

SCHEDULES

SCHEDULE 10

WINDING-UP PETITIONS: GREAT BRITAIN

PART 2

RESTRICTION ON WINDING-UP PETITIONS AND ORDERS

Restriction on winding-up orders: orders made before commencement

- 7 (1) This paragraph applies where—
- (a) a court makes an order under section 122(1)(f) or 221(5)(b) of the 1986 Act on or after 27 April 2020 but before the day on which this Schedule comes into force, and
 - (b) the order was not one which the court would have made had paragraphs 5 and 6 been in force at the time.
- (2) The court is to be regarded as having had no power to make the order (and, accordingly, the order is to be regarded as void).
- (3) Neither the official receiver nor the liquidator or provisional liquidator is liable in any civil or criminal proceedings for anything done pursuant to the order.
- (4) The court may give such directions to the official receiver, liquidator or provisional liquidator as it thinks fit for the purpose of restoring the company to which the order relates to the position it was in immediately before the petition was presented.
- (5) If at any time it appears to the official receiver or, in Scotland, the interim liquidator that—
- (a) an order made by the court under section 122(1)(f) or 221(5)(b) of the 1986 Act is void by virtue of sub-paragraph (2), and
 - (b) it might be appropriate for the court to give directions under sub-paragraph (4),
- the official receiver or interim liquidator must refer the matter to the court to determine whether to give such directions.
- (6) For the purposes of the 2016 Insolvency Rules or Rules of Court in Scotland, a reference under sub-paragraph (5) is to be treated as if it were an application under section 147 of the 1986 Act.