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STATUTORY INSTRUMENTS

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**1990 No. 2569**

**The Companies Act 1989 (Commencement No. 8  
and Transitional and Saving Provisions) Order 1990**

**Transitional and saving provisions relating to provisions commenced in Part I of the 1989 Act**

**6.—(1) Notwithstanding:**

- (a) the repeal of section 245 of the 1985 Act as originally enacted by the commencement by this Order of section 12 of the 1989 Act; and
- (b) the commencement by this Order of the provisions in paragraph 24(2) of Schedule 10 to the 1989 Act which omit the references to the said section 245 in Schedule 24 to the 1985 Act (Punishment of offences);

section 245 of the 1985 Act as originally enacted (together with the references to that section in Schedule 24 to the 1985 Act) shall continue to have effect:

- (i) with respect to a company's accounts for a financial year commencing on a date prior to 23rd December 1989, where those accounts are laid before the company in general meeting or delivered to the registrar on or after 7th January 1991; and
- (ii) with respect to the annual accounts of a company for a financial year commencing on or after 23rd December 1989, if those accounts have been approved by the directors under section 233 of the 1985 Act (as inserted by section 7 of the 1989 Act) prior to 7th January 1991 but are laid before the company in general meeting or delivered to the registrar on or after that date.

Nothing in this paragraph is to be taken as prejudicing the application of section 16 of the Interpretation Act 1978 (Repealing enactments: General Savings)(1).

(2) Section 233(5) of the 1985 Act (as inserted by section 7 of the 1989 Act) and sections 245(1) and (2), 245A and 245B of the 1985 Act (all as inserted by section 12 of the 1989 Act) shall have effect, as from their commencement, with respect to the annual accounts of a company for a financial year commencing on or after 23rd December 1989, but shall not apply with respect to a company's accounts for a financial year commencing prior to that date.

(3) In this article "a company's accounts" has the meaning given to it by section 239 of the 1985 Act as originally enacted and other expressions shall bear the meaning ascribed to them in the 1985 Act as amended by the 1989 Act.

(4) The transitional and saving provisions set out in this article shall have effect (so far as applicable) in relation to any body corporate to which Part VII of the 1985 Act is applied (whether or not subject to modification) by any enactment (including any subordinate legislation within the meaning of section 21(1) of the Interpretation Act 1978) as they have effect in relation to a company, unless the context otherwise requires, and accordingly references in this Article to a company shall be construed as including such a body corporate.