

Status: This version of this provision is prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Companies (Acquisition of Own Shares)(Treasury Shares) Regulations 2003. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

STATUTORY INSTRUMENTS

2003 No. 1116

The Companies (Acquisition of Own Shares)(Treasury Shares) Regulations 2003

PROSPECTIVE

Amendment of section 162

2.—(1) Amend section 162 of the 1985 Act (power of company to purchase own shares)⁽¹⁾ as follows.

(2) For subsection (2) substitute—

“(2) Sections 159 and 160 apply to the purchase by a company under this section of its own shares as they apply to the redemption of redeemable shares.

This is subject to subsections (2A) and (2B).

(2A) The terms and manner of a purchase under this section need not be determined by the articles as required by section 160(3).

(2B) Where a company makes a purchase of qualifying shares out of distributable profits under this section, section 162A applies to the shares purchased; and accordingly section 160(4) does not apply to those shares.”

(3) At the end of subsection (3) insert “or shares held as treasury shares”.

(4) After subsection (3) insert the following subsection—

“(4) For the purposes of this Chapter “qualifying shares” are shares which—

- (a) are included in the official list in accordance with the provisions of Part 6 of the Financial Services and Markets Act 2000⁽²⁾,
- (b) are traded on the market known as the Alternative Investment Market established under the rules of London Stock Exchange plc,
- (c) are officially listed in an EEA State, or
- (d) are traded on a market established in an EEA State which is a regulated market for the purposes of Article 16 of Council Directive 93/22/EEC on investment services in the securities field⁽³⁾

and in paragraph (a) “the official list” has the meaning given in section 103(1) of the Financial Services and Markets Act 2000.”

Commencement Information

II Reg. 2 in force at 1.12.2003, see [reg. 1\(1\)](#)

⁽¹⁾ Section 162 was amended from a day to be appointed by section 133(4) of the Companies Act 1989 (c. 40).

⁽²⁾ 2000 c. 8.

⁽³⁾ OJ 141, 11 June 1993, p.27.

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Changes and effects yet to be applied to :

- reg. 2 coming into force by [S.I. 2003/1116 reg. 1\(1\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Schedule para 12 rev in pt by [S.I. 2003/3031 reg 3\(1\)](#)