

SCHEDULE 3

Regulation 4

Consequential Amendments

Civil Aviation Act 1982 (c. 16)

1. In section 23(3) of the Civil Aviation Act 1982 (when reasonable inquiries to find a body corporate deemed to have been made)(1) in paragraph (b) for the words from “made” to the end there shall be substituted

“made—

- (i) at every address registered in respect of that company for the purposes of section 691(1)(b) (ii) of the said Act of 1985 or, as the case may be, at every address for service registered in respect of that company under Schedule 2A to that Act, and
- (ii) at every address registered in respect of that company for the purposes of Article 641(1)(b) (ii) of the said Order of 1986 or, as the case may be, at every address for service registered in respect of a branch of that company under Schedule 20A to that Order.”

Insurance Companies Act 1982 (c. 50)

2. In section 87(2) of the Insurance Companies Act 1982 (application of provisions to insurance companies)(2) for paragraph (c) there shall be substituted—

“(c) Articles 641, 642, 643(1) and (2), 645, 646 to 648, 649 to 652 and 657 of the Companies (Northern Ireland) Order 1986.”

Companies (Northern Ireland) Order 1986

3. The 1986 Order shall be amended as mentioned in paragraphs 4 to 8.

4. In Article 654(5)(3) there shall be inserted the following before paragraph (a):

“(za) any Part XXIII company which has complied with paragraph 1 of Schedule 20A other than a company which appears to the registrar not to have a branch in Northern Ireland;”

5. In Articles 655(2)(a) and 656(4)(a) (documents required to be delivered to the registrar to state company’s registered number)(4) there shall be inserted at the end “and, if the document is delivered under Article 645A, 652O or 652P or Schedule 20A or 20D, the registered number of the branch to which it relates,”.

6. In Article 660(1) (public notice by registrar of receipt of certain documents)(5) there shall be inserted at the end—

- “(u) any return delivered under paragraph 1, 7 or 8 of Schedule 20A (branch registration),
- (v) any document delivered under paragraph 1 or 8 of that Schedule,
- (w) any notice under Article 645A of the closure of a branch,

(1) 1982 (c. 16) as amended by the Companies Consolidation (Consequential Provisions) (Northern Ireland) Order 1986 (S.I. 1986/1035 (N.I. 9))

(2) 1982 (c. 50) as amended by the Companies Consolidation (Consequential Provisions) (Northern Ireland) Order 1986

(3) Article 654 was inserted into the 1986 Order by Article 78 of, and paragraph 13 of Schedule 5 to, the Companies (No. 2) (Northern Ireland) Order 1990

(4) Articles 655 and 656 were substituted by Article 59 of the Companies (No. 2) (Northern Ireland) Order 1990

(5) Article 660 of the 1986 Order was amended by regulation 3 of the Companies (Mergers and Divisions) Regulations (Northern Ireland) 1987, S.R. 1987 No. 442

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- (x) any document delivered under Schedule 20C (accounts and reports of foreign credit and financial institutions),
- (y) any document delivered under Schedule 20D (accounts and reports of Part XXIII companies subject to branch registration, other than credit and financial institutions),
- (z) any return delivered under Article 652O (particulars of winding up of Part XXIII companies subject to branch registration).”.

7. In Article 663(1) (registrar’s index of company and corporate names) after sub-paragraph (a) there shall be inserted—

“(aa) companies incorporated outside the United Kingdom and Gibraltar which have complied with paragraph 1 of Schedule 20A and which do not appear to the registrar not to have a branch in Northern Ireland.”.

8.—(1) Schedule 23 (punishment of offences) shall be amended as follows.

(2) The following entries shall be inserted at the appropriate places—

“647(3)	Part XXIII company failing to comply with Article 645A or Schedule 20A.	Summary.	For an offence which is not a continuing offence, a fine of £400.	£40.
652Q(1)	Company failing to register winding up or commencement of insolvency proceedings etc.	1. On indictment. 2. Summary.	A fine. A fine of £2,000.	£100.
652Q(2)	Liquidator failing to register appointment, termination of winding up or striking-off of company.	1. On indictment. 2. Summary.	A fine. A fine of £2,000.	£100.
Sch. 20C, Part I, para 6.	Credit or financial institution failing to deliver accounting documents.	1. On indictment. 2. Summary.	A fine. A fine of £2,000.	£100.
Sch. 20C, Part II, para. 13.	Credit or financial institution failing to deliver accounts and reports.	1. On indictment. 2. Summary.	A fine. A fine of £2,000.	£100.
Sch. 20D, Part I, para. 5	Company failing to deliver accounting documents.	1. On indictment. 2. Summary.	A fine. A fine of £2,000.	£100.
Sch. 20D, Part II, Para. 13.	Company failing to deliver accounts and reports.	1. On indictment. 2. Summary.	A fine. A fine of £2,000.	£100.”.

Banking Act 1987 (c. 22)

9.—(1) Section 79 of the Banking Act 1987 (duty to provide information and documents) shall be amended as follows.

(2) In subsection (2) after paragraph (a) there shall be inserted—

“(aa) in the case of an overseas institution to which section 690A of that Act or Article 640A of that Order applies, copies of the documents which it is required to deliver for registration in accordance with paragraph 1(1) or (2) of Schedule 21A to that Act or paragraph 1(1) or (2) of Schedule 20A to that Order.”

(3) In subsection (5)—

(a) for “section 692 or 696(4) of the said Act of 1985 or Article 642 or 646 of the said Order of 1986” there shall be substituted “section 692, 695A(3) or 696 of, or paragraph 7 or 8 of Schedule 21A to the said Act of 1985 or Article 642, 645A or 646 of, or paragraph 7 or 8 of Schedule 20A to the said Order or 1986”;

(b) for “that section or Article applied” there shall be substituted “that section, paragraph or Article applied”.

The Companies (No. 2) (Northern Ireland) Order 1990

10. Schedule 1 to the Companies (No. 2) (Northern Ireland) Order 1990 (which prospectively inserts new Articles 652A to 652M into the 1986 Order) shall be amended as mentioned in paragraphs 11 to 13.

11. In the new Article 652A(3) (definition of “registered Part XXIII company”), prospectively inserted by Schedule 1, after “which” there shall be inserted—

“(a) has duly delivered documents under paragraph 1 of Schedule 20A to the registrar and has not subsequently given notice to him under Article 645A that it has closed the branch in respect of which the documents were registered, or

(b)”

12. In the new Article 652B(2) (date for determining whether a charge requires registration), prospectively inserted by Schedule 1, for paragraph (a) there shall be substituted—

“(a) in the case of a charge over property of a company at the date when it becomes a registered Part XXIII company, as at that date.”

13.—(1) The new Article 652D (duty to deliver particulars of charges for registration), prospectively inserted by Schedule 1, shall be amended as follows.

(2) In paragraph (1), for “delivers documents for registration under Article 641” there shall be substituted—

“(a) delivers documents for registration under paragraph 1 of Schedule 20A for the first time since becoming a company to which Article 640A applies, or

(b) delivers documents for registration under Article 641.”

(3) After that paragraph there shall be inserted—

“(1A) Paragraph (1) does not apply in relation to a charge if—

(a) the particulars of it required to be delivered under that paragraph have already been so delivered to the registrar, and

(b) the company has at all times since they were so delivered to him been a registered Part XXIII company”.

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