
STATUTORY INSTRUMENTS

2009 No. 1941

**The Companies Act 2006 (Consequential Amendments,
Transitional Provisions and Savings) Order 2009**

Transitional provisions

Amendments of insolvency legislation

8.—(1) The amendments by this Order of the Insolvency Act 1986⁽¹⁾ (“the 1986 Act”) and the Insolvency (Northern Ireland) Order 1989⁽²⁾ (“the 1989 Order”) apply as follows.

(2) They apply where, in a company voluntary arrangement, a moratorium comes into force in relation to a company on or after 1st October 2009.

(3) They apply where a company enters administration on or after 1st October 2009, except where—

- (a) it enters administration by virtue of an administration order under paragraph 10 of Schedule B1⁽³⁾ to the 1986 Act (or paragraph 11 of Schedule B1⁽⁴⁾ to the 1989 Order) on an application made before 1st October 2009,
- (b) the administration is immediately preceded by a voluntary liquidation in respect of which the resolution to wind up was passed before 1st October 2009, or
- (c) the administration is immediately preceded by a liquidation on the making of a winding-up order on a petition which was presented before 1st October 2009.

(4) They apply where, in a receivership, a receiver or manager is appointed in respect of a company on or after 1st October 2009.

(5) They apply where a company goes into liquidation upon the passing on or after 1st October 2009 of a resolution to wind up.

(6) They apply where a company goes into voluntary liquidation under paragraph 83 of Schedule B1 to the 1986 Act (or paragraph 84 of Schedule B1 to the 1989 Order), except where the preceding administration—

- (a) commenced before 1st October 2009, or
- (b) is an administration which commenced by virtue of an administration order under paragraph 10 of Schedule B1 to the 1986 Act (or paragraph 11 of Schedule B1 to the 1989 Order) on an application which was made before 1st October 2009.

(7) They apply where a company goes into liquidation on the making of a winding-up order on a petition presented on or after 1st October 2009, except where the liquidation is immediately preceded by—

(1) 1986 c.45.

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

(3) Schedule B1 was inserted by the Enterprise Act 2002 (c.40), Schedule 16.

(4) Schedule B1 was inserted by S.I. 2005/1455 (N.I. 10), Schedule 1.

- (a) an administration under paragraph 10 of Schedule B1 to the 1986 Act (or paragraph 11 of Schedule B1 to the 1989 Order) where the administration order was made on an application made before 1st October 2009,
- (b) an administration in respect of which the appointment of an administrator under paragraph 14 or 22 of Schedule B1 to the 1986 Act (or paragraph 15 or 23 of Schedule B1 to the 1989 Order) took effect before 1st October 2009, or
- (c) a voluntary liquidation in respect of which the resolution to wind up was passed before 1st October 2009.