

## SCHEDULE 1

Regulation 2

### Consequential amendments to Primary Legislation

#### Administration of Justice Act 1985

1.—(1) The Administration of Justice Act 1985<sup>(1)</sup> is amended as follows.

(2) In paragraph 25(4) of Schedule 2 (legal services practices: recognised body: relevant insolvency event)<sup>(2)</sup>, for paragraph (d) substitute—

“(d) a winding up becomes a creditors’ voluntary winding up under section 96 of that Act (conversion to creditors’ voluntary winding up)<sup>(3)</sup>”.

(3) In paragraph 10(1A) of Schedule 6 (conveyancing or CLC practitioner services: recognised body: relevant insolvency event)<sup>(4)</sup>, for paragraph (d) substitute—

“(d) a winding up becomes a creditors’ voluntary winding up under section 96 of that Act (conversion to creditors’ voluntary winding up)”.

#### Companies Act 1989

2.—(1) The Companies Act 1989<sup>(5)</sup> is amended as follows.

(2) In subsection (4A) of section 159 (proceedings of exchange or clearing house take precedence over insolvency procedures)<sup>(6)</sup>—

(a) in paragraph (a)—

(i) for “to the chairman of the meeting of creditors” substitute “to the convener”, and

(ii) for “at a meeting of creditors” substitute “in a decision procedure”; and

(b) in paragraph (b), for “at a meeting of creditors” substitute “in a decision procedure”.

(3) In subsection (4)(b) of section 163 (net sum payable on completion of default proceedings), for “a meeting of creditors had been summoned under section 98” substitute “a statement as to the affairs of the company had been made out and sent under section 99”.

#### Pensions Act 1995

3.—(1) The Pensions Act 1995<sup>(7)</sup> is amended as follows.

(2) In section 75 (deficiencies in the assets)<sup>(8)</sup>, in subsection (6D), for paragraph (b), substitute—

“(b) the voluntary winding up of the employer—

(i) is stayed other than in prescribed circumstances, or

(ii) becomes a creditors’ voluntary winding up under section 96 of that Act (conversion to creditors’ voluntary winding up)”.

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(1) 1985 c.61.

(2) Paragraph 25(4) was inserted by the Legal Services Act 2007 (c.29), Schedule 16, paragraph 112.

(3) Section 96 of the Insolvency Act 1986 was substituted by the Small Business, Enterprise and Employment Act 2015, Schedule 9, paragraph 20.

(4) Paragraph 10(1A) was inserted by the Legal Services Act 2007, Schedule 17, paragraph 32.

(5) 1989 c.40.

(6) Subsection (4A) was inserted by S.I. 1991/880 and amended by S.I. 2009/853.

(7) 1995 c.26.

(8) Subsection (6D) was inserted by the Pensions Act 2004, section 271(5).

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

#### **Pensions Act 2004**

4.—(1) Section 121 of the Pensions Act 2004<sup>(9)</sup> (insolvency events etc) is amended as follows.

(2) In subsection (2)(b), for “a meeting of the individual’s creditors should be summoned to” substitute “the individual’s creditors should”.

(3) In subsection (3)(a), for “meetings of” to the end substitute “the proposal should be considered by a meeting of the company and by the company’s creditors;”.

(4) For subsection (3)(f) substitute—

“(f) a winding up becomes a creditors’ voluntary winding up under section 96 of that Act (conversion to creditors’ voluntary winding up);”.

(5) In subsection (4)(c), for “meetings of” to the end substitute “the proposal should be considered by a meeting of the members of the partnership and by the partnership’s creditors;”.

#### **Legal Services Act 2007**

5.—(1) Schedule 14 to the Legal Services Act 2007 (licensing authority’s powers of intervention)<sup>(10)</sup> is amended as follows.

(2) In sub-paragraph (3) of paragraph 1 (licensed body: relevant insolvency event), for paragraph (d) substitute—

“(d) a winding up becomes a creditors’ voluntary winding up under section 96 of that Act (conversion to creditors’ voluntary winding up);”.

#### **Postal Services Act 2011**

6.—(1) Part 1 of Schedule 10 to the Postal Services Act 2011<sup>(11)</sup> (conduct of postal administration: application with modifications of Schedule B1 to the Insolvency Act 1986) is amended as follows.

(2) In paragraph 9, at the end of the substituted paragraph 54(2)(d) insert “other than an opted-out creditor”.

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<sup>(9)</sup> 2004 c.35. There are amendments but none is relevant.

<sup>(10)</sup> 2007 c.29. There is an amendment which is not relevant.

<sup>(11)</sup> 2011 c.5.