

SCHEDULE 1

CONSEQUENTIAL AMENDMENTS

Energy Act 2004 (c. 20)

220.—(1) The Energy Act 2004 is amended as follows.

(2) In section 37 (general interpretation of Part 1, Chapter 1)—

- (a) in subsection (5) for “Section 736A of the Companies Act 1985” substitute “ Schedule 6 to the Companies Act 2006 ” and for “section 736(1)(a)” substitute “ section 1159 ”;
- (b) in subsection (7), in the definition of “company” for “has the same meaning as in the Companies Act 1985” substitute “ means a company as defined in section 1(1) of the Companies Act 2006 ”.

(3) In section 50(5) (interpretation of Part 1, Chapter 2), for “has the same meaning as in the Companies Act 1985” substitute “ means a company as defined in section 1(1) of the Companies Act 2006 ”.

(4) In section 171 (interpretation), in subsection (1)—

(a) for the definition of “company” substitute—

““company” means—

- (a) a company registered under the Companies Act 2006, or
- (b) an unregistered company;”;

(b) for the definition of “court” substitute—

““court”, in relation to a company, means the court—

- (a) having jurisdiction to wind up the company, or
- (b) that would have such jurisdiction apart from section 221(2) or 441(2) of the Insolvency Act 1986 (exclusion of winding up jurisdiction in case of companies having principal place of business in, or incorporated in, Northern Ireland);”;

(c) for the definition of “non-GB company” substitute—

““non-GB company” means a company incorporated outside Great Britain;”;

(d) for the definition of “unregistered company” substitute—

““unregistered company” means a company that is not registered under the Companies Act 2006.”.

(5) In subsection (3) of that section (persons qualified to act as insolvency practitioner), for “Northern Irish joint stock company” substitute “ Northern Ireland company ”.

(6) For subsection (8) of that section substitute—

“(8) In this section “Northern Ireland company” means a company registered under the Companies Act 2006 in Northern Ireland.”.

(7) In section 196(1) (general interpretation of the Act), in the definition of “subsidiary and wholly-owned subsidiary”, for “section 736 of the Companies Act 1985” substitute “ section 1159 of the Companies Act 2006 ”.

(8) In Schedule 6 (nuclear transfer schemes: structure etc of transferee companies)—

- (a) in paragraph 1(3) (interpretation of Schedule: meaning of “company”) for “has the same meaning as in the Companies Act 1985” substitute “ means a company as defined in section 1(1) of the Companies Act 2006 ”;

Changes to legislation: There are currently no known outstanding effects for the The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009, Paragraph 220. (See end of Document for details)

- (b) in paragraph 2(4)(c) (treatment of securities as fully paid up) for “the Companies Act 1985” substitute “ the Companies Act 2006 ”;
- (c) in paragraph 6(8) (distributable reserves of transferee companies: interpretation)—
 - (i) in the definition of “called-up share capital”^{M1} for “section 737 of the Companies Act 1985” substitute “ section 547 of that Act ”;
 - (ii) in the definition of “net assets”^{M2} for “the Companies Act 2006” substitute “ that Act ”;
- (d) in paragraph 7 (dividends)—
 - (i) in sub-paragraph (2) ^{M3} after “Sections 836 to 840” insert “ of the Companies Act 2006 ”;
 - (ii) in sub-paragraph (5) in the definition of “distribution” for “Part 8 of the 1985 Act” substitute “ Part 23 of the Companies Act 2006 (see section 829 of that Act) ”.
- (9) In Schedule 7 (finances and accounts of transferee companies), in paragraph 1(7), for “has the same meaning as in the Companies Act 1985” substitute “ means a company as defined in section 1(1) of the Companies Act 2006 ”.
- (10) In Schedule 8 (pensions), in paragraph 1(7), for “has the same meaning as in the Companies Act 1985” substitute “ means a company as defined in section 1(1) of the Companies Act 2006 ”.
- (11) In Schedule 20 (conduct of energy administration)—
 - (a) in paragraph 1(2) for “an unregistered company” substitute “ a non-GB company ”;
 - (b) in the heading to Part 3 for “unregistered companies” substitute “ non-GB companies ”;
 - (c) in paragraph 33(1) for “an unregistered company” substitute “ a non-GB company ”;
 - (d) in paragraph 35—
 - (i) in the opening words, for “an unregistered company” substitute “ a non-GB company ”;
 - (ii) in sub-paragraph (b), for “by virtue of section 691(1) or 718 of the Companies Act 1985” substitute “ by regulations under section 1043 or 1046 of the Companies Act 2006 (unregistered UK companies or overseas companies) ”;
 - (iii) in sub-paragraph (c), omit “if the company is a non-GB company”;
 - (e) in paragraphs 36(1), 37(1), 38, 39 and 40 omit “in the case of a non-GB company”.

Marginal Citations

- M1** The definition of “called-up share capital” in paragraph 6(8) was amended by [S.I. 2008/948, Schedule 1, paragraph 228\(1\)](#) and (2)(c)(ii)
- M2** The definition of “net assets” in paragraph 6(8) was amended by [S.I. 2008/948, Schedule 1, paragraph 228\(1\)](#) and (2)(c)(iii).
- M3** [Paragraph 7\(2\)](#) was amended by [S.I. 2008/948, Schedule 1, paragraph 228\(1\)](#) and (3)(a).

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