

SCHEDULE

PART 1

Amendments to the Insolvency Act 1986

- 10.**—(1) Section 202 (early dissolution: England and Wales)(**1**) is amended as follows.
- (2) After subsection (2) insert—
- “(2A) Subsection (2B) applies where, immediately before the official receiver makes an application under subsection (2), there are EU insolvency proceedings open in respect of the company in one or more other member States.
- (2B) The official receiver must send to the registrar, with the application, a statement—
- (a) identifying those proceedings,
 - (b) identifying the member State liquidator appointed in each of those proceedings, and
 - (c) indicating, in relation to each of those member State liquidators, whether that member State liquidator consents to the company being dissolved.”

(3) In subsection (3) for “that application” substitute “an application under subsection (2)”.

(4) In subsection (4) for “of this section” substitute “and send any statement under subsection (2B)”.

(5) In subsection (5)—

 - (a) in the first sentence—
 - (i) after “under subsection (2)” insert “and any statement under subsection (2B)”,
 - (ii) after “shall forthwith register it” insert “or them”, and
 - (iii) at the end insert “(except where subsection (6) applies)”;
 - (b) after the first sentence insert—

“(6) This subsection applies where a statement under subsection (2B) indicates that a member State liquidator does not consent to the company being dissolved.

(7) Where subsection (6) applies, the company is deemed to be dissolved at the end of the period of 3 months beginning with the date (if any) recorded in the register as the date on which the registrar was notified that—

 - (a) all proceedings identified in the statement under subsection (2B) were closed, or
 - (b) every member State liquidator appointed in those proceedings consented to the company being dissolved.”

(6) In that subsection the second sentence becomes subsection (8).

(7) In that subsection, for “that period” substitute “the period in subsection (5) or (7)”.

(1) Relevant amendments to section 202 have been made by the Small Business, Enterprise and Employment Act 2015 (c.26).