

### SCHEDULE 3

#### TRANSITIONAL PROVISIONS AND SAVINGS

##### **Directors' liabilities (ss.232 to 239)**

**16.**—(1) Sections 237 and 238 of the Companies Act 2006 (copies of qualifying indemnity provision to be available for inspection etc) apply to—

- (a) qualifying indemnity provision within the meaning of section 237 made on or after 1st October 2007, and
- (b) qualifying third party indemnity provision within the meaning of section 309B(1) of the 1985 Act to which section 309C(4) and (5) of that Act applied immediately before that date.

(2) Until regulations under section 1136 of the Companies Act 2006 are made specifying a place for the purposes of section 237(3)(b), the copies and memoranda referred to in section 237 may be kept by a company—

- (a) at any place where its register of members is kept, or
- (b) at its principal place of business,

provided that place is situated in the part of the United Kingdom in which the company is registered.

(3) Until section 1068(1) of the Companies Act 2006 comes into force the notice referred to in section 237(5) must be given on the form prescribed for the purposes of section 318(4) of the 1985 Act or Article 326(4) of the 1986 Order.

(4) The provisions of section 318 of the 1985 Act, as applied by section 309C(4) and (5), continue to apply in relation to—

- (a) any default before 1st October 2007 in complying with section 318(1) or (5), as so applied;
- (b) any request for inspection under section 318(7), as so applied, made before that date;
- (c) any duty to give notice under section 318(4), as so applied, arising before that date.