

## SCHEDULE 4

Rule 6

### Transitional provisions

#### General

1.—(1) The amendments to the 1986 Rules made by these Rules apply as provided in subparagraphs (2) to (10) except where any of paragraphs 2 to 6 provides differently.

(2) They apply where a person agrees to act as nominee in respect of a proposal for a company voluntary arrangement on or after 6th April 2010.

(3) They apply where a company enters administration on or after 6th April 2010, except where—

- (a) it enters administration by virtue of an administration order under paragraph 10 of Schedule B1 to the Act on an application made before 6th April 2010;
- (b) the administration is immediately preceded by a voluntary liquidation in respect of which the resolution to wind up was passed before 6th April 2010, or
- (c) the administration is immediately preceded by a liquidation on the making of a winding-up order on a petition which was presented before 6th April 2010.

(4) They apply where, in a receivership, a receiver or manager is appointed in respect of a company on or after 6th April 2010.

(5) They apply where a company goes into liquidation upon the passing on or after 6th April 2010 of a resolution to wind up.

(6) They apply where a company goes into voluntary liquidation under paragraph 83 of Schedule B1 to the Act, except where the preceding administration—

- (a) commenced before 6th April 2010, or
- (b) is an administration which commenced by virtue of an administration order under paragraph 10 of Schedule B1 to the Act on an application which was made before 6th April 2010.

(7) They apply where a company goes into liquidation on the making of a winding-up order on a petition presented on or after 6th April 2010, except where the liquidation is immediately preceded by—

- (a) an administration under paragraph 10 of Schedule B1 to the Act where the administration order was made on an application made before 6th April 2010;
- (b) an administration in respect of which the appointment of an administrator under paragraph 14 or 22 of Schedule B1 to the Act took effect before 6th April 2010, or
- (c) a voluntary liquidation in respect of which the resolution to wind up was passed before 6th April 2010.

(8) They apply where a person agrees to act as nominee in respect of a proposal for an individual voluntary arrangement on or after 6th April 2010.

(9) They apply where a debt relief order is made on or after 6th April 2010.

(10) They apply where a bankruptcy order is made on a petition presented on or after 6th April 2010.

#### **Revocations and amendments relating to new provisions in the Act, otiose provisions in the Rules, leave, signature, affidavits, electronic notices and court procedure**

