



# Companies Act 1976

## 1976 CHAPTER 69

### PART II

#### MISCELLANEOUS AND SUPPLEMENTARY

##### *Supplementary provisions*

#### **40 Application of this Act to certain companies not formed under the Act of 1948**

Part VII of the Act of 1948 (which relates to companies formed or registered under the former Acts there mentioned) and section 394 of that Act (which relates to companies not formed under that Act but registering under it) shall apply for the purpose of the application of the provisions of this Act to such companies as aforesaid as they apply for the purpose of the application thereto of the provisions of the Act of 1948.

#### **41 Application of certain provisions of this Act to unregistered companies**

Section 435 of, and Schedule 14 to, the Act of 1948 (which provide for the application of certain provisions of that Act to unregistered companies) shall have effect as if sections 1 to 7, 12 to 19 and 35 of this Act were provisions of that Act and—

- (a) in the case of sections 1 to 7 and 12 to 19, were included among the sections of that Act specified in that Schedule which relate to accounts and audit; and
- (b) in the case of section 35, were included among the provisions of that Act specified in the last entry in column 2 of that Schedule ;

and the reference in the last entry in column 3 of that Schedule to provisions applied by virtue of the foregoing entries in that Schedule shall be construed accordingly.

#### **42 Minor and consequential amendments and repeals**

- (1) The enactments mentioned in Schedule 2 to this Act shall have effect subject to the amendments there specified, being minor amendments and amendments consequential on the provisions of this Act.

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- (2) Subject to sections 7(3), 14(12) and 23(5) above and to subsection (3) below, the enactments mentioned in Schedule 3 to this Act (which include spent enactments) are hereby repealed to the extent specified in the third column of that Schedule.
- (3) Nothing in the repeals made by this Act shall affect the operation of any enactment repealed in relation to any offence—
- (a) for which a penalty was before the date on which the repeal comes into operation provided by reference to the days during which the offence had continued ; and
  - (b) which is continuing at, but began before, that date.

### **43 Expenses**

Any administrative expenses incurred by the Secretary of State by virtue of this Act shall be defrayed out of moneys provided by Parliament.

### **44 Interpretation**

- (1) In this Act—
- " the Act of 1948 " means the Companies Act 1948 ;
  - " the Act of 1967 " means the Companies Act 1967 ;
  - " the Companies Acts " means the Acts which under section 45(2) below may be cited together as the Companies Acts 1948 to 1976 ; and
  - " overseas company " has the meaning given in section 9(1) above.
- (2) Except in so far as the context otherwise requires, any expression to which a meaning is assigned by the Act of 1948 for the purposes of that Act has that meaning also for the purposes of this Act.
- (3) References in this Act to a body corporate shall be construed as not including a corporation sole or a Scottish firm but as including a company incorporated outside Great Britain.
- (4) Except in so far as the context otherwise requires, any reference in this Act to an enactment shall be construed as a reference to that enactment as amended or extended by or under any other enactment, including this Act.
- (5) Any reference in the Act of 1948, the Act of 1967 or any other Act passed before this Act to an enactment which is amended by this Act shall, unless the context otherwise requires, be construed as referring to that enactment as so amended.

### **45 Short title, citation, commencement and extent. Schedules:**

- (1) This Act may be cited as the Companies Act 1976.
- (2) The Companies Act 1948, Parts I and III of the Companies Act 1967, The Companies (Floating Charges and Receivers) (Scotland) Act 1972, section 9 of the European Communities Act 1972, sections 1 to 4 of the Stock Exchange (Completion of Bargains) Act 1976, section 9 of the Insolvency Act 1976 and this Act may be cited together as the Companies Acts 1948 to 1976.

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- (3) This Act shall come into operation on such date as may be specified by the Secretary of State by order made by statutory instrument, and different dates may be so specified for different provisions and for different purposes.
- (4) Nothing in this Act except the provisions which relate to companies incorporated outside Great Britain shall apply to or in relation to companies registered or incorporated in Northern Ireland; and nothing in this Act shall affect the law in force in Northern Ireland at the passing of this Act.