

## SCHEDULE 2

### Transitional and savings provisions

#### **Savings in respect of meetings taking place on or after the commencement date and resolutions by correspondence**

5.—(1) This paragraph applies where on or after the commencement date—

- (a) a creditors' or contributories' meeting is to be held as a result of a notice issued before that date in relation to a meeting for which provision is made by the 1986 Rules or the 1986 Act;
- (b) a meeting is to be held as a result of a requisition by a creditor or contributory made before that date;
- (c) a meeting is to be held as a result of a statement made under paragraph 52(1)(b) of Schedule B1 and a request is made before that date which obliges the administrator to summon an initial creditors' meeting;
- (d) a progress meeting is required by section 104A of the 1986 Act<sup>(1)</sup> in the winding up of a company where the resolution to wind up was passed before 6th April 2010.

(2) Where a meeting is to be held under sub-paragraph (1)(a) to (1)(d), Part 15 of these Rules does not apply and the 1986 Rules relating to the following continue to apply—

- (a) the requirement to hold the meeting;
- (b) notice and advertisement of the meeting;
- (c) governance of the meeting;
- (d) recording and taking minutes of the meeting;
- (e) the report or return of the meeting;
- (f) membership and formalities of establishment of liquidation and creditors' committees where the resolution to form the committee is passed at the meeting;
- (g) the office-holder's resignation or removal at the meeting;
- (h) the office-holder's release;
- (i) fixing the office-holder's remuneration;
- (j) requests for further information from creditors;
- (k) hand-over of assets to a supervisor of a voluntary arrangement where the proposal is approved at the meeting;
- (l) the notice of the appointment of a supervisor of a voluntary arrangement where the appointment is made at the meeting;
- (m) the advertisement of appointment of a trustee in bankruptcy where the appointment is made at the meeting;
- (n) claims that remuneration is or that other expenses are excessive; and
- (o) complaints about exclusion at the meeting.

(3) Where, before the commencement date, the office-holder sought to obtain a resolution by correspondence under 1986 rule 2.48, 4.63A or 6.88A, the 1986 Rules relating to resolutions by correspondence continue to apply and sub-paragraph (2) applies to any meeting that those rules require the office-holder to summon.

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(1) 1986 c.45. Article 12 of the Legislative Reform (Insolvency) (Miscellaneous Provisions) Order 2010 *S.I. 2010/18* saves section 104A of the Act in relation to companies where the resolution to wind up was passed before 6th April 2010.

**Status:** *This is the original version (as it was originally made).*

(4) However, any application to the court in respect of such a meeting or vote is to be made in accordance with Part 12 of these Rules.