
STATUTORY INSTRUMENTS

1986 No. 619**COMPANIES****The Companies (Winding up) (Amendment) Rules 1986***Made* - - - 25th March 1986*Laid before Parliament* 7th April 1986*Coming into Force* - 28th April 1986

The Lord Chancellor, in the exercise of his powers under section 106 of the Insolvency Act 1985(a), with the concurrence of the Secretary of State, and after consulting the committee existing for that purpose under section 226 of the Insolvency Act 1985, hereby makes the following Rules:—

1.—(1) These Rules may be cited as the Companies (Winding up) (Amendment) Rules 1986, and shall come into force on 28th April 1986.

(2) In these Rules:—

- (a) references to “the principal Rules” are to the Companies (Winding up) Rules 1949(b), and
- (b) a rule referred to by number means the Rule so numbered in the principal Rules;
- (c) references in those of the principal Rules amended hereby to “the Act” are references to the Companies Act 1985(c).

2. In Rule 6(1) sub-paragraph (h), (k), (l), (m) and (p) shall be deleted.

3. In Rule 68(1) there shall be substituted for the first sentence of that paragraph the following:—

“An application made to the court under any of the following provisions:—

- (a) sections 296 to 299 of the Act,
- (b) sections 630 and 631 of the Act,
- (c) section 727 of the Act,
- (d) section 15 of the Insolvency Act 1985,

shall in any court other than the High Court be made by motion to the court.”.

(a) 1985 c.65.

(b) S.I. 1949/330; the relevant amending instruments are S.I. 1977/1395 and 1979/209.

(c) 1985 c.6.

4. For Rule 70 there shall be substituted the following rule:—

“70 Where any application under sections 296 to 299 of the Act is made or heard after a public examination under section 563 of the Act has been held before the Registrar or any of the persons mentioned in subsection (7) of section 564 of the Act then such application shall be heard and determined by such Registrar or other person unless the Judge shall otherwise direct.”.

5. The amendments to the principal Rules effected by these Rules shall not apply in relation to any proceedings commenced under Rule 68 before the coming into force of these Rules and in relation to any such proceedings the principal Rules shall have effect without the amendments made herein.

Hailsham of St. Marylebone, C.

Dated 21st March 1986

I concur

Michael Howard,
Parliamentary Under-Secretary of State,
Department of Trade and Industry.

Dated 25th March 1986.

EXPLANATORY NOTE

(This Note does not form part of the Rules.)

These Rules amend the Companies (Winding up) Rules 1949 to take account of certain provisions of the Insolvency Act 1985 which come into force on the same day as these Rules.

More particularly the Rules provide for:—

applications made under section 15 of the Insolvency Act 1985 (responsibility for company's wrongful trading) to be made in the manner prescribed in Rules 68 to 71 of the Companies (Winding up) Rules 1949 as amended by these Rules,

deletion of references to applications under section 9 of the Insolvency Act 1976 (c.60) (now section 300 of the Companies Act 1985 which is repealed by the Insolvency Act 1985) and

applications under the provisions listed in Rule 68 to be in all courts capable of being heard and determined by a Registrar.

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