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S T A T U T O R Y   I N S T R U M E N T S

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**2004 No. 546**

**INSOLVENCY  
COMPANIES**

**The Insurers (Reorganisation and Winding Up)  
(Amendment) Regulations 2004**

<i>Made - - - - -</i>	<i>2nd March 2004</i>
<i>Laid before Parliament</i>	<i>2nd March 2004</i>
<i>Coming into force - -</i>	<i>3rd March 2004</i>

The Treasury, being a government department designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the insolvency of insurers, in exercise of the powers conferred by that section, hereby make the following Regulations:

**Citation and Commencement**

1. These Regulations may be cited as the Insurers (Reorganisation and Winding Up) (Amendment) Regulations 2004, and come into force on 3rd March 2004.

**Amendment of the Insurers (Reorganisation and Winding Up) Regulations 2004**

2.—(1) The Insurers (Reorganisation and Winding Up) Regulations 2004(c) are amended as set out in this regulation.

(2) In regulation 9(1), for the words “[ ] February 2004” insert the words “3rd March 2004”.

(3) In regulation 14(1)(d), for the word “administration” insert the words “an administrator is appointed under paragraph 13 of Schedule B1”.

(4) In regulation 21(3), after the words “Preferential debts rank equally among themselves”, insert the words, “after the expenses of the winding up”.

(5) In the modifications to section 4 of the Insolvency Act 1986(d) in regulation 33(2) and in those to Article 17 of the Insolvency (Northern Ireland) Order 1989(e) in regulation 33(3), in the new subsection 4B(b) and paragraph 4B(b) (respectively), insert “2003” after “20th April”.

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(a) By S.I. 2002/2840.

(b) 1972 c. 68; Section 57(1) Scotland Act 1998 (1998 c. 46) provides that despite the transfer to the Scottish Ministers of functions in relation to observing and implementing obligations under the Community law, any functions of a Minister of the Crown shall continue to be exercisable by him as regards Scotland for the purposes specified in section 2(2) of the European Communities Act 1972.

(c) S.I. 2004/353.

(d) 1986 c. 45, as last amended by the Enterprise Act 2002 (c. 40).

(e) S.I. 1989/2405 (N.I. 19).

(6) In the amendment to Rule 24 paragraph 1A(b) of the Insurers (Winding Up) Rules 2001(a) in regulation 51(2), for the words “regulation 29 Insurers Reorganisation and Winding Up) (No. 2) Regulations 2004” insert the words “regulation 29 of the Insurers (Reorganisation and Winding Up) Regulations 2004”.

*Joan Ryan  
Jim Murphy*

2nd March 2004

Two of the Lords Commissioners of Her Majesty’s Treasury

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(a) S.I. 2001/3635.

### EXPLANATORY NOTE

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

These Regulations make a number of amendments to the Insurers (Reorganisation and Winding Up) Regulations 2004 (S.I. 2004 No. 353). The first corrects an error in regulation 9 by inserting a specific date from which the obligation operates. The third makes clear that the expenses of the liquidation of all insurance companies are to rank before preferential debts. The other amendments correct three minor errors which could otherwise have affected the operation of those Regulations or other legislation amended by them.

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