



# Companies Act 2006

## 2006 CHAPTER 46

### PART 25

#### COMPANY CHARGES

#### [<sup>F1</sup>CHAPTER A1

#### REGISTRATION OF COMPANY CHARGES

#### *Company charges*

#### [<sup>F1</sup>859E Date of creation of charge

- (1) For the purposes of this Part, a charge of the type described in column 1 of the Table below is taken to be created on the date given in relation to it in column 2 of that Table.

<i>1. Type of charge</i>	<i>2. When charge created</i>
Standard security	The date of its recording in the Register of Sasines or its registration in the Land Register of Scotland
Charge other than a standard security, where created or evidenced by an instrument	Where the instrument is a deed that has been executed and has immediate effect on execution and delivery, the date of delivery  Where the instrument is a deed that has been executed and held in escrow, the date of delivery into escrow  Where the instrument is a deed that has been executed and held as undelivered, the date of delivery

*Status: Point in time view as at 06/04/2013.*

*Changes to legislation: Companies Act 2006, Section 859E 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)*

Where the instrument is not a deed and has immediate effect on execution, the date of execution

Where the instrument is not a deed and does not have immediate effect on execution, the date on which the instrument takes effect

Charge other than a standard security, where not created or evidenced by an instrument The date on which the charge comes into effect.

- (2) Where a charge is created or evidenced by an instrument made between two or more parties, references in the Table in subsection (1) to execution are to execution by all the parties to the instrument whose execution is essential for the instrument to take effect as a charge.
- (3) This section applies for the purposes of this Chapter even if further forms, notices, registrations or other actions or proceedings are necessary to make the charge valid or effectual for any other purposes.
- (4) For the purposes of this Chapter, the registrar is entitled without further enquiry to accept a charge as created on the date given as the date of creation of the charge in a section 859D statement of particulars.
- (5) In this section “deed” means—
  - (a) a deed governed by the law of England and Wales or Northern Ireland, or
  - (b) an instrument governed by a law other than the law of England and Wales or Northern Ireland which requires delivery under that law in order to take effect.
- (6) References in this section to delivery, in relation to a deed, include delivery as a deed where required.]

#### **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)

#### **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)

**Status:**

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