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STATUTORY INSTRUMENTS

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**2009 No. 2476**

**The Companies Act 2006 and Limited Liability Partnerships (Transitional Provisions and Savings) (Amendment) Regulations 2009**

**Amendments to the Companies Act 2006 (Commencement No. 8, Transitional Provisions and Savings) Order 2008**

2.—(1) The Companies Act 2006 (Commencement No. 8, Transitional Provisions and Savings) Order 2008<sup>(1)</sup> is amended as follows.

(2) In article 3(c), for “sections 18 to 28” substitute “sections 18 to 21, 22(1), (3) and (4) and 23 to 28” (so that section 22(2) does not come into force on 1st October 2009).

(3) For paragraph 88 of Schedule 2, substitute the following—

**“Property of dissolved company (ss. 1012 to 1023)**

**88.**—(1) Sections 1012 to 1023 of the Companies Act 2006 (property of dissolved company) apply in relation to the property of a company dissolved on or after 1st October 2009.

(2) Subject to paragraph 88A, the corresponding provisions of the 1985 Act or 1986 Order continue to apply in relation to the property of a company dissolved before that date.

**88A.**—(1) Section 1013 of the Companies Act 2006 (Crown disclaimer of property vesting as bona vacantia) applies in relation to property of a company dissolved before 1st October 2009 if at that date—

- (a) no period has begun to run in relation to the property under section 656(3)(a) or (b) of the 1985 Act or Article 607(3)(a) or (b) of the 1986 Order (period within which notice of disclaimer must be executed), and
- (b) the right to disclaim has not ceased to be exercisable in relation to the property by virtue of section 656(2) of the 1985 Act or Article 607(2) of the 1986 Order (waiver of right to disclaim).

(2) In section 1013 as it applies by virtue of this paragraph the references to property vesting under section 1012 shall be read as references to its vesting under section 654 of the 1985 Act or Article 605 of the 1986 Order (or corresponding earlier provisions).

(3) Where section 1013 applies by virtue of this paragraph—

- (a) the other provisions of sections 1012 to 1022 of the Companies Act 2006 apply accordingly, and
- (b) the corresponding provisions of the 1985 Act or 1986 Order do not apply.”

(4) After paragraph 114 of Schedule 2, insert the following—

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(1) [S.I. 2008/2860 \(C.126\)](#), to which there are amendments not relevant to these Regulations.

**“Company or business name suggesting connection with Welsh Assembly Government**

**114A.**—(1) The repeal of section 26(2)(a) of the 1985 Act<sup>(2)</sup> or section 2(1)(a) of the Business Names Act 1985<sup>(3)</sup> does not affect the operation of that provision in relation to names suggesting a connection with the Welsh Assembly Government.

(2) In section 26(2)(a) of the 1985 Act as it has effect by virtue of paragraph (1) above, the reference to registration under that Act shall be read as a reference to registration under the Companies Act 2006 in England and Wales or Scotland.

(3) The other provisions of the Business Names Act 1985 continue to have effect for the purposes of section 2(1)(a) of that Act as it has effect by virtue of paragraph (1) above.

(4) Paragraphs (1) to (3) above shall cease to have effect on the coming into force of amendments of the Companies Act 2006 having the effect of extending section 54(1)(a) (company names) or, as the case may be, section 1193(1)(a) (business names) of that Act to names suggesting a connection with the Welsh Assembly Government.”.

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(2) 1985 c.6; section 26(2)(a) was amended by the Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order 2007 (S.I. 2007/1388), Schedule 1, paragraph 19.

(3) 1985 c.7; section 2(1)(a) was amended by the Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order 2007 (S.I. 2007/1388), Schedule 1, paragraph 20.