

1991 No. 289 (C. 14)**COMPANIES****Companies (1990 No. 2 Order) (Commencement No. 3)
Order (Northern Ireland) 1991***Made**5th July 1991*

The Department of Economic Development, in exercise of the powers conferred on it by Article 1 of the Companies (No. 2) (Northern Ireland) Order 1990(a) and paragraph 2(1) of Schedule 1 to the Northern Ireland Act 1974(b) and of every other power enabling it in that behalf, hereby makes the following Order:

Citation and interpretation

1. This Order may be cited as the Companies (1990 No. 2 Order) (Commencement No. 3) Order (Northern Ireland) 1991.

2. In this Order “the 1986 Order” means the Companies (Northern Ireland) Order 1986(c) and “the 1990 (No. 2) Order” means the Companies (No. 2) (Northern Ireland) Order 1990.

Provisions of the 1990 (No. 2) Order brought into operation by this Order

3. The following provisions of the 1990 (No. 2) Order shall come into operation on 19th August 1991:—

- (a) Articles 44 to 47, subject to the transitional and saving provisions set out in Article 4;
- (b) Articles 59 and 61(1), (2) and (4) together with, to the extent that it has the effect of inserting into Schedule 21 to the 1986 Order a reference to the new Articles 655, 656 and 664A of the 1986 Order inserted by those Articles, Article 61(7);
- (c) Article 70, and
- (d) paragraphs 10 and 11 of Schedule 5, together with Article 78 so far as it extends to those paragraphs.

Transitional and saving provisions relating to Articles 44 to 47 of the 1990 (No. 2) Order

4.—(1) Nothing in new Article 45 of the 1986 Order (as inserted by Article 44(1) of the 1990 (No. 2) Order) shall affect the validity or invalidity of any act done by a company prior to 19th August 1991; nor shall paragraph

(a) S.I. 1990/1504 (N.I. 10)

(b) 1974 c. 28

(c) S.I. 1986/1032 (N.I. 6)

(3) of that Article enable any ratification of any action taken by the directors of a company prior to that date.

(2) Nothing in Article 45A of the 1986 Order (as inserted by Article 44(1) of the 1990 (No. 2) Order) shall affect the validity or invalidity of any act of or transaction entered into by a company prior to 19th August 1991.

(3) Nothing in Article 330A of the 1986 Order (as inserted by Article 45(1) of the 1990 (No. 2) Order) shall affect any transaction entered into by a company prior to 19th August 1991.

(4) Nothing in Article 9A of the Charities (Northern Ireland) Order 1987(a) (as inserted by Article 47(1) of the 1990 (No. 2) Order) shall be construed as affecting any act of or transaction entered into by a company prior to 19th August 1991.

(5) In this Article "company" includes any body corporate to which Articles 45, 45A and 330A apply by virtue of any statutory provision.

Repeal

5. The repeal effected by Schedule 6 to the 1990 (No. 2) Order of Article 657(1)(b) of the 1986 Order, together with Article 113 so far as relating to that repeal, shall come into operation on 19th August 1991.

Sealed with the Official Seal of the Department of Economic Development on 5th July 1991.

(L.S.)

A. H. McAlister

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order brings into operation certain of the provisions of the Companies (No. 2) (Northern Ireland) Order 1990 ('the 1990 (No. 2) Order').

Article 3 brings into operation, on 19th August 1991, Articles 44 to 47 of the 1990 (No. 2) Order which deal with a company's capacity and related matters. Article 4 sets out transitional and saving provisions with respect to those Articles, the effect of which is to clarify that they are to have no retrospective effect.

Article 3 also brings into operation on 19th August 1991 the following provisions of the 1990 (No. 2) Order:

- (a) Articles 59 and (in part) 61 which insert new Articles into the Companies (Northern Ireland) Order 1986 dealing with the form in which documents are to be delivered to the registrar of companies and connected matters;
- (b) Article 70 (orders imposing restrictions on shares), and
- (c) paragraphs 10 and 11 of Schedule 5 (removal of restriction on transfer of shares and protection of company's members against unfair prejudice).

Article 5 brings into operation on 19th August 1991 the repeal of certain words in Article 657(1)(b) of the Companies (Northern Ireland) Order 1986 effected by Schedule 6 to, and Article 113 of, the 1990 (No. 2) Order.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order.)

The following provisions of the Companies (No. 2) (Northern Ireland) Order 1990 have been brought into operation by commencement order made before the date of this Order:—

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.R. No.</i>
Arts. 1 to 7	11th March 1991	1991 No. 26 (C. 2)
Arts. 9 to 12	11th March 1991	1991 No. 26 (C. 2)
Art. 13 (partially)	11th March 1991	1991 No. 26 (C. 2)
Arts. 14 to 23	11th March 1991	1991 No. 26 (C. 2)
Arts. 24 and 25 (partially)	11th March 1991	1991 No. 26 (C. 2)
Arts. 26 and 27	11th March 1991	1991 No. 26 (C. 2)
Arts. 48 to 58	11th March 1991	1991 No. 26 (C. 2)
Art. 62, Sch. 3	20th May 1991	1991 No. 153 (C. 9)
Arts. 64 and 65, Sch. 4	20th May 1991	1991 No. 153 (C. 9)
Arts. 66 and 67	11th March 1991	1991 No. 26 (C. 2)

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Art. 69 (partially)	11th March 1991	1991 No. 26 (C. 2)
Arts. 71 and 72	11th March 1991	1991 No. 26 (C. 2)
Art. 73	20th May 1991	1991 No. 153 (C. 9)
Art. 75	11th March 1991	1991 No. 26 (C. 2)
Art. 78 (partially), Sch. 5 (partially)	11th March 1991	1991 No. 26 (C. 2)
Art. 113 (partially), Sch. 6 (partially)	11th March 1991 or 20th May 1991	1991 No. 26 (C. 2) or 1991 No. 153 (C. 9)