

SCHEDULE 1

CONSEQUENTIAL AMENDMENTS

Cross-Border Insolvency Regulations 2006 (S.I. 2006/1030)

- 264.**—(1) The Cross-Border Insolvency Regulations 2006 are amended as follows.
- (2) In regulation 1 (citation, commencement and interpretation), after paragraph (2) insert—
- “(3) In these Regulations “overseas company” has the meaning given by section 1044 of the Companies Act 2006 and “establishment”, in relation to such a company, has the same meaning as in the Overseas Companies Regulations 2009.”.
- (3) In Schedule 2 (procedural matters in England and Wales)—
- (a) in paragraph 1(1) (interpretation), for the definition of “relevant company” substitute—
- ““relevant company” means a company that is—
- (a) registered under the Companies Act 2006,
- (b) subject to a requirement imposed by regulations under section 1043 of that Act 2006 (unregistered UK companies) to deliver any documents to the registrar of companies, or
- (c) subject to a requirement imposed by regulations under section 1046 of that Act (overseas companies) to deliver any documents to the registrar of companies;”;
- (b) in paragraph 3(e) (matters to be stated in application for recognition of foreign proceedings: company's registered number), for “the Companies Act 1985” substitute “the Companies Act 2006 ”;
- (c) in paragraph 25(1)(b) (persons entitled to appear or be represented at hearing), for sub-paragraph (i) substitute—
- “(i) where applicable, any person specified in particulars registered under section 1046 of the Companies Act 2006 (overseas companies) as authorised to represent the debtor;”;
- (d) in paragraph 46(1)(g) (persons entitled to inspect court file), for sub-paragraph (iii) substitute—
- “(iii) where applicable, any person specified in particulars registered under section 1046 of the Companies Act 2006 (overseas companies) as authorised to represent the debtor;”.
- (4) In Schedule 3 (procedural matters in Scotland)—
- (a) in paragraph 1(1) (interpretation), for the definition of “relevant company” substitute—
- ““relevant company” means a company that is—
- (a) registered under the Companies Act 2006,
- (b) subject to a requirement imposed by regulations under section 1043 of that Act (unregistered UK companies) to deliver any documents to the registrar of companies, or
- (c) subject to a requirement imposed by regulations under section 1046 of that Act (overseas companies) to deliver any documents to the registrar of companies;”;
- (b) in paragraph 6(1)(b) (persons entitled to appear or be represented at hearing), for sub-paragraph (i) substitute—

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 264. (See end of Document for details)

“(i) where applicable, any person specified in particulars registered under section 1046 of the Companies Act 2006 (overseas companies) as authorised to represent the debtor;”;

(c) in paragraph 9(1)(g) (persons entitled to inspect court process), for sub-paragraph (iii) substitute—

“(iii) where applicable, any person specified in particulars registered under section 1046 of the Companies Act 2006 (overseas companies) as authorised to represent the debtor;”.

(5) In Schedule 4 (notices to be delivered to registrar of companies)—

(a) in paragraph 1(1) (interpretation), omit the definition of “the 1985 Act”;

(b) omit paragraph 3 (registrar to whom notices to be delivered).

(6) In Schedule 5 (forms)—

(a) in Form ML1, for item 4 and notes (i) to (k) substitute—

“(i) Insert date of 4 The debtor is registered under the incorporation Companies Act 2006 and was incorporated on (i)

(j) Insert registered The registered number of the debtor is number (j)

OR

(k) If the debtor is an overseas company (k) The debtor is an overseas company that has one or more establishments in the United Kingdom.

having one or more The registered numbers of the establishment(s) establishments in are

the United Kingdom

include applicable statement(s) and insert required details

OR

The debtor is not registered under the Companies Act 2006 nor is it an overseas company having one or more establishments in the United Kingdom.”

(b) in Form ML7, for the item relating to branches of overseas companies (and note (d)) substitute—

“(d) If the debtor is an overseas company with establishments in the United Kingdom, please complete requested details of establishments. If this form is delivered in respect of more than one establishment, the establishment number and name (where (d) This return is delivered in respect of all the establishments listed below

Registration number Establishment name”

Document Generated: 2024-04-24

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 264. (See end of Document for details)*

different) must be
given for each
establishment

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 264.