2.—(1) The following apply on and after 6th April 2010 in all cases—

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- (a) the revocation by Rule 5 of the following Rules in the 1986 Rules: 1.2, 2.73, 4.77, 4.190, 6.20, 6.36, 6.99, 6.102 and 6.235;
  - (b) the amendments in the following paragraphs of Schedule 1 to these Rules: 1, 21(3), 22, 35, 36(2) to (4), 37, 40(3), 42, 43(4), 45(4), 66(5) and (6), 95, 97(2), 99(3), 106, 108(3), 109, 113, 114, 116(2) and (3)(a), 117, 142(2), 143, 146(2) to (5), (7) and (8)(a), 149(3), 150(2), (3)(a) and (4), 154 to 156, 161, 162(2) to (6) and (8), 165(2) and (3)(a) and (c), 166, 168(2), 169, 170(2) and (3), 171, 173, 210(2)(a) and (c), 211(2)(a) and (c), 222(4) (a) and (c), 226(2)(a) and (c), 248(2) and (3)(b), 250, 254(3), 255(4) and (5), 256, 260, 266(2)(a) and (b), (3) and (4), 282, 291(2), (3) and (4)(a), 296, 297, 300, 301(2) and (3), 302(2), 303, 304(3) and (4), 307(2) and (3), 308, 309, 310(2), 314, 315(3), 317(3), 320, 326, 328, 330(2)(a) and (c), 331 to 335, 337, 365(a) and (c), 383, 384(2), (3)(a) and (4), 385, 391(2), 393(2) and (3)(b), 395, 397(2)(a) and (c), 398(2) and (3), 399, 401(2) and (3) (a), 402(2), 403, 404(3)(b), 406, 416, 419, 420, 422, 423, 424(2) and (3)(b), 425, 426, 428, 429, 430(2) and (3)(b), 431, 440(2) and (3)(a), 441, 443 to 445, 451, 453, 456, 464(3), 465, 473(3), 478, 479, 480(3), 482, 493, 495, 499(9), 502(3) to (6), 503, 504, 505(3) and (4), 513 to 516, 518(2) and (3), 519 to 523, 525, 526, 528, 530 to 536, 539 to 544, 546, 548, 551, 554, 555, 558 (so far as it relates to Forms 6.13, 6.17, 6.18, 7.1 and 7.2 and new Forms 6.13A, 6.17A, 6.18A and 7.1A) and 559(5) and (6);
  - (c) the insertion by Rule 4 into the 1986 Rules of new Rules 12A.6 to 12A.14, 12A.30 to 12A.32 and 12A.55 as set out in Schedule 3 to these Rules.
- (2) In sub-paragraphs (3) and (4), “unamended provision” means a provision in the 1986 Rules as it has effect immediately before 6th April 2010, and “amended provision” means a provision in those Rules as amended or substituted by these Rules.
- (3) Where—
- (a) an unamended provision refers to an affidavit, the swearing of an affidavit or the deponent to an affidavit,
  - (b) the corresponding amended provision refers to a witness statement, the making of a witness statement or a person making a witness statement, and
  - (c) the unamended provision continues to apply to any extent on or after 6th April 2010,
- the references in the unamended provision to an affidavit, the swearing of an affidavit or the deponent to an affidavit are to be read as references to a witness statement, the making of a witness statement or a person making a witness statement respectively, even though the unamended provision and not the corresponding amended provision otherwise applies.
- (4) Where an amended provision (“provision A”) refers to a witness statement, the making of a witness statement or a person making a witness statement as referred to or provided for in another amended provision (“provision B”), the reference in provision A includes a reference to an affidavit, the swearing of an affidavit or the deponent to an affidavit (as the case may be) as referred to or provided for in the unamended provision which corresponds to provision B.

### **Amendments relating to preparation of proposals for voluntary arrangements**

**3.—(1)** The amendments made by paragraphs 3(2) and 8 of Schedule 1 to these Rules apply where a copy of the proposal for a company voluntary arrangement is delivered to the intended nominee on or after 6th April 2010.

(2) The amendments made by paragraph 263(2) of Schedule 1 to these Rules apply where a copy of the proposal for an individual voluntary arrangement is delivered to the intended nominee on or after 6th April 2010.

#### **Amendment relating to debt relief orders**

4. The amendments made by paragraph 299 of Schedule 1 to these Rules apply where an application for a debt relief order is made on or after 6th April 2010.

#### **Amendments relating to remote attendance at meetings**

5.—(1) The insertion by Rule 4 into the 1986 Rules of new Rules 12A.22 to 12A.27 as set out in Schedule 3 to these Rules applies on and after 6th April 2010 in all cases except as provided in sub-paragraph (2).

(2) Paragraph (5) of new Rule 12A.22 applies only in cases in which new Rule 4.49D or 6.78B (inserted by paragraphs 174 and 338 of Schedule 1 to these Rules respectively) applies.

(3) The insertion of new Rule 13.9A into the 1986 Rules by paragraph 497 of Schedule 1 to these Rules applies on and after 6th April 2010 in all cases for the purposes of new Rules 12A.24 and 12A.25, but otherwise applies in accordance with paragraph 1 of this Schedule.

#### **Forms**

6.—(1) In this paragraph, “old Schedule 4” means Schedule 4 to the 1986 Rules as it has effect immediately before 6th April 2010.

(2) Notwithstanding the preceding provisions of this Schedule, a form contained in old Schedule 4 may be sent to or filed with the registrar of companies without regard to an amendment, substitution or revocation provided for in these Rules only if the event which creates the obligation so to send or file it occurs before 6th April 2010.

(3) In any other case in which the provisions of this Schedule other than this paragraph would have the effect that a form contained in old Schedule 4 should be sent to or filed with the registrar of companies without regard to an amendment, substitution or revocation provided for in these Rules, the form must not be so sent or filed but, where appropriate, that form as amended or substituted by these Rules must be sent or filed, with such variations, if any, as the circumstances may require.