

2009 No. 202

COMPANIES

**The Companies Act 2006 (Amendment of Schedule 2) Order
2009**

<i>Made</i>	- - - -	<i>4th February 2009</i>
<i>Laid before Parliament</i>		<i>6th February 2009</i>
<i>Coming into force</i>	- -	<i>1st March 2009</i>

The Secretary of State, in exercise of the power conferred by section 948(4) of the Companies Act 2006(a), makes the following Order:

Citation and commencement

1. This Order may be cited as the Companies Act 2006 (Amendment of Schedule 2) Order 2009 and comes into force on 1st March 2009.

Amendment of Schedule 2 to the Companies Act 2006

2. Schedule 2 to the Companies Act 2006 (specified persons, descriptions of disclosures etc for the purposes of section 948) is amended as set out in the Schedule.

4th February 2009

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

SCHEDULE

Article 2

Amendments to Schedule 2 to the Companies Act 2006

1. In Part 1 of Schedule 2 (specified persons for the purposes of section 948)—
 - (a) after paragraph 3 insert—

“**3A.** The Treasury of the Isle of Man.”;
 - (b) after paragraph 5 insert—

“**5A.** The Financial Supervision Commission of the Isle of Man.”;
 - (c) after paragraph 7 insert—

“**7A.** The Attorney General of the Isle of Man.”; and
 - (d) after paragraph 12 insert—

“**12A.** The members and officers of each of the Departments constituted by section 1(1) of the Government Departments Act 1987 (an Act of Tynwald: c 13).
“Member” has the same meaning as it has by virtue of section 7(1) of that Act.”.
2. In Part 2 of that Schedule (specified descriptions of disclosures for the purposes of section 948)—
 - (a) after paragraph 14 insert—

“**14A.** A disclosure for the purpose of enabling or assisting an inspector appointed by the High Court of the Isle of Man under the enactments relating to companies to exercise the functions of the inspector.”;
 - (b) after paragraph 22 insert—

“**22A.** A disclosure for the purpose of enabling or assisting a person conducting an investigation under—
 - (a) section 16 of the Collective Investment Schemes Act 2008 (an Act of Tynwald: c 7);
 - (b) Schedule 2 to the Financial Services Act 2008 (an Act of Tynwald: c 8); or
 - (c) Schedule 5 to the Insurance Act 2008 (an Act of Tynwald: c 16),to exercise that person’s functions.”;
 - (c) after paragraph 25 insert—

“**25A.** A disclosure for the purpose of enabling or assisting the Financial Supervision Commission of the Isle of Man to exercise any of its functions.
25B. A disclosure for the purpose of enabling or assisting an auditor of a permitted person (within the meaning of the Financial Services Act 2008 (an Act of Tynwald)) to exercise the auditor’s functions.”;
 - (d) after paragraph 27 insert—

“**27A.** A disclosure for the purpose of enabling or assisting the Treasury of the Isle of Man to exercise its functions under the enactments relating to companies, insurance companies or insolvency.”;
 - (e) after paragraph 29 insert—

“**29A.** A disclosure for the purpose of enabling or assisting—
 - (a) the Insurance and Pensions Authority of the Isle of Man; or

- (b) the Retirement Benefits Schemes Supervisor of the Isle of Man,
to exercise its functions under the Retirement Benefits Schemes Act 2000 (an Act of
Tynwald: c 14).”;
- (f) after paragraph 32 insert—
- “**32A.** A disclosure for the purpose of enabling or assisting the Assessor of Income Tax to
exercise the Assessor’s functions under enactments of the Isle of Man relating to income
tax.”;
- (g) in paragraph 39 after “Attorney General” insert “or the Attorney General of the Isle of
Man”;
- (h) after paragraph 48 insert—
- “**48A.** A disclosure for the purpose of enabling or assisting the body administering a
scheme under section 25 of the Financial Services Act 2008 (an Act of Tynwald)
(compensation schemes) to exercise its functions under the scheme.”;
- (i) after paragraph 52 insert—
- “**52A.** A disclosure with a view to the institution of, or otherwise for the purposes of, civil
proceedings arising under or by virtue of the Financial Services Act 2008 (an Act of
Tynwald).”;
- (j) after paragraph 55 insert—
- “**55A.** A disclosure for the purpose of enabling or assisting an official receiver appointed
in the Isle of Man to exercise the official receiver’s functions under the enactments relating
to insolvency.”.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends Schedule 2 to the Companies Act 2006 (c.46) in consequence of the enactment of the Companies Act 2006 (Extension of Takeover Panel Provisions) (Isle of Man) Order 2008 (S.I. 2008/3122). That Order applied the Takeover Panel provisions of Part 28 of and Schedule 2 to the Companies Act 2006 in the Isle of Man.

This Order amends the list of specified persons and specified descriptions of disclosures set out in Schedule 2 to the Companies Act 2006 as it applies in the United Kingdom. These amendments mirror the amendments made by S.I. 2008/3122 to Schedule 2 as it applies in the Isle of Man. Schedule 2 contains a list of specified persons and specified descriptions of disclosures in respect of whom or which disclosure of information under section 948(1) of the Companies Act 2006 is permitted.

An Impact Assessment has not been produced for this Order as it has no impact on the costs of business, charities or voluntary bodies.

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