
STATUTORY INSTRUMENTS

2009 No. 2399

**The European Economic Interest
Grouping (Amendment) Regulations 2009**

Amendment of the European Economic Interest Grouping Regulations 1989

23.—(1) Schedule 4 (provisions of Companies Acts applying to EEIGs and their establishments) is amended as follows.

(2) In Part 1 (provisions of Companies Act 1985(1))—

- (a) omit paragraphs 1 to 4;
- (b) in paragraph 5, for “section 432(1) and (2)” substitute “section 432(1), (2) and (2A)”;
- (c) in paragraph 8, for “437 to 439” substitute “437 and 439”;
- (d) in paragraph 10—
 - (i) for “section 447” substitute “sections 447 and 447A”;
 - (ii) omit the words from “as if paragraph (1)(d)” to the end;
- (e) omit paragraphs 14 to 23.

(3) In Part 2 (provisions of Companies Act 2006), for paragraphs 1 and 2 substitute—

“**25.** Section 75 (provision of misleading information etc), as if the second sentence of subsection (5) were omitted.

26. Part 25 (company charges).

27. Section 993 (offence of fraudulent trading).

28. Section 1066(2) to (4) (registered numbers).

29. Section 1081 (annotation of the register), as if—

(a) after subsection (1) there were inserted—

“(1A) Where it appears to the registrar that material on the register is misleading or confusing, the registrar may place a note in the register containing such information as appears to the registrar to be necessary to remedy, as far as possible, the misleading or confusing nature of the material.”, and

(b) subsection (5) were omitted.

30. Section 1082 (allocation of unique identifiers), as if—

- (a) the reference in subsection (1)(a) to a director of a company were a reference to a manager of an EEIG, and
- (b) paragraphs (b) and (c) of subsection (1) were omitted.

31. Section 1084 (records relating to companies that have been dissolved etc), as if subsection (4) were omitted.

- 32.** In section 1087 (material not available for public inspection)—
- (a) subsection (1)(a) and (d), and
 - (b) subsections (2) and (3), so far as relating to material falling within paragraph (a) or (d) of subsection (1).
- 33.** Section 1089(1) (form of application for inspection or copy), as if—
- (a) the reference to inspection under section 1085 were a reference to inspection under regulation 14(a) above, and
 - (b) the reference to a copy under section 1086 were a reference to a copy or extract under regulation 14(b) above.
- 34.** Section 1090(4) (power to determine form and manner in which copies to be provided), as if—
- (a) for “the preceding provisions of this section” there were substituted “Article 39(1) of [Council Regulation \(EEC\) No 2137/85](#)”, and
 - (b) the reference to copies being provided were a reference to copies or extracts being provided under regulation 14(b) above.
- 35.** Section 1091 (certification of copies as accurate), as if—
- (a) any reference in that section to copies were a reference to copies or extracts,
 - (b) any reference to section 1086 were a reference to regulation 14(b) above,
 - (c) subsections (2) and (4) were omitted, and
 - (d) in subsection (5) the words preceding “copies” were omitted.
- 36.** Section 1094 (administrative removal of material from the register), as if—
- (a) the reference in subsection (2) to section 1093 were omitted, and
 - (b) in subsection (3)(a), sub-paragraphs (iii) to (vii) were omitted.
- 37.** Section 1112 (general false statement offence).
- 38.** Section 1117 (registrar’s rules), so far as relating to sections 1066(2), 1089(1) and 1090(4).
- 39.** The following provisions of Part 36 (offences), so far as relating to offences under sections applied by these Regulations—
- (a) section 1121 (liability of officer in default), as if subsection (2) were omitted;
 - (b) section 1122 (liability of company as officer in default), as if the words ““officer” and” in subsection (3) were omitted;
 - (c) sections 1126 to 1130 (consents for prosecutions, venue and time limit for summary proceedings, privilege and unincorporated bodies);
 - (d) section 1132 (production and inspection of documents where offence suspected), as if the reference in subsection (3)(b) to the secretary of the company were omitted;
 - (e) section 1133 (provisions not to apply to offences committed before commencement).
- 40.** Sections 1139 to 1141 (service addresses), as if the reference in section 1140(2)(a) to a director or secretary of a company were a reference to a manager of an EEIG.”