

---

DRAFT STATUTORY INSTRUMENTS

---

**2008 No.**

**The Companies Act 2006 (Consequential Amendments)  
(Taxes and National Insurance) Order 2008**

**PART 3**

**CONSEQUENTIAL AMENDMENTS TO SECONDARY  
LEGISLATION COMING INTO FORCE ON 6TH APRIL 2008**

*The Value Added Tax Regulations 1995 (S.I. 1995/2518)*

**Introduction**

**43.** The Value Added Tax Regulations 1995 are amended as follows.

**Time of supply and time of acquisition: general**

**44.** In regulation 94B(4)(1) for “section 259 of the Companies Act 1985” substitute “section 1161 of the Companies Act 2006”.

**Input tax and partial exemption: adjustment of attribution**

**45.** In regulation 107E(2)(2) for “section 259 of the Companies Act 1985” substitute “section 1161 of the Companies Act 2006”.

*The Insurance Companies (Reserves) (Tax) Regulations 1996 (S.I. 1996/2991)*

**Interpretation**

**46.** In regulation 2(2)(a) of the Insurance Companies (Reserves) (Tax) Regulations 1996 for “Part VII of the Companies Act 1985” substitute “Part 15 of the Companies Act 2006”.

*The Non-Resident Companies (General Insurance Business) Regulations 1999 (S.I. 1999/1408)*

**Modifications of the Income and Corporation Taxes Act 1988**

**47.** In regulation 4 of the Non-Resident Companies (General Insurance Business) Regulations 1999, in section 754AA(11)(a), for “sub-paragraph (4) of paragraph 52 of Schedule 9A to the Companies Act 1985” substitute “sub-paragraph (4) of paragraph 58 of Schedule 3 to the Large and Medium-sized Companies and Groups (Accounts and Reports) Regulations 2008”.

---

(1) Regulation 94B was inserted by [S.I. 2003/2318](#).  
(2) Regulation 107E was inserted by [S.I. 2002/1074](#).

*The Stamp Duty Reserve Tax (UK Depository Interests  
in Foreign Securities) Regulations 1999 (S.I. 1999/2383)*

**Interpretation**

**48.** In regulation 2 of the Stamp Duty Reserve Tax (UK Depository Interests in Foreign Securities) Regulations 1999, in the definition of “depository interest”, for “section 207 of the Companies Act 1989 (transfer of securities without written instrument)” substitute “section 785 of the Companies Act 2006 (provision enabling procedures for evidencing and transferring title)”.

*The Stamp Duty and Stamp Duty Reserve Tax (Definition of Unit Trust Scheme  
and Open-ended Investment Company) Regulations 2001 (S.I. 2001/964)*

**Interpretation**

**49.** In regulation 2(1) of the Stamp Duty and Stamp Duty Reserve Tax (Definition of Unit Trust Scheme and Open-ended Investment Company) Regulations 2001, in the definition of “qualifying EEA investment company”, for “section 266(2) of the Companies Act 1985” substitute “section 833(2) of the Companies Act 2006”.

*The Social Security (Contributions) Regulations 2001 (S.I. 2001/1004)*

**Definition of “company”**

**50.** In regulation 1(2) of the Social Security (Contributions) Regulations 2001, in the definition of “company”, for “section 718 of that Act, any provision of that Act” substitute “regulations made under section 1043 of the Companies Act 2006, any provision of those Acts”.

*The Tobacco Products Regulations 2001 (S.I. 2001/1712)*

**Interpretation of Schedule**

**51.** For paragraph 11 of the Schedule to the Tobacco Products Regulations 2001(3) substitute—

**“Interpretation**

**11.** For the purposes of this Schedule—

- (a) “undertaking” has the meaning given by section 1161(1) of the Companies Act 2006, and
- (b) “parent undertaking” and “subsidiary undertaking” have the meanings given by section 1162 of that Act.”.

*The Non-resident Insurance Companies Regulations 2003 (S.I. 2003/2714)*

**Interpretation: meaning of “technical provision”**

**52.** In regulation 3(4) of the Non-resident Insurance Companies Regulations 2003 for “Schedule 9A to the Companies Act 1985” substitute “Schedule 3 to the Large and Medium-sized Companies and Groups (Accounts and Reports) Regulations 2008”.

---

(3) The Schedule was inserted by [S.I. 2006/2368](#).

*The Value Added Tax (Disclosure of Avoidance Schemes) (Designations) Order 2004 (S.I. 2004/1933)*

**Interpretation**

**53.** In regulation 2(5) of the Value Added Tax (Disclosure of Avoidance Schemes) (Designations) Order 2004 for “section 259 of the Companies Act 1985” substitute “section 1161 of the Companies Act 2006”.

*The Venture Capital Trust (Winding up and Mergers) (Tax) Regulations 2004 (S.I. 2004/2199)*

**Mergers of Venture Capital Trusts**

**54.** In regulation 9(3)(b) of the Venture Capital Trust (Winding up and Mergers) (Tax) Regulations 2004 for “section 117 of the Companies Act 1985” substitute “section 761 of the Companies Act 2006”.

*The Registered Pension Schemes (Audited Accounts) Regulations 2005 (S.I. 2005/3456)*

**Introduction**

**55.** The Registered Pension Schemes (Audited Accounts) Regulations 2005 are amended as follows.

**Specified descriptions of persons**

**56.** In regulation 2 for paragraph (a) substitute—

“(a) a person specified in section 1212 of the Companies Act 2006 (individuals and firms: eligibility for appointment as a statutory auditor);”.

**Circumstances in which a specified person is not to audit scheme accounts**

**57.** In regulation 3 for “section 27 of the Companies Act 1989” substitute “section 1214 of the Companies Act 2006”.