
STATUTORY INSTRUMENTS

2005 No. 1967

**The Companies (Audit, Investigations and
Community Enterprise) (Northern Ireland) Order 2005**

PART III

COMMUNITY INTEREST COMPANIES

Supplementary

Fees

55.—(1) Regulations may require the payment of such fees in connection with the Regulator's functions as may be specified in the regulations.

(2) The regulations may provide for fees to be paid to the registrar of companies (rather than to the Regulator).

(3) The Regulator may charge a fee for any service which is provided otherwise than in pursuance of an obligation imposed by law, other than the provision of guidance which the Regulator considers to be of general interest.

(4) Fees paid by virtue of this Article are to be paid into the Consolidated Fund.

Extension of provisions about registrar etc.

56. Regulations may make amendments or modifications of any provision contained in—

- (a) Part XXIV of the 1986 Order (registrar), or
- (b) Part XXV of that Order (miscellaneous and supplementary),

in consequence of any provision contained in, or made under, this Part (in particular, so as to provide that references to the Companies Orders are to include provisions contained in, or made under, this Part).

Information

57.—(1) Regulations may require the registrar of companies—

- (a) to notify the Regulator of matters specified in the regulations, and
- (b) to provide the Regulator with copies of documents specified in the regulations.

(2) A public authority may disclose to the Regulator, for any purpose connected with the exercise of the Regulator's functions, information received by the authority in connection with its functions.

(3) The Regulator may disclose to a public authority any information received by the Regulator in connection with the functions of the Regulator—

- (a) for a purpose connected with the exercise of those functions, or
- (b) for a purpose connected with the exercise by the authority of its functions.

(4) In deciding whether to disclose information to a public authority in a country or territory outside the United Kingdom the Regulator must have regard to the considerations listed in section 243(6) of the Enterprise Act 2002 (c. 40) (overseas disclosures), but as if the reference to information of a kind to which section 237 of that Act applies were to information of the kind the Regulator is considering disclosing.

(5) The powers to disclose information in paragraphs (2) and (3) are subject to—

- (a) any restriction on disclosure imposed by or under a statutory provision; and
- (b) any express restriction on disclosure subject to which information was supplied.

(6) Information may be disclosed under paragraph (2) or (3) subject to a restriction on its further disclosure.

(7) A person who discloses information in contravention of a restriction imposed under paragraph (6) is guilty of an offence, but a prosecution may be instituted only with the consent of the Regulator or the Director of Public Prosecutions for Northern Ireland.

(8) A person guilty of an offence under paragraph (7) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(9) In this Article “public authority” means a person or body having functions of a public nature.

Orders made by Regulator

58.—(1) An order made by the Regulator under this Part must be given to the community interest company in relation to which it is made and—

- (a) if the order is under Article 44(1) or (3), to the director removed or suspended,
- (b) if the order is under Article 46(1)(b) or (2), to the person to whom the order is directed,
- (c) if the order is under Article 47(1), to the persons from and to whom shares are transferred,
- (d) if the order is under Article 47(2), to the person whose interest is extinguished and any person appointed in his place.

(2) Orders made by the Regulator under this Part may contain any incidental or supplementary provisions the Regulator considers expedient.

(3) When discharging an order made under this Part, the Regulator may make savings and transitional provisions.

(4) A document certified by the Regulator to be a true copy of an order made by the Regulator is evidence of the order without further proof; and a document purporting to be so certified shall, unless the contrary is proved, be taken to be so certified.

(5) Where the Regulator makes an order or decision against which an appeal lies under this Part, the Regulator must give reasons for the order or decision to the persons entitled to appeal against it.

Regulations

59.—(1) Any power to make regulations under this Part is exercisable by the Department.

(2) Regulations under this Part may confer or impose functions on the Regulator or any other person specified in the regulations (and, unless made under paragraph 4 of Schedule 5, may provide for appeals to the Appeal Officer from a person on whom functions are conferred by the regulations).

(3) No regulations to which this paragraph applies are to be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

(4) Paragraph (3) applies to regulations made under (or containing provision made under)—

- (a) Article 29,

- (b) Article 30,
- (c) Article 31,
- (d) Article 33,
- (e) Article 34,
- (f) Article 35,
- (g) Article 36,
- (h) Article 45, and
- (i) Article 54.

(5) Regulations under this Part are (unless a draft of them has been approved by the Assembly under paragraph (3)) subject to negative resolution.

Interpretation of Part III

60.—(1) In this Part—

“administrative receiver” has the meaning given by Article 5(1) of the [Insolvency \(Northern Ireland\) Order 1989 \(NI 19\)](#),

“the Appeal Officer” has the meaning given by Article 27(1),

“charity” has the same meaning as in the Charities Act (Northern Ireland) 1964 (c. 33),

“community interest object” is to be construed in accordance with Article 34(3),

“the community interest test” is to be construed in accordance with Article 34(2),

“excluded company” is to be construed in accordance with Article 34(6),

“the Official Property Holder” has the meaning given by Article 28(1),

“the Regulator” has the meaning given by Article 26(1).

(2) Any expression used in this Part and in the 1986 Order has the same meaning in this Part as in that Order.