

2005 No. 715

COMPANIES

**The Supervision of Accounts and Reports (Prescribed Body)
Order 2005**

<i>Made</i> - - - -	<i>15th March 2005</i>
<i>Laid before Parliament</i>	<i>16th March 2005</i>
<i>Coming into force</i> - -	<i>6th April 2005</i>

Whereas it appears to the Secretary of State that the Financial Reporting Review Panel is a body:

- (a) having an interest in, and having satisfactory procedures directed to, monitoring compliance by issuers of listed securities with accounting requirements imposed by listing rules in relation to periodic accounts and reports produced by such issuers; and
- (b) otherwise being a fit and proper body to be appointed which will exercise its functions as a prescribed body in accordance with the requirements of this Order:

Now therefore the Secretary of State, in exercise of the powers conferred upon her by section 14(1),(5) and (8) of the Companies (Audit, Investigations and Community Enterprise) Act 2004(a), hereby makes the following Order:

Citation, commencement and interpretation

1. This Order may be cited as the Supervision of Accounts and Reports (Prescribed Body) Order 2005 and shall come into force on 6th April 2005.

2. In this Order –

- (a) “listing” has the meaning given in section 74(5) of the Financial Services and Markets Act 2000(b);
- (b) “the prescribed body” means the body known as the Financial Reporting Review Panel established under the articles of association of The Financial Reporting Review Panel Limited(c);

(a) 2004 c.27.
(b) 2000 c.8
(c) Registered number 02569435

Appointment

3. The prescribed body is hereby appointed to exercise the functions mentioned in section 14(2) of the Companies (Audit, Investigations and Community Enterprise) Act 2004 in respect of any issuer of listed securities which is:

- (a) a body corporate incorporated or otherwise formed under the law of, or of a part of, the United Kingdom; or
- (b) a body corporate incorporated or otherwise formed under the law of a place outside the United Kingdom where:
 - (i) any of the listed securities which that body corporate issues are in the form of shares comprised in the issued share capital of the body corporate, or securities convertible into such shares, with the exception of:
 - (aa) shares in any part of the issued share capital of the body corporate which, neither in relation to dividends nor in relation to capital, carry any right to participate beyond a specified amount in a distribution; or
 - (bb) securities convertible into such shares; and
 - (ii) the listing of the shares or other securities referred to in sub-paragraph (i) is a primary listing under listing rules.

4. The prescribed body shall have satisfactory arrangements for recording decisions made in the exercise of the functions it exercises by virtue of its appointment and for the safeguarding of those records which ought to be preserved.

15th March 2005

Jacqui Smith
Minister for Industry and the Regions,
Deputy Minister for Women and Equality
Department of Trade and Industry

EXPLANATORY NOTE

(This note is not part of the Order)

This Order appoints the Financial Reporting Review Panel established under The Financial Reporting Review Panel Limited to exercise the functions mentioned in section 14(2) of the Companies (Audit, Investigations and Community Enterprise) Act 2004. These functions are the keeping under review of certain periodic accounts and reports produced by issuers of listed securities and informing the Financial Services Authority of any conclusions the Panel reaches. In addition as a result of its appointment the Panel may, under s245F of the Companies Act 1985 as applied by section 15 of the Companies (Audit, Investigations and Community Enterprise) Act 2004, require certain persons to produce documents or provide the Panel with information and explanations.

Article 3 limits the appointment of the Panel to certain classes of issuer.

Article 4 contains a requirement for record keeping in relation to the performance of the functions that the Panel exercises by virtue of its appointment.

STATUTORY INSTRUMENTS

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