

2014 No. 1557

COMPANIES

**The Companies Act 2006 (Interconnection of Registers) Order
2014**

<i>Made</i> - - - -	<i>11th June 2014</i>
<i>Laid before Parliament</i>	<i>16th June 2014</i>
<i>Coming into force</i> - -	<i>7th July 2014</i>

The Secretary of State is a Minister designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the creation, operation, regulation or dissolution of companies and other forms of business organisation.

The Secretary of State, in exercise of the powers conferred by section 2(2) and paragraph 1A of Schedule 2(c) of the European Communities Act 1972, makes the following Order.

This Order makes provision for a purpose mentioned in the European Communities Act 1972 and it appears to the Secretary of State that it is expedient for certain references to provisions of EU instruments to be construed as a reference to those provisions as amended from time to time.

Citation and commencement

1. This Order may be cited as the Companies Act 2006 (Interconnection of Registers) Order 2014 and comes into force on 7th July 2014.

Amendment of the Companies Act 2006

2. Part 35 of the Companies Act 2006(d) (the Registrar of Companies) is amended as follows.

3. In section 1059A(3)(e) (scheme of Part 35: provisions applicable to companies), for “1079 (public notice of receipt of certain documents)” substitute “1079A (public notice of certain information)”.

4. In section 1078(1) (documents subject to Directive disclosure requirements), for “the First Company Law Directive (68/151/EEC)” substitute “Directive 2009/101/EC”.

5. After section 1079, insert—

(a) S.I. 2007/193.

(b) 1972 c. 68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7).

(c) Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51).

(d) 2006 c.46.

(e) Section 1059A was inserted by article 3 of S.I. 2009/1802.

“1079A Provision of information for publication on European e-Justice portal

(1) The registrar must provide the information required by Article 3a(1) of Directive 2009/101/EC(a) for publication on the European e-Justice portal in accordance with the portal’s rules and technical requirements.

(2) In this section, “the European e-Justice portal” means the single European electronic access point for legal information, judicial and administrative institutions, registers, databases and other services referred to in Directive 2009/101/EC.

(3) The references in this section to Directive 2009/101/EC and Article 3a of that Directive are to that Directive, and that provision, as amended from time to time.”

Jenny Willott

Parliamentary Under-Secretary of State for Employment Relations and Consumer Affairs
11th June 2014
Department for Business, Innovation and Skills

EXPLANATORY NOTE

(This note is not part of the Order)

This Order implements Article 3a of Directive 2009/101/EC (OJ L 258, 1.10.2009, p. 11) which was inserted by Council Directive 2012/17/EU as regards the interconnection of central, commercial and companies registers (OJ L 156, 16.06.2012, p.1). Consequently this Order amends Part 35 of the Companies Act 2006 (the “2006 Act”) which deals with the functions of the registrar of companies and material delivered to, and registered by, the registrar.

Article 4 amends section 1078 of the 2006 Act, replacing the reference to the First Company Law Directive (68/151/EEC) (OJ L 65, 14.03.1968, p.8) with a reference to Directive 2009/101/EC. Directive 2009/101/EC replaced and repealed the First Company Law Directive.

Article 5 inserts a new section 1079A into the 2006 Act. Section 1079A requires the registrar to provide the information required by Article 3a(1) of Directive 2009/101/EC for publication on the European e-Justice portal. The information required by Article 3a(1) is up-to-date information explaining when persons may rely on the information and documents that are kept on the register maintained under section 1080 of the 2006 Act. The e-Justice portal is the single European electronic access point for information. The publication of the information on the e-Justice portal will enable any person accessing information on the register through the European system of interconnection of registers to ascertain to what extent they may rely on the information.

An impact assessment has not been produced for this Order because no impact on the private or voluntary sector is foreseen. A Transposition Note has been prepared which sets out how Directive 2009/101/EC, as amended by Directive 2012/17/EU, is transposed into UK law by this Order. This is available from the Company Law Directorate, Department for Business, Innovation and Skills, 1 Victoria Street, London SW1, and electronically at www.bis.gov.uk. Copies have been placed in the libraries of both Houses of Parliament.

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(a) OJ L 258, 1.10.2009, p. 11, as last amended by Council Directive 2013/24/EU (OJ L 158, 10.06.2013, p. 365). Article 3a was inserted by Council Directive 2012/17/EU (OJ L 156, 16.06.2012, p. 1).

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