
STATUTORY INSTRUMENTS

1995 No. 1163

COMPANIES

The Companies Act 1989 Part II
(Consequential Amendments) Regulations 1995

<i>Made</i>	- - - -	<i>27th April 1995</i>
<i>Laid before Parliament</i>		<i>1st May 1995</i>
<i>Coming into force</i>	- -	<i>23rd May 1995</i>

The Secretary of State, in exercise of his powers under section 50 of the Companies Act 1989⁽¹⁾, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Companies Act 1989 Part II (Consequential Amendments) Regulations 1995 and shall come into force on 23rd May 1995.

Consequential amendments

2. In section 717 of the Companies Act 1985⁽²⁾ (limited partnerships: limit on number of members), in subsection (1)(b) the words “section 25” are substituted for the words “section 5”.

3. In section 184 of the Income and Corporation Taxes Act 1988⁽³⁾ (independent accountants), subsection (6) is repealed.

4. In the Companies Act 1989 (Eligibility for Appointment as Company Auditor) (Consequential Amendments) Regulations 1991⁽⁴⁾, sub-paragraph (2) of paragraph 21 of the Schedule is revoked.

(1) 1989 c. 40.

(2) 1985 c. 6. Section 717(1)(b) has been amended by paragraph 53 of the Schedule to the Companies Act 1989 (Eligibility for Appointment as Company Auditor) (Consequential Amendments) Regulations 1991 (S.I. 1991/1997).

(3) 1988 c. 1. Section 184 of the Income and Corporation Taxes Act 1988 has been amended by paragraph 68 of the Schedule to the Companies Act 1989 (Eligibility for Appointment as Company Auditor) (Consequential Amendments) Regulations 1991 (S.I. 1991/1997).

(4) S.I. 1991/1997.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Department of Trade and Industry
27th April 1995

Jonathan Evans
Parliamentary Under Secretary of State for
Corporate Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulation 2 amends section 717 of the Companies Act 1985 (1985 c. 6) which, as a result of an error in paragraph 53 of the Schedule to the Companies Act 1989 (Eligibility for Appointment as Company Auditor) (Consequential Amendments) Regulations 1991 (S.I.1991/1997), mistakenly refers to section 5 of the Companies Act 1989 (1989 c. 40) instead of to section 25 of that Act (eligibility for appointment as a company auditor).

Regulation 3 repeals subsection (6) of section 184 of the Income and Corporation Taxes Act 1988 (1988 c. 1) (“section 184”) which provides that for the purposes of Chapter III of Part V of that Act (profit-related pay), “independent accountant”, in relation to a profit-related pay scheme, includes a Scottish firm of which all the partners are independent accountants in relation to the scheme. By virtue of an amendment made to subsection (1) of section 184 by paragraph 68 of S.I. 1991/1997, “independent accountant”, in relation to a profit-related pay scheme, is defined as a person who is eligible for appointment as a company auditor. One of the effects of Part II of the Companies Act 1989 is that a Scottish firm may be eligible for appointment as a company auditor even if all the partners in the firm are not individually eligible. Subsection (6) of section 184 is accordingly no longer appropriate, as it has the effect that a Scottish firm may be appointed as an independent accountant to a profit-related pay scheme only if all the partners in the firm are eligible for appointment as a company auditor.

Regulation 4 revokes paragraph 21(2) of the Schedule to S.I. 1991/1997 in order to reflect the fact that section 14(2) of the Transport Act 1968 (1968 c. 73) referred to in that paragraph was repealed by the Local Government Finance Act 1982 (1982 c. 32).