

## SCHEDULE 3

### AMENDMENTS OF EARLIER COMMENCEMENT ORDERS

#### **Companies Act 2006 (Commencement No. 5, Transitional Provisions and Savings) Order 2007 (S.I. 2007/3495 (C. 150))**

6.—(1) Schedule 4 to the Companies Act 2006 (Commencement No. 5, Transitional Provisions and Savings) Order 2007 (transitional provisions and savings) is amended as follows.

(2) In paragraph 2(2) (retention of particulars removed from register of members), for “2008” substitute “2018”.

(3) In paragraph 35(2)(c)(ii), insert “section” before “233”.

(4) In paragraph 38(3) (statutory auditors: saving for approval of overseas qualifications), after “1989 or” insert “by the Department of Enterprise, Trade and Investment in force under”.

(5) For paragraph 43 (expenses of winding up) substitute—

“43.—(1) The amendment made to the Insolvency Act 1986<sup>(1)</sup> by section 1282(1) of the Companies Act 2006 (expenses of winding up) applies—

(a) to a creditors’ voluntary winding up—

(i) for which the resolution is passed, or

(ii) where commenced as a members’ voluntary winding up, for which the conversion to a creditors’ voluntary winding up under section 96 of the Insolvency Act 1986 takes effect, or

(iii) in respect of which a notice is registered under paragraph 83 of Schedule B1 to the Insolvency Act 1986,

on or after 6th April 2008;

(b) to a members’ voluntary winding up for which the resolution is passed on or after 6th April 2008;

(c) to the winding up of a company by the court where the winding-up order is made on or after 6th April 2008, except where the order is made following a resolution for voluntary winding up passed by the company before 6th April 2008.

(2) The amendment made to the Insolvency (Northern Ireland) Order 1989<sup>(2)</sup> by section 1282(2) of the Companies Act 2006 (expenses of winding up) applies—

(a) to a creditors’ voluntary winding up—

(i) in respect of which the resolution is passed, or

(ii) where it commenced as a members’ voluntary winding up, for which the conversion to a creditors’ voluntary winding up under Article 82 of the Order takes effect, or

(iii) in respect of which a notice is registered under paragraph 84 of Schedule B1 to the Order,

on or after 6th April 2008;

(b) to a members’ voluntary winding up for which the resolution is passed on or after 6th April 2008;

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(1) 1986 c.45.

(2) S.I. 1989/2405 (N.I. 19).

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- (c) to the winding up of a company by the court where the winding-up order is made on or after 6th April 2008, except where the order is made following a resolution for voluntary winding up passed by the company before 6th April 2008.”
- (6) The amendments in this paragraph come into force at the same time as the provision amended.