

SCHEDULE 2

Article 32(2)

Amendment of the Companies (Summary Financial Statement) Regulations 1995

1. The Companies (Summary Financial Statement) Regulations 1995 are amended as follows.

2.—(1) Regulation 2 (interpretation) is hereby renumbered regulation 2(1), and the following definitions are inserted at the appropriate places—

““address” means the same as in section 262(1) of the Companies Act 1985;

“communication” means the same as in the Electronic Communications Act 2000;

“electronic communication” means the same as in the Electronic Communications Act 2000;”.

(2) Insert the following paragraph after regulation 2(1)—

“(2) References in these Regulations to sending an entitled person copies of the full accounts and reports include sending such copies in accordance with section 238(4A) and (4B), and references to sending an entitled person a summary financial statement include sending such a statement in accordance with section 251(2A) and (2B).”

3. In regulation 4 (ascertainment of entitled person’s wishes)—

(a) in paragraph (2)(a) omit the words “in writing”,

(b) in paragraph (3), after the words “paragraph (2)(a) above” insert the words “and subject to paragraph (3A) below”, and

(c) insert the following paragraph after paragraph (3)—

“(3A) If a relevant notification is not in writing, it must be contained in an electronic communication transmitted to the company at an address specified by or on behalf of the company for that purpose.”

4.—(1) Regulation 5 (consultation by notice) is amended as follows.

(2) In paragraph (1)—

(a) for the words “authorised by the company’s” substitute the words “in which the company may send notices of meetings pursuant to the 1985 Act or its”,

(b) in sub-paragraph (a) for the words “in writing” substitute “either in writing or by sending the notification in an electronic communication to an address specified for that purpose”, and

(c) in sub-paragraph (c) omit the word “printed”.

(3) In paragraph (2)—

(a) for the words from “printed card” to “paid by the company”, substitute “card or form (in respect of which, in the case of a card or form sent by post, any postage necessary for its return to the company has been, or will be, paid by the company),”, and

(b) after the words “returning the card or form” insert “either by post or in an electronic communication sent to a specified address”.

(4) In paragraph (3), omit the word “printed”.

5.—(1) Regulation 6 (relevant consultation) is amended as follows.

(2) In paragraph (2)—

(a) for the words “authorised by the company’s” substitute the words “in which the company may send notices of meetings pursuant to the 1985 Act or its”,

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- (b) in sub-paragraph (a), for the words “in writing” substitute “either in writing or by sending the notification in an electronic communication to an address specified for that purpose”, and
 - (c) in sub-paragraph (d)—
 - (i) omit the word “printed”,
 - (ii) after the words “in respect of which” insert “, in the case of a card or form sent by post,”, and
 - (iii) after the words “returning the card or form” insert “either by post or in an electronic communication sent to a specified address”.
- 6.** In paragraph (5)(b) of regulation 7 (provisions applying to all companies and groups), omit the words “in writing”.