



# Companies Act 1989

## 1989 CHAPTER 40

### PART V

#### OTHER AMENDMENTS OF COMPANY LAW

##### *Company records and related matters*

#### **126 Keeping and inspection of company records**

- (1) In Part XXIV of the Companies Act 1985 (the registrar of companies, his functions and offices), after the sections inserted by section 125 above, insert—

**“707A The keeping of company records by the registrar**

- (1) The information contained in a document delivered to the registrar under the Companies Acts may be recorded and kept by him in any form he thinks fit, provided it is possible to inspect the information and to produce a copy of it in legible form.

This is sufficient compliance with any duty of his to keep, file or register the document.

- (2) The originals of documents delivered to the registrar in legible form shall be kept by him for ten years, after which they may be destroyed.
- (3) Where a company has been dissolved, the registrar may, at any time after the expiration of two years from the date of the dissolution, direct that any records in his custody relating to the company may be removed to the Public Record Office; and records in respect of which such a direction is given shall be disposed of in accordance with the enactments relating to that Office and the rules made under them.

This subsection does not extend to Scotland.

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*Status: This is the original version (as it was originally enacted).*

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- (4) In subsection (3) “company” includes a company provisionally or completely registered under the Joint Stock Companies Act 1844.”.
- (2) For sections 709 and 710 of the Companies Act 1985 (inspection of documents kept by the registrar) substitute—

**“709 Inspection, &c. of records kept by the registrar**

- (1) Any person may inspect any records kept by the registrar for the purposes of the Companies Acts and may require—
- (a) a copy, in such form as the registrar considers appropriate, of any information contained in those records, or
  - (b) a certified copy of, or extract from, any such record.
- (2) The right of inspection extends to the originals of documents delivered to the registrar in legible form only where the record kept by the registrar of the contents of the document is illegible or unavailable.
- (3) A copy of or extract from a record kept at any of the offices for the registration of companies in England and Wales or Scotland, certified in writing by the registrar (whose official position it is unnecessary to prove) to be an accurate record of the contents of any document delivered to him under the Companies Acts, is in all legal proceedings admissible in evidence as of equal validity with the original document and as evidence of any fact stated therein of which direct oral evidence would be admissible.

In England and Wales this is subject to compliance with any applicable rules of court under section 5 of the Civil Evidence Act 1968 or section 69(2) of the Police and Criminal Evidence Act 1984 (which relate to evidence from computer records).

- (4) Copies of or extracts from records furnished by the registrar may, instead of being certified by him in writing to be an accurate record, be sealed with his official seal.
- (5) No process for compelling the production of a record kept by the registrar shall issue from any court except with the leave of the court; and any such process shall bear on it a statement that it is issued with the leave of the court.

**710 Certificate of incorporation**

Any person may require a certificate of the incorporation of a company, signed by the registrar or authenticated by his official seal.

**710A Provision and authentication by registrar of documents in non-legible form**

- (1) Any requirement of the Companies Acts as to the supply by the registrar of a document may, if the registrar thinks fit, be satisfied by the communication by the registrar of the requisite information in any non-legible form prescribed for the purposes of this section by regulations or approved by him.

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

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- (2) Where the document is required to be signed by him or sealed with his official seal, it shall instead be authenticated in such manner as may be prescribed by regulations or approved by the registrar.”.