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STATUTORY INSTRUMENTS

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**1996 No. 315**

**COMPANIES**

**The Companies (Revision of Defective Accounts  
and Report) (Amendment) Regulations 1996**

<i>Made</i>	- - - -	<i>13th February 1996</i>
<i>Laid before Parliament</i>		<i>20th February 1996</i>
<i>Coming into force</i>	- -	<i>1st April 1996</i>

The Secretary of State, in exercise of the powers conferred on him by section 245 of the Companies Act 1985(1) and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

1. These Regulations may be cited as the Companies (Revision of Defective Accounts and Report) (Amendment) Regulations 1996 and shall come into force on 1st April 1996.

2. The Companies (Revision of Defective Accounts and Report) Regulations 1990(2) (“the 1990 Regulations”) are amended in accordance with regulations 3 to 7 below.

3. In regulations 6(1) and 7(1) of the 1990 Regulations, for the words from “where a company’s auditors” to “make a further report” substitute “a company’s current auditors shall make a report or (as the case may be) further report under section 235 of the Act”.

4. In regulation 9(1) of the 1990 Regulations, for “Regulation 4” substitute “Regulation 5”.

5. In regulation 10(3) of the 1990 Regulations after “The directors shall also” insert “, not more than 28 days after the revision,”.

6. After regulation 13 of the 1990 Regulations insert—

“**13A.**—(1) This Regulation has effect (subject to Regulation 16(2)) where the directors have delivered to the registrar abbreviated accounts which do not comply with the provisions of the Act for reasons other than those specified in Regulation 13(2) above.

(2) The directors of the company shall cause the company—

(a) to prepare further abbreviated accounts under section 246 in accordance with the provisions of that section and Schedule 8 to the Act, and

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(1) 1985 c. 6; section 245 was substituted by section 12 of the Companies Act 1989 (c. 40), and amended by regulation 4 of, and paragraph 2 in Part I of Schedule 1 to, S.I. 1994/1935.

(2) S.I. 1990/2570, amended by regulation 10 of S.I. 1992/3075, by regulation 5 of, and Schedule 2 to, S.I. 1994/1935 and by regulation 12 of S.I. 1995/2092.

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**Status:** This is the original version (as it was originally made).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

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- (b) to deliver those accounts to the registrar within 28 days after the date of revision together with a statement as to the effect of the revisions made.
  - (3) Section 242(2) to (5) 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 section 242(1) but as if—
    - (a) the references in section 242(2) and (4) to “the period allowed for laying and delivering accounts and reports” was a reference to the period of 28 days referred to in the last paragraph; the reference in section 242(2) to “that period” shall be construed accordingly, and
    - (b) the references in section 242(5) to “the documents in question” were a reference to the documents referred to in paragraph (2)(a) and to the provisions of Part VII of the 1985 Act as applied by these Regulations.”.
7. In Regulation 16(2) of the 1990 Regulations after “Regulation 13” insert “or 13A”.

Department of Trade and Industry  
13th February 1996

*Phillip Oppenheim*  
Minister for Company Affairs,

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, which are made under section 245 of the Companies Act 1985 (c. 6), make certain amendments to the Companies (Revision of Defective Accounts and Report) Regulations 1990 (S.I. 1990/2570). In particular—

(a) regulation 3 amends regulations 6(1) and 7(1) of the 1990 Regulations to make it clear that a company's current auditors are required to report on any revised accounts (or revised directors' report) prepared under section 245 unless the directors engage the former auditors under regulation 6(2) or 7(2);

(b) regulation 5 amends regulation 10(3) of the 1990 Regulations to make it clear that the obligation under that provision must be complied with not more than 28 days after the date of revision of the accounts (or directors' report) under section 245; and

(c) regulation 6 inserts a new regulation 13A into the 1990 Regulations which provides for the preparation and delivery to the registrar of companies of revised abbreviated accounts (as defined in regulation 13(1) of the 1990 Regulations) in addition to the provision already made by regulation 13.