d) in the entry relating to section 244(7), for “is subject to an administration order” substitute “has entered into administration”.

## SCHEDULE 2

Regulation 4

### AMENDMENTS TO SCHEDULE 3 TO THE PRINCIPAL REGULATIONS

1. Schedule 3 to the principal regulations is amended as follows:
  - (a) in the entry relating to section 84 (circumstances in which company may be wound up voluntarily)(8), in the entry relating to subsection (4), for “(4)” wherever it appears substitute “(3A)”;
  - (b) omit the entry relating to section 233 (supplies of gas, water, electricity, etc.)(9).

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend Schedules 2 and 3 to the Limited Liability Partnerships (Scotland) Regulations 2001 (S.S.I. 2001/128) (“the principal regulations”) which apply certain provisions of the Insolvency Act 1986 (c.45) (“the 1986 Act”) to limited liability partnerships.

Regulation 3 amends the provisions of the 1986 Act listed in Schedule 2 to the principal regulations in consequence of amendments to the 1986 Act by the Enterprise Act 2002 (c.40).

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- (4) Section 234 was amended by section 248 of, and paragraph 23 of Schedule 17 to, the Enterprise Act 2002 (c.40).
  - (5) Section 235 was amended by section 248 of, and paragraph 24 of Schedule 17 to, the Enterprise Act 2002.
  - (6) Sections 236 and 237 were modified by section 248 of, and paragraph 23 of Schedule 17 to, the Enterprise Act 2002.
  - (7) Section 244 was amended by section 248 of, and paragraph 30 of Schedule 17 to, the Enterprise Act 2002.
  - (8) Section 84 was amended by section 68 of, and paragraph 6 of Schedule 5 to, the Commonhold and Leasehold Reform Act 2002 (c.15) (in England and Wales only), by article 4 of, and paragraph 10 of the Schedule to, S.I. 2003/2096 and by article 10 of, and paragraph 39 of Schedule 4(3) and paragraph 1 of Schedule 5 to, S.I. 2007/2194.
  - (9) Section 233 was amended by section 16 of, and paragraph 14 of Schedule 4 to, the Gas Act 1995 (c.45), by section 108 of, and paragraph 47 of Schedule 6 to, the Utilities Act 2000 (c.27), by section 1 of, and paragraph 8 of Schedule 1 to, the Insolvency Act 2000 (c.39), by section 248 of, and paragraph 22 of Schedule 17 to, the Enterprise Act 2002, by section 406 of, and paragraph 82 of Schedule 17 to, the Communications Act 2003 (c.21) and by article 2 of, and paragraph 14 of the Schedule to, S.I. 2004/1822.

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Regulation 4 amends the modifications to the 1986 Act set out in Schedule 3 to the principal regulations in consequence of amendments to section 84 of the 1986 Act (applying in England and Wales) by the [Commonhold and Leasehold Reform Act 2002 \(c.15\)](#) and amendments to section 233 of the 1986 Act by the [Insolvency Act 2000 \(c.39\)](#).