

SCHEDULE 3

AMENDMENTS OF EARLIER COMMENCEMENT ORDERS

Companies Act 2006 (Commencement No. 3, Consequential Amendments, Transitional Provisions and Savings) Order 2007 (S.I. 2007/2194 (C. 84))

2.—(1) Schedule 3 to the Companies Act 2006 (Commencement No. 3, Consequential Amendments, Transitional Provisions and Savings) Order 2007 (transitional provisions and savings) is amended as follows.

(2) After paragraph 26 (notice of meetings) insert—

“**26A.**—(1) The following provisions have effect for the purposes of section 307(6)(a) of the Companies Act 2006 (private company: requisite percentage for calling general meeting at short notice).

(2) If immediately before 1st October 2007 there was in force in relation to a company a resolution under section 369(4) of the 1985 Act or Article 377(4) of the 1986 Order—

- (a) specifying 90%, or
- (b) under which the company in general meeting had determined that the percentage should be 90%,

any provision of the company’s articles specifying a higher percentage shall be disregarded.

(3) If immediately before 1st October 2007 there was in force in relation to a company a resolution under section 369(4) of the 1985 Act or Article 377(4) of the 1986 Order—

- (a) specifying a percentage greater than 90% but less than 95%, or
- (b) under which the company in general meeting had determined a percentage greater than 90% but less than 95%,

any provision of the company’s articles specifying a different percentage shall be disregarded.

(4) Sub-paragraph (2) or (3) does not apply in relation to provisions of the company’s articles adopted on or after 1st October 2007.”.

(3) In paragraph 48 (company investigations), for “1035 to 1039” substitute “1035 to 1037 and 1038(1)”.