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STATUTORY INSTRUMENTS

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**2001 No. 1090**

**Limited Liability Partnerships Regulations 2001**

**PART IV**

**WINDING UP AND INSOLVENCY**

**Application of the 1986 Act to limited liability partnerships**

5.—(1) Subject to paragraphs (2) and (3), the following provisions of the 1986 Act, shall apply to limited liability partnerships—

- (a) Parts I, II, III, IV, VI and VII of the First Group of Parts (company insolvency; companies winding up),
- (b) the Third Group of Parts (miscellaneous matters bearing on both company and individual insolvency; general interpretation; final provisions)(1).

(2) The provisions of the 1986 Act referred to in paragraph (1) shall apply to limited liability partnerships, except where the context otherwise requires, with the following modifications—

- (a) references to a company shall include references to a limited liability partnership;
- (b) references to a director or to an officer of a company shall include references to a member of a limited liability partnership;
- (c) references to a shadow director shall include references to a shadow member;

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(1) The provisions of the Insolvency Act 1986 applied by this regulation have been amended as follows:— Section 19 was amended by sections 1 and 5 of, and Schedule 2 to, the Insolvency Act 1994 (c. 7); section 44 was amended by section 2 of the Insolvency Act 1994 (c. 7); section 45 was amended by sections 107 and 212 of, and paragraph 3 of Schedule 16 and Schedule 24 to, the Companies Act 1989 (c. 40) as from a day to be appointed; section 53 was amended by sections 107 and 212 of the Companies Act 1989 (c. 40) and section 74 of, and Schedule 8 to the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40); section 54 was amended by sections 107 and 212 of, and Schedules 16 and 24 to, the Companies Act 1989 (c. 40) as from a day to be appointed; section 57 was amended by section 3 of, the Insolvency Act 1994 (c. 7); section 62 was amended by sections 107 and 212 of, and Schedules 16 and 24 to, the Companies Act 1989 (c. 40) as from a day to be appointed; section 162 was amended by section 52 of, and Part III of Schedule 2 to, the Court of Session Act 1988 (c. 36); section 184 was amended by article 2 of, and Part I of the Schedule to, S.I. 1986/1996; section 241 was amended by section 1 of the Insolvency (No. 2) Act 1994 (c. 12); section 413 was amended by section 190 of, and paragraph 78 of Schedule 25 to, the Water Act 1989 (c. 15), by section 2 of, and paragraph 46 of Schedule 1 to, the Water Consolidation (Consequential Provisions) Act 1991 (c. 60) and section 152 of, and paragraph 25 of Schedule 12 to the Railways Act 1993 (c. 43); section 426 was amended by article 381 of, and paragraph 41 of Part II of Schedule 9 to, S.I. 1989/2405 (N.I. 19); Schedule 6 was amended by regulation 2 of S.I. 1987/2093, section 844 of, and paragraph 32 of Schedule 29 to the Income and Corporation Taxes Act 1988 (c. 1); section 7 of, and paragraph 22 of Schedule 2 to, the Finance Act 1991 (c. 31), section 4 of, and paragraph 73 of Schedule 2 to, the Social Security (Consequential Provisions) Act 1992 (c. 6), section 190 of, and paragraph 18 of Schedule 8 to, the Pensions Schemes Act 1993 (c. 48), section 36 of the Finance Act 1993 (c. 34), section 64 of, and paragraph 7 of Part III of Schedule 7 to, the Finance Act 1994 (c. 9), section 100 of and paragraph 8 of Schedule 14 to, the Value Added Tax Act 1994 (c. 23), section 40 of, and paragraph 13(1) of Schedule 6 to, the Finance Act 1994 (c. 9), section 60 of, and paragraph 12 of Part III of Schedule to, the Finance Act 1996 (c. 8), section 240 of, and paragraph 29 of Schedule 1 to, the Employment Rights Act 1996 (c. 18), and sections 13 and 113 of, and paragraph 6 of Part II of Schedule 2 and Part II of Schedule 18 to, the Finance Act 1997 (c. 16); Schedule 7 was amended by section 71(2) of, and paragraph 67 of Schedule 10 to, the Courts and Legal Services Act 1990 (c. 41) and by section 18 of, and paragraph 19 of Schedule 3 to, the Tribunals and Inquiries Act 1992 (c. 53). The footnotes to Schedule 3 to these regulations provide details of the amendments made to the provisions which are listed in that Schedule.

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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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- (d) references to the 1985 Act, the Company Directors Disqualification Act 1986, the Companies Act 1989<sup>(2)</sup> or to any provisions of those Acts or to any provisions of the 1986 Act shall include references to those Acts or provisions as they apply to limited liability partnerships by virtue of the principal Act;
  - (e) references to the memorandum of association of a company and to the articles of association of a company shall include references to the limited liability partnership agreement of a limited liability partnership;
  - (f) the modifications set out in Schedule 3 to these Regulations; and
  - (g) such further modifications as the context requires for the purpose of giving effect to that legislation as applied by these Regulations.
- (3) In the application of this regulation to Scotland, the provisions of the 1986 Act referred to in paragraph (1) shall not include the provisions listed in Schedule 4 to the extent specified in that Schedule.

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(2) 1989 c. 40.