
Changes to legislation: There are currently no known outstanding effects for the Enterprise Act 2002, Paragraph 37. (See end of Document for details)

SCHEDULES

SCHEDULE 17

ADMINISTRATION: MINOR AND CONSEQUENTIAL AMENDMENTS

- 37 (1) Schedule A1 (moratorium where directors propose voluntary arrangement) shall be amended as follows.
- (2) In paragraph 4(1) (exclusion from eligibility for moratorium)—
- (a) for paragraph (a) substitute—
- “(a) the company is in administration,”
- and
- (b) after paragraph (f) (and before the word “or”) insert—
- “(fa) an administrator appointed under paragraph 22 of Schedule B1 has held office in the period of 12 months ending with the date of filing.”
- (3) In paragraph 12(1) (effect of moratorium on creditor) for paragraph (d) substitute—
- “(d) no administration application may be made in respect of the company,
- (da) no administrator of the company may be appointed under paragraph 14 or 22 of Schedule B1,”.
- (4) In paragraph 40 (challenge of directors’ actions during moratorium) for sub-paragraph (7) substitute—
- “(7) Sub-paragraph (8) applies where—
- (a) the appointment of an administrator has effect in relation to the company and the appointment took effect before the moratorium came into force, or
- (b) the company is being wound up in pursuance of a petition presented before the moratorium came into force.
- (8) No application for an order under this paragraph may be made by a creditor or member of the company; but such an application may be made instead by the administrator or (as the case may be) the liquidator.”

Changes to legislation:

There are currently no known outstanding effects for the Enterprise Act 2002, Paragraph 37.