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STATUTORY INSTRUMENTS

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**2005 No. 1967 (N.I. 17)**

**NORTHERN IRELAND**

**The Companies (Audit, Investigations and  
Community Enterprise) (Northern Ireland) Order 2005**

*Made - - - - 19th July 2005  
Coming into operation in accordance with Article  
1(2)*

**THE COMPANIES (AUDIT, INVESTIGATIONS AND COMMUNITY  
ENTERPRISE) (NORTHERN IRELAND) ORDER 2005**

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*Status: This is the original version (as it was originally made).*

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Signature

*Status: This is the original version (as it was originally made).*

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SCHEDULES

SCHEDULE 1 — NEW SCHEDULE 7B TO THE COMPANIES (NORTHERN IRELAND) ORDER 1986

SCHEDULE 2 — MINOR AND CONSEQUENTIAL AMENDMENTS RELATING TO PART II

PART I — AMENDMENTS RELATING TO AUDITORS

*Companies (Northern Ireland) Order 1990 (NI 5)*

1. The 1990 Order has effect subject to the following amendments....
2. In Article 33(5), for “Parts I and II” substitute “Parts...”
3. In Articles 42(1)(a) and 49(3)(c), for “established” substitute “designated”.

PART II — AMENDMENTS RELATING TO ACCOUNTS AND REPORTS

*Companies (Northern Ireland) Order 1986 (NI 6)*

4. The 1986 Order has effect subject to the following amendments....
5. In Article 257E(2)(d) (rights to information)— (a) for “Article 397A(1)...
6. In Article 680(1) and (2)(a) (prosecution by public authorities), after...
7. In Article 680A(1) (offences by body corporate), after “253E(3)” insert...
8. In Article 680B(1) (criminal proceedings against unincorporated bodies)—
9. (1) Schedule 23 (punishment of offences) is amended as follows....

PART III — AMENDMENTS RELATING TO INVESTIGATIONS

*Companies (Northern Ireland) Order 1986 (NI 6)*

10. The 1986 Order has effect subject to the following amendments....
11. After Article 440 (Department’s power to require production of documents)...
12. For Article 442 (provision for security of information obtained) substitute —...
13. For Article 444 (punishment for furnishing false information) substitute— Punishment...
14. (1) Article 444A (disclosure of information by Department or inspector)...
15. In Article 445 (privileged information)— (a) for paragraph (1) substitute —...
16. In Article 680 (prosecution by public authorities)—
17. In Article 680A (offences by bodies corporate)—
18. In Article 680B(1) (criminal proceedings against unincorporated bodies), for “440...”
19. After Schedule 15B insert— SCHEDULE 15C SPECIFIED PERSONS  
The Secretary of State. The Department. The Treasury. The Lord Advocate. The Director of Public Prosecutions. The Director of Public Prosecutions for Northern Ireland. The Financial Services Authority. A constable. A procurator fiscal. The Scottish Ministers. SCHEDULE 15D DISCLOSURES A disclosure for the purpose of enabling or assisting a...
20. (1) Schedule 23 (punishment of offences) is amended as follows....

*Insolvency (Northern Ireland) Order 1989 (NI 19)*

21. In Article 104A(1)(a) of the Insolvency (Northern Ireland) Order 1989...

*Companies Act 1989 (c. 40)*

22. In the table in section 87(4) of the Companies Act...

*Criminal Justice and Police Act 2001 (c. 16)*

23. In paragraph 17 of Schedule 2 to the Criminal Justice...

*Anti-terrorism, Crime and Security Act 2001 (c. 24)*

24. In paragraph 59 of Schedule 4 to the Anti-terrorism, Crime...

*Company Directors Disqualification (Northern Ireland) Order 2002 (NI 4)*

25. In Article 11(2)(b)(i) of the Company Directors Disqualification (Northern Ireland)...

SCHEDULE 3 — REPEALS

SCHEDULE 4 — REGULATOR OF COMMUNITY INTEREST COMPANIES FOR NORTHERN IRELAND

*Regulator's terms of appointment*

1. (1) The period for which a person is appointed as...

*Remuneration and pensions*

2. (1) The Department may pay remuneration and travelling and other...

*Staff*

3. (1) The Regulator may, after consulting the Department of Finance...

*Delegation of functions*

4. Anything which the Regulator is authorised or required to do...

*Finance*

5. The Department may make payments to the Regulator.

*Reports and other information*

6. (1) The Regulator must, in respect of each financial year,...

*Amendments*

7. In Schedule 2 to the Commissioner for Complaints (Northern Ireland)...
8. In Part III of Schedule 1 to the Northern Ireland...

SCHEDULE 5 — APPEAL OFFICER FOR COMMUNITY INTEREST COMPANIES FOR NORTHERN IRELAND

*Appeal Officer's terms of appointment*

1. (1) The Appeal Officer holds office for the period determined...

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*Remuneration and pensions*

- (1) The Department may pay remuneration and travelling and other...

*Finance*

- The Department may make payments to the Appeal Officer.

*Procedure*

- (1) Regulations may make provision about the practice and procedure...

*Amendments*

- In Schedule 2 to the Commissioner for Complaints (Northern Ireland)...
- In Part III of Schedule 1 to the Northern Ireland...

SCHEDULE 6 — OFFICIAL PROPERTY HOLDER FOR COMMUNITY INTEREST COMPANIES FOR NORTHERN IRELAND

*Status*

- (1) The Official Property Holder is a corporation sole.

*Relationship with Regulator*

- The Regulator must make available to the Official Property Holder...

*Effect of vacancy*

- The Regulator must appoint a member of the Regulator's staff...

*Property*

- (1) The Official Property Holder holds property vested in or...

*Finance*

- (1) The Official Property Holder may recover his expenses in...

*Reports*

- (1) As soon as possible after the end of each...

SCHEDULE 7 — COMMUNITY INTEREST COMPANIES: NAMES

*Companies (Northern Ireland) Order 1986 (NI 6)*

- (1) Article 36 (prohibition on registration of certain names) is...
- In Article 37(4) (alternatives of statutory designations), after sub-paragraph (b)...
- In Article 40(7) (further exemptions for company exempt from using...
- After Article 44 insert— Penalty for improper use of “community...
- In Article 53(2)(b) (re-registration of private company as public: alteration...
- In Article 359(1)(d) (particulars in correspondence to indicate that a...
- (1) Schedule 23 (punishment of offences) is amended as follows....

*Limited Liability Partnerships Act (Northern Ireland) 2002 (c. 12)*

8. In paragraph 8(2) of the Schedule (similarity of names), after...

SCHEDULE 8 — COMMUNITY INTEREST COMPANIES: INVESTIGATIONS

*Power to require documents and information*

1. (1) The investigator of a community interest company may require...

*Privileged information*

2. (1) Nothing in paragraph 1 requires a person to produce...

*Use of information as evidence*

3. (1) A statement made by a person in compliance with...

*Failure to comply with requirement*

4. (1) This paragraph applies if a person fails to comply...

*False information*

5. (1) A person commits an offence if in purported compliance...

Explanatory Note