



Companies Act 2006

2006 CHAPTER 46

PART 25

COMPANY CHARGES

[^{F1} CHAPTER A1

REGISTRATION OF COMPANY CHARGES

[^{F1} Companies' records and registers

Textual Amendments

- F1** Pt. 25 Ch. A1 inserted (6.4.2013) by [The Companies Act 2006 \(Amendment of Part 25\) Regulations 2013 \(S.I. 2013/600\)](#), regs. 1, 2, [Sch. 1](#) (with reg. 6)

859P Companies to keep copies of instruments creating and amending charges

- (1) A company must keep available for inspection a copy of every—
 - (a) instrument creating a charge capable of registration under this Chapter, and
 - (b) instrument effecting any variation or amendment of such a charge.
- (2) In the case of a charge contained in a series of uniform debentures, a copy of one of the debentures of the series is sufficient for the purposes of subsection (1)(a).
- (3) If the particulars referred to in section 859D(1) or the particulars of the property or undertaking charged are not contained in the instrument creating the charge, but are instead contained in other documents which are referred to in or otherwise incorporated into the instrument, then the company must also keep available for inspection a copy of those other documents.

Status: Point in time view as at 26/06/2020.

Changes to legislation: Companies Act 2006, Cross Heading: Companies' records and registers is up to date with all changes known to be in force on or before 24 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (4) It is sufficient for the purposes of subsection (1)(a) if the company keeps a copy of the instrument in the form delivered to the registrar under section 859A(3), 859B(3) or (4) or 859C(3).
- (5) Where a translation has been delivered to the registrar in accordance with section 1105, the company must keep available for inspection a copy of the translation.

Modifications etc. (not altering text)

- C1** Ss. 859A-859Q applied (with modifications) (6.4.2013) by [The Limited Liability Partnerships \(Application of Companies Act 2006\) \(Amendment\) Regulations 2013 \(S.I. 2013/618\)](#), regs. 1(2), 2, [Sch.](#) (with reg. 8)

859Q Instruments creating charges to be available for inspection

- (1) This section applies to documents required to be kept available for inspection under section 859P (copies of instruments creating and amending charges).
- (2) The documents must be kept available for inspection—
 - (a) at the company's registered office, or
 - (b) at a place specified in regulations under section 1136.
- (3) The company must give notice to the registrar—
 - (a) of the place at which the documents are kept available for inspection, and
 - (b) of any change in that place,
 unless they have at all times been kept at the company's registered office.
- (4) The documents must be open to the inspection—
 - (a) of any creditor or member of the company, without charge, and
 - (b) of any other person, on payment of such fee as may be prescribed.
- (5) If default is made for 14 days in complying with subsection (3) or an inspection required under subsection (4) is refused, an offence is committed by—
 - (a) the company, and
 - (b) every officer of the company who is in default.
- (6) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale and, for continued contravention, a daily default fine not exceeding one-tenth of level 3 on the standard scale.
- (7) If an inspection required under subsection (4) is refused the court may by order compel an immediate inspection.
- (8) Where the company and a person wishing to carry out an inspection under subsection (4) agree, the inspection may be carried out by electronic means.]

Modifications etc. (not altering text)

- C2** [S. 859Q](#): power to modify conferred (temp.) (26.6.2020) by [Corporate Insolvency and Governance Act 2020 \(c. 12\)](#), [ss. 39\(1\)](#), 40(e), 49(1) (with [ss. 2\(2\)](#), 5(2), 39(8)(9))

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- C3** Ss. 859A-859Q applied (with modifications) (6.4.2013) by [The Limited Liability Partnerships \(Application of Companies Act 2006\) \(Amendment\) Regulations 2013 \(S.I. 2013/618\)](#), regs. 1(2), 2, [Sch.](#) (with reg. 8)
- C4** S. 859Q modified (6.4.2016) by [The Companies \(Address of Registered Office\) Regulations 2016 \(S.I. 2016/423\)](#), regs. 1(1), **11(a)(xiii)**

Status:

Point in time view as at 26/06/2020.

Changes to legislation:

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