

SCHEDULE

PART 4

Amendments to the Insolvency Act 1986 extending to Scotland only

- 55.** The Insolvency Act 1986 is amended as follows.
- 56.** In section 106 (final meeting prior to dissolution) after subsection (6) insert—
- “(7) Subsection (8) applies where, immediately before the liquidator sends a copy of the account of the winding up to the registrar under subsection (3), there are EU insolvency proceedings open in respect of the company in one or more other member States.
- (8) The liquidator must send to the registrar, with the copy of the account, 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.”
- 57.** In section 172 (liquidator vacating office in winding up by court) after subsection (8) insert—
- “(9) Subsection (10) applies where, immediately before a liquidator gives notice to the court and the registrar under subsection (8) (or, where the liquidator gives notice to the court and the registrar on different days, immediately before the liquidator gives the first of those notices), there are EU insolvency proceedings open in respect of the company in one or more other member States.
- (10) The liquidator must send to the court and the registrar, with the notice, 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.”
- 58.**—(1) In section 201 (dissolution (voluntary winding up)) in subsection (2)—
- (a) after “the account and return” insert “and any statement under section 106(8)”, and
 - (b) at the end insert “(except where subsection (2A) applies)”.
- (2) After that subsection insert—
- “(2A) This subsection applies where a statement sent to the registrar under section 106(8) indicates that a member State liquidator does not consent to the company being dissolved.
- (2B) Where subsection (2A) applies, the company is deemed to be dissolved on the expiration of 3 months from 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 sent under section 106(8) were closed, or
 - (b) every member State liquidator appointed in those proceedings consented to the company being dissolved.”

Status: This is the original version (as it was originally made).

59. In section 204 (early dissolution: Scotland)(1) after subsection (4) insert—

“(4A) Subsection (4B) applies where immediately before the liquidator makes an application under subsection (2), there are EU insolvency proceedings open in respect of the company in one or more other member States.

(4B) The liquidator must send to the registrar with the copy of the order forwarded under subsection (4) 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.

(4C) The registrar must forthwith register a statement received under subsection (4B).

(4D) Subsection (4E) applies where—

- (a) the court makes an order under subsection (3) that the company be dissolved in accordance with this section, but
- (b) a statement under subsection (4B) indicates that a member State liquidator does not consent to the company being dissolved.

(4E) 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 (4B) were closed, or
- (b) every member State liquidator appointed in those proceedings consented to the company being dissolved.”

60.—(1) In section 205 (dissolution otherwise than under sections 202 to 204) in subsection (2), for “on receipt of the notice, forthwith register it” substitute “on receipt of the notice and any statement sent under section 172(10), forthwith register it or them”.

(2) After that subsection insert—

“(2A) Subsection (2B) applies where a statement sent to the registrar under section 172(10) indicates that a member State liquidator does not consent to the company being dissolved.

(2B) The company is not dissolved at the end of the period mentioned in subsection (2) but is instead 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 section 172(10) were closed, or
- (b) every member State liquidator appointed in those proceedings consented to the company being dissolved.”

(1) Section 204 has been amended by [SSI 2016/141](#). Amendments made by the Small Business, Enterprise and Employment Act 2015 have not been commenced in respect of Scotland.