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STATUTORY INSTRUMENTS

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**2000 No. 3373**

**The Companies Act 1985 (Electronic Communications) Order 2000**

**Consequential amendments**

**31.**—(1) In section 29 of the 1985 Act (regulations about names)—

- (a) in subsection (2)(a), for the words “required by section 12(3)”, substitute the words “under section 12(3) or statement under section 12(3A) (as the case may be)”,
- (b) in subsection (2)(b), for the words “required by section 686(2)” substitute the words “under section 686(2) or statement under section 686(2A) (as the case may be)”, and
- (c) in subsection (3)(a), after the words “statutory declaration” insert the words “or statement”.

(2) In subsections (2), (4), (5) and (7) of section 157 (special resolution under s. 155), and in subsection (4) of section 158 (time for giving financial assistance under s. 155) after the word “declaration” in each place where it occurs, insert the words “or statement”, and in subsection (4) (b) of section 158 after the word “declarations” insert the words “or statements”.

(3) In section 390 of the 1985 Act (auditors' right to attend company meetings, etc.)(1), insert the following subsection after subsection (1)—

“(1A) Subsections (4A) to (4G) of section 369 (electronic communication of notices of meetings) apply for the purpose of determining whether notice of a meeting is received by the company’s auditors as they apply in determining whether such a notice is given to any person.”

(4) Section 707 of the 1985 Act (delivery to the registrar of documents otherwise than in legible form)(2) is hereby repealed, and—

- (a) in section 706(4)(b) (delivery to the registrar of documents in legible form) for “707” substitute “707B”, and
- (b) in section 735A(2) of the 1985 Act (relationship of the Companies Act to the Insolvency Act)(3) for “707(1)” substitute “707B(1)”.

(5) In section 711(1)(g) of the 1985 Act (public notice by registrar of receipt of statutory declaration under section 117)(4), after the words “statutory declaration” insert the words “or statement”.

(6) Schedule 24 to the 1985 Act (punishment of offences)(5) is amended as follows—

- (a) Insert the following entries at the appropriate places—

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(1) Section 390 was substituted by sections 118 and 120(1) of the Companies Act 1989, and amended by article 3(2)(b) of S.I.1996/1471.

(2) Section 707 was substituted by section 125(2) of the Companies Act 1989, and amended by regulation 4 of, and paragraphs 3 and 6 of Schedule 3 to, S.I. 1992/3179.

(3) Section 735A was inserted by section 439(1) of, and Part II of Schedule 13 to, the Insolvency Act 1986 (c. 45), and subsection (2) was amended by section 127(5) of the Companies Act 1989, and by section 76 of, and paragraph 9 of Schedule 16 to, the Deregulation and Contracting Out Act 1994 (c. 40).

(4) Section 711 has been amended in manner not relevant to this Order.

(5) Schedule 24 has been amended in manner not relevant to this Order.

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

<i>“Section of Act creating offence</i>	<i>General nature of offence</i>	<i>Mode of prosecution</i>	<i>Punishment</i>	<i>Daily default fine (where applicable)</i>
12(3B)	Person making false statement under section 12(3A) which he knows to be false or does not believe to be true	<ol style="list-style-type: none"> <li>1. On indictment</li> <li>2. Summary</li> </ol>	<p>2 years or a fine; or both</p> <p>6 months or the statutory maximum; or both</p>	
30(5C)	Person making false statement under section 30(5A) which he knows to be false or does not believe to be true	<ol style="list-style-type: none"> <li>1. On indictment</li> <li>2. Summary</li> </ol>	<p>2 years or a fine; or both</p> <p>6 months or the statutory maximum; or both</p>	
43(3B)	Person making false statement under section 43(3A) which he knows to be false or does not believe to be true	<ol style="list-style-type: none"> <li>1. On indictment</li> <li>2. Summary</li> </ol>	<p>2 years or a fine; or both</p> <p>6 months or the statutory maximum; or both</p>	
49(8B)	Person making false statement under section 49(8A) which he knows to be false or does not believe to be true	<ol style="list-style-type: none"> <li>1. On indictment</li> <li>2. Summary</li> </ol>	<p>2 years or a fine; or both</p> <p>6 months or the statutory maximum; or both</p>	
117(7A)	Person making false statement under section 117(3A) which he knows to be false or does not believe to be true			
		<ol style="list-style-type: none"> <li>1. On indictment</li> <li>2. Summary</li> </ol>	<p>2 years or a fine; or both</p> <p>6 months or the statutory maximum; or both</p>	

<i>“Section of Act creating offence</i>	<i>General nature of offence</i>	<i>Mode of prosecution</i>	<i>Punishment</i>	<i>Daily default fine (where applicable)</i>
403(2A)	maximum; or both Person making false statement under section 403(1A) which he knows to be false or does not believe to be true			
1. On indictment	2 years or a fine; or both			
2. Summary	6 months or the statutory maximum; or both			
419(5A)	Person making false statement under section 419(1A) or (1B) which he knows to be false or does not believe to be true	1. On indictment 2. Summary	2 years or a fine; or both 6 months or the statutory maximum; or both	
685(6A)	Person making false statement under section 685(4A) which he knows to be false or does not believe to be true	1. On indictment 2. Summary	2 years or a fine; or both 6 months or the statutory maximum; or both	
686(3A)	Person making false statement under section 686(2A) which he knows to be false or does not believe to be true	1. On indictment 2. Summary	2 years or a fine; or both 6 months or the statutory maximum; or both	
691(4A)	Person making false statement under section 691(3A) which he knows to be false or	1. On indictment 2. Summary	2 years or a fine; or both 6 months or the statutory	

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<i>“Section of Act creating offence</i>	<i>General nature of offence</i>	<i>Mode of prosecution</i>	<i>Punishment</i>	<i>Daily default fine (where applicable)</i>
	does not believe to be true		maximum; or both”	

; and

- (b) in the entries relating to sections 156(6) and (7), after the word “declaration” in both places where it occurs, insert the words “or statement”.