



Companies (Audit, Investigations and Community Enterprise) Act 2004

2004 CHAPTER 27

PART 2

COMMUNITY INTEREST COMPANIES

Becoming a community interest company

39 [^{F1}Becoming a community interest company: English charities]

- (1) A [^{F2}company that is an English charity] may not [^{F3}become a community interest company] without the prior written consent of the [^{F4}Charity Commission].
- (2) If a [^{F2}company that is an English charity] contravenes subsection (1), the [^{F4}Charity Commission] may apply to the High Court for an order quashing any altered certificate of incorporation issued under [^{F5}section 38A] .
- (3) If a [^{F2}company that is an English charity] becomes a community interest company, that does not affect the application of—
 - (a) any property acquired under any disposition or agreement previously made otherwise than for full consideration in money or money's worth, or any property representing property so acquired,
 - (b) any property representing income which has previously accrued, or
 - (c) the income from any such property.

^{F6}(4)

Textual Amendments

- F1** S. 39 heading substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), **Sch. 1 para. 228(2)** (with art. 10)

Changes to legislation: There are currently no known outstanding effects for the Companies (Audit, Investigations and Community Enterprise) Act 2004, Section 39. (See end of Document for details)

- F2** Words in s. 39 substituted (6.4.2007) by The Companies Act 2006 (Commencement No. 2, Consequential Amendments, Transitional Provisions and Savings) Order 2007 (S.I. 2007/1093), art. 1(3), **Sch. 4 para. 9(b)** (with art. 11(1))
- F3** Words in s. 39(1) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 228(3)** (with art. 10)
- F4** Words in s. 39(1)(2) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 201**; S.I. 2007/309, art. 2, Sch.; S.I. 2007/309, art. 2, Sch.
- F5** Words in s. 39(2) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 228(4)** (with art. 10)
- F6** S. 39(4) omitted (6.4.2007) by virtue of The Companies Act 2006 (Commencement No. 2, Consequential Amendments, Transitional Provisions and Savings) Order 2007 (S.I. 2007/1093), art. 1(3), **Sch. 4 para. 9(d)** (with art. 11(1))

Commencement Information

- I1** S. 39 in force at 1.7.2005 by S.I. 2004/3322, art. 2(3), **Sch. 3**

Changes to legislation:

There are currently no known outstanding effects for the Companies (Audit, Investigations and Community Enterprise) Act 2004, Section 39.