
STATUTORY INSTRUMENTS

2005 No. 879

The Insolvency Act 1986 (Amendment) Regulations 2005

Amendments to the Insolvency Act 1986

2.—(1) The Insolvency Act 1986 (1) is amended as follows.

(2) In section 1 (company voluntary arrangements: those who may propose an arrangement), for subsection (4) substitute—

“(4) In this Part “company” means—

- (a) a company within the meaning of section 735(1) of the Companies Act 1985,
- (b) a company incorporated in an EEA State other than the United Kingdom; or
- (c) a company not incorporated in an EEA State but having its centre of main interests in a member State other than Denmark.

(5) In subsection (4), in relation to a company, “centre of main interests” has the same meaning as in the EC Regulation and, in the absence of proof to the contrary, is presumed to be the place of its registered office (within the meaning of that Regulation).

(6) If a company incorporated outside the United Kingdom has a principal place of business in Northern Ireland, no proposal under this Part shall be made in relation to it unless it also has a principal place of business in England and Wales or Scotland (or both in England and Wales or Scotland).”

(3) In section 436 (expressions used generally), at the appropriate place, insert—

““EEA State” means a state that is a Contracting Party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993;”

(4) In paragraph 111 of Schedule B1 (administration)—

- (a) in sub-paragraph (1) omit the definition of “company”
- (b) after that sub-paragraph insert—

“(1A) In this Schedule, “company” means—

- (a) a company within the meaning of section 735(1) of the Companies Act 1985,
- (b) a company incorporated in an EEA State other than the United Kingdom, or
- (c) a company not incorporated in an EEA State but having its centre of main interests in a member State other than Denmark.

(1B) In sub-paragraph (1A), in relation to a company, “centre of main interests” has the same meaning as in the EC Regulation and, in the absence of proof to the contrary, is presumed to be the place of its registered office (within the meaning of that Regulation).”;

(c) after that paragraph insert—

(1) Section 1 of the Insolvency Act 1986 was amended by [SI 2002/1240](#) and Schedule B1 was inserted into the Insolvency Act 1986 by section 248 of, and Schedule 16 to, the Enterprise Act [2002 \(c. 40\)](#).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“Non-UK companies

111A. A company incorporated outside the United Kingdom that has a principal place of business in Northern Ireland may not enter administration under this Schedule unless it also has a principal place of business in England and Wales or Scotland (or both in England and Wales and in Scotland).”.