
STATUTORY INSTRUMENTS

2008 No. 2996

COMPANIES

**The Companies (Particulars of
Company Charges) Regulations 2008**

Made - - - - *17th November 2008*

Coming into force - - *1st October 2009*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 860, 862, 878, 880 and 1167 of the Companies Act 2006⁽¹⁾.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Companies (Particulars of Company Charges) Regulations 2008 and come into force on 1st October 2009.

(2) In these Regulations “the Act” means the Companies Act 2006.

Prescribed particulars of charges created by a company

2. The prescribed particulars for the purposes of section 860(1) of the Act are—

- (a) the date of the creation of the charge;
- (b) a description of the instrument (if any) creating or evidencing the charge;
- (c) the amount secured by the charge;
- (d) the name and address of the person entitled to the charge; and
- (e) short particulars of the property charged.

3. The prescribed particulars for the purposes of section 878(1) of the Act are—

- (a) the particulars prescribed by regulation 2; and
- (b) in the case of a floating charge, a statement as to any provisions of the charge and of any instrument relating to it which prohibit or restrict or regulate the power of the company to grant further securities ranking in priority to, or *pari passu* with, the floating charge, or which vary or otherwise regulate the order of ranking of the floating charge in relation to subsisting securities.

Prescribed particulars of charges existing on property acquired

4. The prescribed particulars for the purposes of sections 862(2) and 880(2) of the Act are—
- (a) the particulars prescribed by regulation 2; and
 - (b) the date of the acquisition of the property which is subject to the charge.

17th November 2008

Ian Pearson
Economic and Business Minister,
Department for Business, Enterprise and
Regulatory Reform

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations deal with the information to be provided to the Registrar of Companies on the registration of a company charge under Part 25 of the Companies Act 2006 (c.46) (“the Act”).

Regulation 2 sets out the information that is to be provided when a company registered in England and Wales or Northern Ireland creates a charge of a kind specified in section 860(7) of the Act. Regulation 3 makes the same provision but for companies registered in Scotland which create a charge of the kind specified in section 878(7) of the Act.

Regulation 4 sets out the information that is to be provided when a company registered in England and Wales, Northern Ireland or Scotland acquires property which is already subject to a charge which, if it had been created by the company after the acquisition of the property, would have been required to be registered under Part 25 of the Act.

An Impact Assessment has not been produced for these Regulations as they have no impact on the costs of business, charities or voluntary bodies because they replicate the information required to be provided under the Companies Act 1985.