

SCHEDULE 2

TRANSITIONAL PROVISIONS AND SAVINGS

Company formation (ss. 7 to 16)

2.—(1) Sections 7 to 16 of the Companies Act 2006 (company formation) apply to applications for registration received by the registrar on or after 1st October 2009.

(2) Any application for registration under those provisions received by the registrar before that date shall not be entertained.

(3) The corresponding provisions of the 1985 Act or 1986 Order continue to apply to an application for registration if—

(a) it is received by the registrar, and

(b) the requirements as to registration are met in relation to it,

before 1st October 2009.

(4) Any application for registration under that Act or Order in relation to which the requirements as to registration are not met before that date shall be treated as withdrawn.

(5) For the purposes of section 1297(3) of the Companies Act 2006 (continuity of the law) as it applies to treat a company formed and registered under Part 1 of the 1985 Act or Part 2 of the 1986 Order as if formed and registered under the corresponding provisions of the Companies Act 2006, the registration of a company on an application to which sub-paragraph (3) above applies is to be regarded as in force and effective immediately before the commencement of Part 1 of the Companies Act 2006.

(6) In the definition of “company” in section 1 of the Companies Act 2006—

(a) the reference to a company formed and registered after the commencement of Part 1 of that Act shall be read as a reference to a company formed and registered on an application to which sub-paragraph (1) above applies, and

(b) the reference to a company formed and registered under the 1985 Act or 1986 Order immediately before the commencement of Part 1 of the Companies Act 2006 includes a company formed and registered on an application to which sub-paragraph (3) above applies.