
STATUTORY INSTRUMENTS

2010 No. 2537

The Companies Act 2006 (Transfer of Audit Working Papers to Third Countries) Regulations 2010

Rules of recognised supervisory bodies as to transfer of audit working papers

5. For paragraph 16A of Schedule 10 to the Companies Act 2006 (rules of recognised supervisory bodies as to transfer of papers to third countries)(1), and the heading before it, substitute—

“Transfer of papers to third countries

16A.—(1) The body must have adequate rules and practices designed to ensure that a person eligible under its rules for appointment as a statutory auditor transfers audit working papers to a third country competent authority only in accordance with the requirements of—

- (a) paragraph 16AA (transfer to approved third country competent authority), or
- (b) paragraph 16AB (transfer for purposes of investigation).

(2) The body must also have adequate rules and practices designed to ensure that a person eligible under its rules for appointment as a statutory auditor must refuse to transfer audit working papers to a third country competent authority if the Secretary of State directs under section 1253E(6) that such a transfer should not take place.

Transfer to approved third country competent authority

16AA. The requirements of this paragraph are that—

- (a) the transfer is to an approved third country competent authority, and
- (b) the Secretary of State has approved the transfer.

Transfer for purposes of investigation of auditor

16AB.—(1) The requirements of this paragraph are that—

- (a) the transfer to the third country competent authority is made for the purposes of an investigation of an auditor or audit firm, and
- (b) the following conditions are met.

(2) The first condition is that the authority has requested the audit working papers for the purposes of an investigation which has been initiated by itself or another third country competent authority established in the same third country.

(3) The second condition is that the audit working papers relate to audits of companies that—

- (a) have issued securities in that third country, or
- (b) form part of a group issuing statutory consolidated accounts in that third country.

(1) Paragraph 16A was inserted by regulation 24 of [S.I. 2007/3494](#).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(4) The third condition is that, where the authority has made the request for the audit working papers directly to the statutory auditor, the authority has given the Secretary of State advance notice of the request, indicating the reasons for it.

(5) The fourth condition is that the authority has entered into arrangements with the Secretary of State in accordance with section 1253E.”