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SCHEDULES

SCHEDULE 2

Section 27(1).

TRANSITIONAL PROVISIONS

PROSPECTIVE

Requirements relating to meetings

1 The amendments made to Articles 79 and 91 of the Insolvency Order (progress reports in a winding up) by section 3 do not apply in respect of a company in voluntary winding up where the resolution for voluntary winding up was passed before the day on which section 3 comes into operation.

2 The amendments made to Articles 81 and 84 of the Insolvency Order by section 4 (notice of creditors' meeting) do not apply in respect of a company in voluntary winding up where the resolution for voluntary winding up was passed before the day on which section 4 comes into operation.

PROSPECTIVE

Reports in individual voluntary arrangements

3 The amendments made to the Insolvency Order by section 5 do not apply in respect of a proposal for a voluntary arrangement under Part 8 of the Insolvency Order where—

- (a) Article 230A of that Order applies; and
- (b) a person agrees to act as nominee in respect of the proposal before the day on which section 5 comes into operation.

Powers of liquidator

4 The amendments made to Schedule 2 to the Insolvency Order (powers of liquidator in a winding up) by section 7 do not apply in respect of any proceedings under the Insolvency Order where—

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- (a) in the case of a company in voluntary winding up, the resolution for voluntary winding up was passed before the day on which section 7 comes into operation;
- (b) in the case of a company in voluntary winding up pursuant to paragraph 84 of Schedule B1 to the Insolvency Order (moving from administration to creditors' voluntary liquidation), the company entered the preceding administration before the day on which section 7 comes into operation;
- (c) in the case of a company in winding up following an order for the conversion of administration or a voluntary arrangement into winding up by virtue of Article 37 of Council Regulation (EC) No. 1346/2000 on insolvency proceedings, the order for conversion was made before the day on which section 7 comes into operation; and
- (d) in the case of a company being wound up by the High Court, the winding up order was made before the day on which section 7 comes into operation.

Commencement Information

II Sch. 2 para. 4 in operation at 1.4.2016 by S.R. 2016/203, art. 2

Powers of trustee

5 The amendments made to Schedule 3 to the Insolvency Order (powers of trustee in bankruptcy) by section 8 do not apply in respect of any proceedings under the Insolvency Order where—

- (a) the debtor was adjudged bankrupt before the day on which section 8 comes into operation; and
- (b) in the case of a bankruptcy following an order for the conversion of a voluntary arrangement into a bankruptcy by virtue of Article 37 of Council Regulation (EC) No. 1346/2000, the order for conversion was made before the day on which section 8 comes into operation.

Commencement Information

I2 Sch. 2 para. 5 in operation at 1.4.2016 by S.R. 2016/203, art. 2

Definition of debt

6 The amendments made to the Insolvency Order by section 9 apply where a company enters administration on or after the relevant day, except where—

- (a) the company enters administration by virtue of an administration order under paragraph 11 of Schedule B1 to the Insolvency Order on an application made before the relevant day;

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- (b) the administration is immediately preceded by a voluntary liquidation in respect of which the resolution to wind up was passed before the relevant day;
- (c) the administration is immediately preceded by a liquidation on the making of a winding up order on a petition which was presented before the relevant day.

.....
Commencement Information

I3 Sch. 2 para. 6 in operation at 1.4.2016 by S.R. 2016/203, art. 2

7 The amendments made to the Insolvency Order by section 9 apply where a company goes into liquidation upon the passing on or after the relevant day of a resolution to wind up.

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Commencement Information

I4 Sch. 2 para. 7 in operation at 1.4.2016 by S.R. 2016/203, art. 2

8 The amendments made to the Insolvency Order by section 9 apply where a company goes into voluntary liquidation under paragraph 84 of Schedule B1 to the Insolvency Order, except where—

- (a) the company entered the preceding administration before the relevant day; or
- (b) the company entered the preceding administration by virtue of an administration order under paragraph 11 of Schedule B1 to the Insolvency Order on an application which was made before the relevant day.

.....
Commencement Information

I5 Sch. 2 para. 8 in operation at 1.4.2016 by S.R. 2016/203, art. 2

9 The amendments made to the Insolvency Order by section 9 apply where a company goes into liquidation on the making of a winding up order on a petition presented on or after the relevant day, except where the liquidation is immediately preceded by—

- (a) an administration under paragraph 11 of Schedule B1 to the Insolvency Order where the administration order was made on an application made before the relevant day;
- (b) an administration in respect of which the appointment of an administrator under paragraph 15 or 23 of Schedule B1 to the Insolvency Order took effect before the relevant day; or

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(c) a voluntary liquidation in respect of which the resolution to wind up was passed before the relevant day.

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Commencement Information

I6 Sch. 2 para. 9 in operation at 1.4.2016 by S.R. 2016/203, art. 2

10 In paragraphs 6 to 9, “the relevant day” means the day on which section 9 comes into operation.

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Commencement Information

I7 Sch. 2 para. 10 in operation at 1.4.2016 by S.R. 2016/203, art. 2

Authorisation of insolvency practitioners

11 For the purposes of this paragraph and paragraphs 12 to 16—

“the commencement date” is the date on which section 14(5) comes into operation;

“the transitional period” is the period of 1 year beginning with the commencement date.

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Commencement Information

I8 Sch. 2 para. 11 in operation at 1.4.2016 by S.R. 2016/203, art. 2

12 Where, immediately before the commencement date, a person holds an authorisation granted under Article 352 of the Insolvency Order, Article 352(3A) to (6) of that Order together with, for the purposes of this paragraph, sub-paragraphs (a) and (b) of Article 352(2) of that Order (which are repealed by section 14(5)) continue to have effect in relation to the person and the authorisation during the transitional period.

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Commencement Information

I9 Sch. 2 para. 12 in operation at 1.4.2016 by S.R. 2016/203, art. 2

13 During the transitional period, a person to whom paragraph 12 applies is to be treated for the purposes of Part 12 of the Insolvency Order as fully authorised under Article 349A of that Order (as inserted by section 14(3) of this Act) to act as an insolvency practitioner unless and until the person's authorisation is (by virtue of paragraph 12) withdrawn.

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Commencement Information

I10 Sch. 2 para. 13 in operation at 1.4.2016 by S.R. 2016/203, art. 2

14 Where, immediately before the commencement date, a person has applied under Article 351 of the Insolvency Order for authorisation to act as an insolvency practitioner and the application has not been granted, refused or withdrawn, Article 351(4) to (7) and 352(1) and (2) of that Order (which are repealed by section 14(5)) continue to have effect in relation to the person and the application during the transitional period.

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Commencement Information

I11 Sch. 2 para. 14 in operation at 1.4.2016 by S.R. 2016/203, art. 2

15 Where, during the transitional period, an authorisation is (by virtue of paragraph 14) granted under Article 352 of the Insolvency Order, paragraphs 12 and 13 apply as if—

- (a) the authorisation had been granted immediately before the commencement date;
- (b) in paragraph 12, the reference to Article 352(3A) to (6) were a reference to Article 352(4) to (6).

.....
Commencement Information

I12 Sch. 2 para. 15 in operation at 1.4.2016 by S.R. 2016/203, art. 2

16 For the purposes of paragraphs 12 and 14, Articles 353 and 354 of the Insolvency Order (which are repealed by section 14(5)) continue to have effect during the transitional period.

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Commencement Information

I13 Sch. 2 para. 16 in operation at 1.4.2016 by S.R. 2016/203, art. 2

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