

*This Order has been made to correct errors in S.I. 2003/2096 and is being issued free of charge to all known recipients of that Statutory Instrument.*

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STATUTORY INSTRUMENTS

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**2004 No.2312**

**INSOLVENCY**

**COMPANIES**

**The Enterprise Act 2002 (Insolvency) Order 2004**

<i>Made</i>	- - - -	<i>3rd September 2004</i>
<i>Laid before Parliament</i>		<i>9th September 2004</i>
<i>Coming into force</i>	- -	<i>15th October 2004</i>

The Secretary of State, in exercise of the powers conferred upon her by section 277 of the Enterprise Act 2002 (1), hereby makes the following Order:

**Citation and commencement**

1. This Order may be cited as the Enterprise Act 2002 (Insolvency) Order 2004 and shall come into force on 15th October 2004.

**Amendment to paragraph 40(7) of Schedule A1 to the Insolvency Act 1986**

2. For paragraph 40(7)(a) of Schedule A1 to the Insolvency Act 1986(2) there is substituted—
- “(a) the appointment of an administrator has effect in relation to the company and that appointment was in pursuance of—
- (i) an administration application made, or
  - (ii) a notice of intention to appoint filed,
- before the moratorium came into force, or”.

**Amendment to the Financial Markets and Insolvency Regulations 1996**

3. In regulation 6(5A)(a) of the Financial Markets and Insolvency Regulations 1996(3) for “paragraph 44” there is substituted “paragraph 14”.

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(1) 2002 c. 40.

(2) 1986 c. 45 as amended by S.I. 2003/2096. There are other amendments to this Act which are not relevant to this instrument.

(3) S.I. 1996/1469 as amended by S.I. 2003/2096.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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3rd September 2004

*Gerry Sutcliffe,*  
Parliamentary Under Secretary of State for  
Employment Relations, Competition and  
Consumers,  
Department of Trade and Industry

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends paragraph 40(7) of Schedule A1 to the Insolvency Act 1986 (c. 45) and corrects an erroneous cross-reference to Schedule B1 to the Insolvency Act 1986 in regulation 6(5A) of the Financial Markets and Insolvency Regulations 1996 (S.I. 1996/1469). These provisions are clarifications of amendments to those enactments made by Schedule 17, paragraph 37(4) of the Enterprise Act 2002 and paragraph 62(e) of Schedule 1 to the Enterprise Act 2002 (Insolvency) Order 2003 (S.I. 2003/2096).

The costs to business of the commencement of the provisions of the Enterprise Act 2002 are determined in the Regulatory Impact Assessment prepared for that Act. Copies of the assessment are available from [www.dti.gov.uk/enterpriseact/rias.htm](http://www.dti.gov.uk/enterpriseact/rias.htm).