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STATUTORY INSTRUMENTS

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**2009 No. 864**

**The Legislative Reform (Insolvency)  
(Advertising Requirements) Order 2009**

**Requirements in relation to meetings under sections 95 and 98 of the 1986 Act**

3.—(1) In section 95 (effect of company’s insolvency)—

(a) in subsection (2) for “The liquidator” substitute “In the case of the winding up of a company registered in Scotland, the liquidator”; and

(b) after subsection (2) insert—

“(2A) In the case of the winding up of a company registered in England and Wales, the liquidator—

(a) shall summon a meeting of creditors for a day not later than the 28th day after the day on which he formed that opinion;

(b) shall send notices of the creditors’ meeting to the creditors by post not less than 7 days before the day on which that meeting is to be held;

(c) shall cause notice of the creditors’ meeting to be advertised once in the Gazette;

(d) may cause notice of the meeting to be advertised in such other manner as he thinks fit; and

(e) shall during the period before the day on which the creditors’ meeting is to be held, furnish creditors free of charge with such information concerning the affairs of the company as they may reasonably require;

and the notice of the creditors’ meeting shall state the duty imposed by paragraph (e) above.”.

(2) In section 98 (meeting of creditors)—

(a) in subsection (1) for “The company” substitute “In the case of the winding up of a company registered in Scotland, the company”;

(b) after subsection (1) insert—

“(1A) In the case of the winding up of a company registered in England and Wales, the company—

(a) shall cause a meeting of its creditors to be summoned for a day not later than the 14th day after the day on which there is to be held the company meeting at which the resolution for voluntary winding up is to be proposed;

(b) shall cause the notices of the creditors’ meeting to be sent by post to the creditors not less than 7 days before the day on which that meeting is to be held;

(c) shall cause notice of the creditors’ meeting to be advertised once in the Gazette; and

(d) may cause notice of the meeting to be advertised in such other manner as the directors think fit.”; and

(c) in subsection (6) after “subsection (1)” insert “, (1A)”.

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**Status:** This is the original version (as it was originally made).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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(3) In section 166 (creditors' voluntary winding up), in subsection (5)(a) after "subsection (1)" insert ", (1A)".