

2004 No. 418

EUROPEAN COMMUNITIES

**European Public Limited-Liability Company (Fees)
Regulations (Northern Ireland) 2004**

Made - - - - - *1st October 2004*

Coming into operation *8th October 2004*

The Department of Enterprise, Trade and Investment, in exercise of the powers conferred on it by section 56(1), (2) and (5) of the Finance Act 1973(a) and of all other powers enabling it in that behalf, with the consent of the Department of Finance and Personnel(b), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the European Public Limited-Liability Company (Fees) Regulations (Northern Ireland) 2004 and shall come into operation on 8th October 2004.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(c) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

(2) In these Regulations –

“the 1986 Order” means the Companies (Northern Ireland) Order 1986(d);

“the EC Regulation” means Council Regulation 2157/2001/EC(e) of 8th October 2001 on the Statute for a European Company;

“the principal Regulations” means the European Public Limited-Liability Company Regulations (Northern Ireland) 2004(f);

“public company” means a public company as defined in Article 12(3) of the 1986 Order(g);

“the registrar” means the registrar of companies as defined in Article 2(3) of the 1986 Order(h);

“the relevant Community obligations” means the Community obligations of the United Kingdom set out in Articles 2, 3, 8 and 66 of the EC Regulation;

“SE” means a European public limited-liability company formed in pursuance of Article 1 of the EC Regulation.

(a) 1973 c. 51

(b) Formerly the Department of Finance for Northern Ireland; see S.I. 1982/338 (N.I. 6) Article 3

(c) 1954 c. 33 (N.I.)

(d) S.I. 1986/1032 (N.I. 6)

(e) O.J. L294 10.11.2001 p. 1

(f) S.R. 2004 No. 417

(g) Article 12(3) has been amended in a manner not relevant to these Regulations

(h) Article 2 has been amended in a manner not relevant to these Regulations

Fees

3. The fees payable in connection with the services and facilities provided by the Department of Enterprise, Trade and Investment in pursuance of the relevant Community obligations relating to the matters set out in the first column of the Schedule, implemented in part by the principal Regulations, are the fees payable to the registrar set out in the second column of the Schedule.

Disposal of fees

4. All fees received under these Regulations shall be paid into the Consolidated Fund.

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 1st October 2004.

(L.S.)

M. Bohill

A senior officer of the Department of Enterprise, Trade and Investment

The Department of Finance and Personnel hereby consents to the foregoing Regulations.

Sealed with the Official Seal of the Department of Finance and Personnel on 1st October 2004.

(L.S.)

Ciaran Doran

A senior officer of the Department of Finance and Personnel

SCHEDULE

Regulation 3

FEES TO BE PAID TO THE REGISTRAR

<i>Matter in respect of which fee is payable</i>	<i>Amount of fee</i>
1. For registration of an SE whose registered office is in Northern Ireland on its formation –	
(a) by merger in accordance with Article 2(1) of the EC Regulation	£20-00
(b) by the formation of a holding SE in accordance with Article 2(2) of the EC Regulation	£20-00
(c) by the formation of a subsidiary SE in accordance with Article 2(3) of the EC Regulation	£20-00
(d) by the transformation of a public company in accordance with Article 2(4) of the EC Regulation	£20-00
(e) by the formation of a subsidiary SE in accordance with Article 3(2) of the EC Regulation	£20-00
2. For registration of a public company by the conversion of an SE in accordance with Article 66 of the EC Regulation	£20-00
3. For registration of an SE on the transfer of its registered office to Northern Ireland in accordance with Article 8 of the EC Regulation	£20-00
4. For an application for a certificate under Article 8(8) of the EC Regulation attesting to the completion of the acts and formalities to be accomplished before the transfer of the registered office of an SE from Northern Ireland	£20-00

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations prescribe the fees payable in connection with services and facilities provided by the Department of Enterprise, Trade and Investment in pursuance of the Community obligations of the United Kingdom under Articles 2, 3, 8 and 66 of the Council Regulation 2157/2001/EC of 8th October 2001 on the Statute for a European Company, implemented in part by the European Public Limited-Liability Company Regulations (Northern Ireland) 2004.

The Regulations prescribe the fees specified in the Schedule in respect of the matters set out in the first column of the Schedule.

The fees are as follows –

1. The fee for the registration of an SE whose registered office is in Northern Ireland on its formation is £20 in relation to each of the means provided for in the EC Regulation for the formation of SEs (Fee No. 1);
2. The fee for the registration of a public company by the conversion of an SE in accordance with Article 66 of the EC Regulation is £20 (Fee No. 2);
3. The fee for the registration of an SE on the transfer of its registered office to Northern Ireland in accordance with Article 8 of the EC Regulation is £20 (Fee No. 3); and
4. The fee for an application for a certificate under Article 8(8) of the EC Regulation attesting to the completion of the acts and formalities to be accomplished before the transfer of the registered office of an SE from Northern Ireland is £20 (Fee No. 4).

Regulation 1 provides for the fees to come into operation on 8th October 2004.

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