

SCHEDULE 2

Regulation 84

TRANSITIONAL PROVISIONS: NORTHERN IRELAND LLPs

Main transitional provisions

1.—(1) A limited liability partnership that immediately before 1st October 2009 was registered and incorporated under the Limited Liability Partnerships Act (Northern Ireland) 2002 is treated on and after that date as registered and incorporated under the Limited Liability Partnerships Act 2000.

(2) Anything done (including subordinate legislation made), or having effect as if done, under or for the purposes of any repealed Northern Ireland provision, if in force or effective immediately before 1st October 2009 has effect on and after that date as if done under or for the purposes of the corresponding UK provision.

(3) Any reference (express or implied) in any enactment, instrument or document to a UK provision shall be construed (so far as the context permits) as including, as respects times, circumstances or purposes in relation to which the corresponding repealed Northern Ireland provision had effect, a reference to that corresponding provision.

(4) Any reference (express or implied) in any enactment, instrument or document to a repealed Northern Ireland provision shall be construed (so far as the context permits), as respects times, circumstances and purposes in relation to which the corresponding UK provision has effect, as being or (according to the context) including a reference to that corresponding provision.

(5) In this paragraph—

“repealed Northern Ireland provision” means—

- (a) any provision of the Limited Liability Partnerships Act (Northern Ireland) 2002, or
- (b) any provision of an instrument made under that Act that is revoked with effect from 1st October 2009;

“UK provision” means any provision made by or under the Limited Liability Partnerships Act 2000 that on and after 1st October 2009 extends to the whole of the United Kingdom.

(6) References in sub-paragraph (5) to provision made under an Act include provisions applied by any such provision.

Applications for registration as Northern Ireland LLP

2.—(1) This paragraph applies to applications for registration of a limited liability partnership whose registered office is to be in Northern Ireland.

(2) The provisions of the Limited Liability Partnerships Act 2000 apply to applications received by the registrar on or after 1st October 2009.

(3) Any application for registration under those provisions received by the registrar before that date shall not be entertained.

(4) The corresponding provisions of the Limited Liability Partnerships Act (Northern Ireland) 2002 continue to apply to an application for registration if—

- (a) it is received by the registrar, and
- (b) the requirements as to registration are met in relation to it,

before 1st October 2009.

(5) Any application for registration under that Act in relation to which the requirements as to registration are not met before that date shall be treated as withdrawn.

(6) For the purposes of paragraph 1 above as it applies to treat a limited liability partnership registered and incorporated under the Limited Liability Partnerships Act (Northern Ireland) 2002 as registered and incorporated under the Limited Liability Partnerships Act 2000, a limited liability partnership that is registered and incorporated on an application to which sub-paragraph (4) above applies is treated as if it had been registered and incorporated immediately before 1st October 2009.

Further modification of Financial Services and Markets Act 2000 in relation to Northern Ireland LLPs

3.—(1) The provisions of Parts 15 and 24 of the Financial Services and Markets Act 2000 applied to limited liability partnerships by regulation 6 of the Limited Liability Partnerships Regulations 2001 have effect in relation to Northern Ireland LLPs with the following additional modification.

(2) References in those provisions to the Insolvency (Northern Ireland) Order 1989, or to any provision of that Order, include a reference to that Order or provision as applied to Northern Ireland LLPs by the Limited Liability Partnerships Regulations (Northern Ireland) 2004.

(3) In this paragraph “Northern Ireland LLP” means an LLP registered in Northern Ireland.

Extension of company investigation provisions to Northern Ireland LLPs

4.—(1) On and after 1st October 2009 the extension to Northern Ireland by section 1286(1)(a) of the Companies Act 2006 of the enactments in force in Great Britain relating to LLPs has effect to enable the exercise in relation to a Northern Ireland LLP of the powers conferred by Part 14 of the 1985 Act (company investigations) as applied to LLPs by the Limited Liability Partnerships Regulations 2001.

(2) Part 15 of the 1986 Order, and any other provision of that Order having effect for the purposes of Part 15, as applied to Northern Ireland LLPs by the Limited Liability Partnerships Regulations (Northern Ireland) 2004, continue to apply—

- (a) in relation to inspectors appointed under Part 15 before 1st October 2009 and matters arising in connection with or in consequence of any such appointment or any report of inspectors so appointed;
- (b) in relation to any exercise before 1st October 2009 of any power of the Department of Enterprise, Trade and Investment in Northern Ireland not within paragraph (a), and matters arising in connection with or in consequence of any such exercise.

(3) In this paragraph “Northern Ireland LLP” means an LLP registered in Northern Ireland.