

SCHEDULE 2

Regulation 5

CONSEQUENTIAL AMENDMENTS OF THE COMPANIES (REVISION OF DEFECTIVE ACCOUNTS AND REPORT) REGULATIONS 1990

1. The Companies (Revision of Defective Accounts and Report) Regulations 1990 shall be amended as follows

2. The following regulations shall be inserted after regulation 6—

“**6A.**—(1) Subject to the next paragraph, where a company's reporting accountant has, prior to the preparation of the revised accounts, made a report for the purposes of section 249A(2) of the Act on the original annual accounts, he shall make a further report to the company's members under this Regulation on any revised accounts prepared under section 245 of the Act and section 249C of the Act shall apply *mutatis mutandis*.

(2) The directors of the company may resolve that the further report is to be made by a person who was not the original reporting accountant, but is qualified to act as the reporting accountant of the company.

(3) Subsections (2)

to (4) of section 236 of the Act shall apply to a report under this Regulation as they apply, by virtue of section 249E(2)(a) of the Act, to a report made for the purposes of section 249A(2) of the Act.

(4) A report under this Regulation shall, upon being signed by the reporting accountant, be, as from the date of the signature, the report on the annual accounts of the company for the purposes of section 249A(2) of the Act in place of the report on the original annual accounts.

6B.—(1) Where as a result of the revisions to the accounts a company which, in respect of the original accounts, was exempt from audit by virtue of subsection (1) of section 249A of the Act, becomes a company which is eligible for exemption from audit only by virtue of subsection (2) of that section, it shall cause a report to be prepared in accordance with section 249C of the Act in respect of the revised accounts.

(2) Where as a result of the revisions to the accounts, the company is no longer entitled to exemption from audit under section 249A(1) or (2) of the Act, the company shall cause an auditors' report on the revised accounts to be prepared.

(3) The report made in accordance with section 249C of the Act or auditors report shall be delivered to the registrar within 28 days after the date of revision of the revised accounts

(4) Subsections (2)

to (5) of section 242 of the Act shall apply with respect to a failure to comply with the requirements of this Regulation as they apply with respect to a failure to comply with the requirements of subsection (1) of that section but as if—

(a) the references in subsections (2) and (4) of that section to “the period allowed for laying and delivering accounts and reports” were references to the period of 28 days referred to in paragraph (3); and

(b) the references in subsection (5) to “the documents in question” and “this Part” were, respectively, a reference to the documents referred to in paragraph (3) and to the provisions of Part VII of the Act as applied by these Regulations.”

3. The following regulation shall be inserted after Regulation 14—

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“Companies exempt from audit by virtue of section 249A of Companies Act 1985

14A.—(1) Where a company is exempt by virtue of section 249A(1)

of the Act from the provisions of Part VII of the Act relating to the audit of accounts, these Regulations shall have effect as if any reference to an auditors report, or to the making of such a report, were omitted.

(2) Where a company is exempt by virtue of section 249A(2)

of the Act from the provisions of Part VII of the Act relating to the audit of accounts, regulations 10 to 13 shall have effect as if—

- (a) references to the auditors report on any accounts were references to the report made for the purposes of section 249A(2) in respect of those accounts, and
- (b) references to the auditors report on a revised directors report were omitted.”