

Status: Point in time view as at 01/10/2009.

Changes to legislation: Insolvency Act 1986, Paragraph 3 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

[^{F1}SCHEDULE A1

MORATORIUM WHERE DIRECTORS PROPOSE VOLUNTARY ARRANGEMENT

Textual Amendments

- F1** Sch. A1 inserted (11.5.2001 so far as is necessary to give effect to Sch. A1 paras. 5, 45(1)-(3)(5) and 1.1.2003 in so far as not already in force) by 2000 c. 39, s. 1, **Sch. 1 para. 4**; S.I. 2001/1751, **art. 2**; S.I. 2002/2711, **art. 2** (subject to transitional provisions in arts. 3-5)

Modifications etc. (not altering text)

- C1** Sch. A1 applied (with modifications) (E.W.) (1.1.2003) by S.I. 1994/2421, **art. 4(1)**, **Sch. 1** (as amended (1.1.2003) by S.I. 2002/2708, **arts. 4-6** (with transitional provisions in **art. 11**) and (1.7.2005) by S.I. 2005/1516, **art. 6**)
- C1** Sch. A1 extended (24.6.2003) by The Uncertificated Securities (Amendment) (Eligible Debt Securities) Regulations 2003 (S.I. 2003/1633), regs. 1, 15, **Sch. 2 para. 7**

PART I

INTRODUCTORY

Eligible companies

- ^{F23} (1) A company meets the requirements of this paragraph if the qualifying conditions are met—
- (a) in the year ending with the date of filing, or
 - (b) in the financial year of the company which ended last before that date.
- (2) For the purposes of sub-paragraph (1)—
- (a) the qualifying conditions are met by a company in a period if, in that period, it satisfies two or more of the requirements for being a small company specified for the time being in [^{F3}section 382(3) of the Companies Act 2006], and
 - (b) a company's financial year is to be determined in accordance with that Act.
- (3) [^{F4}Section 382(4), (5) and (6)] of that Act apply for the purposes of this paragraph as they apply for the purposes of that section.

[A company does not meet the requirements of this paragraph if it is a [^{F6}parent ^{F5}(4) company] of a group of companies which does not qualify as a small group or a medium-sized group [^{F7}in relation to] the financial year of the company which ended last before the date of filing.

[^{F8}(5) For the purposes of sub-paragraph (4)—

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- (a) “group” has the same meaning as in Part 15 of the Companies Act 2006 (see section 474(1) of that Act); and
- (b) a group qualifies as small in relation to a financial year if it so qualifies under section 383(2) to (7) of that Act, and qualifies as medium-sized in relation to a financial year if it so qualifies under section 466(2) to (7) of that Act.]]

[Expressions used in this paragraph that are defined expressions in Part 15 of the
^{F9}(6) Companies Act 2006 (accounts and reports) have the same meaning in this paragraph as in that Part.]]

Textual Amendments

- F2** Sch. A1 inserted (11.5.2001 so far as is necessary to give effect to Sch. A1 paras. 5, 45(1)-(3)(5) and 1.1.2003 in so far as not already in force) by 2000 c. 39, s. 1, **Sch. 1 para. 4**; S.I. 2001/1751, **art. 2**; S.I. 2002/2711, **art. 2** (subject to transitional provisions arts. 3-5)
- F3** Words in Sch. A1 para. 3(2) substituted (6.4.2008 with application in accordance with Sch. 1 para. 99(6)) by **The Companies Act 2006 (Consequential Amendments etc) Order 2008 (S.I. 2008/948)**, art. 3(1), **Sch. 1 para. 99(2)** (with arts. 6, 11, 12)
- F4** Words in Sch. A1 para. 3(3) substituted (6.4.2008 with application in accordance with Sch. 1 para. 99(6)) by **The Companies Act 2006 (Consequential Amendments etc) Order 2008 (S.I. 2008/948)**, art. 3(1), **Sch. 1 para. 99(3)** (with arts. 6, 11, 12)
- F5** Sch. A1 para. 3(4)(5) inserted (1.1.2003) by S.I. 2002/1990, **regs. 2, 3(2)**; S.I. 2002/2711, **art. 2** (subject to transitional provisions in arts. 3-5 of the commencing S.I.)
- F6** Words in Sch. A1 para. 3(4) substituted (6.4.2008 with application in accordance with Sch. 1 para. 99(6)) by **The Companies Act 2006 (Consequential Amendments etc) Order 2008 (S.I. 2008/948)**, art. 3(1), **Sch. 1 para. 99(4)(a)** (with arts. 6, 11, 12)
- F7** Words in Sch. A1 para. 3(4) substituted (6.4.2008 with application in accordance with Sch. 1 para. 99(6)) by **The Companies Act 2006 (Consequential Amendments etc) Order 2008 (S.I. 2008/948)**, art. 3(1), **Sch. 1 para. 99(4)(b)** (with arts. 6, 11, 12)
- F8** Sch. A1 para. 3(5) substituted (6.4.2008) by **The Companies Act 2006 (Consequential Amendments etc) Order 2008 (S.I. 2008/948)**, art. 3(1), **Sch. 1 para. 99(5)** (with arts. 6, 11, 12)
- F9** Sch. A1 para. 3(6) inserted (1.10.2009) by **The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009, (S.I. 2009/1941)** arts. 2(1), 8, {Sch. 1 para. 71(4)(a)} (with art. 10, Sch. 1 para. 84)

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