

SCHEDULE 4

CONSEQUENTIAL AMENDMENTS

PART 1

AMENDMENTS OF THE COMPANIES (AUDIT, INVESTIGATIONS AND COMMUNITY ENTERPRISE) ACT 2004

19.—(1) Section 54 (becoming a charity or a Scottish charity: requirements) is amended as follows.

(2) In the heading and in the opening words of subsection (1), omit “or a Scottish charity”.

(3) In subsection (1)(b), for “the Companies Act 1985” substitute “the 1985 Act or the 1986 Order”.

(4) In subsection (2), for “Section 380(1) of the Companies Act 1985” substitute “section 380(1) of the 1985 Act or Article 388(1) of the 1986 Order”.

(5) In subsection (3)—

(a) in the opening words, for “section 4 or 17 of the Companies Act 1985” substitute “section 4 or 17 of the 1985 Act or Article 15 or 28 of the 1986 Order”, and

(b) in paragraph (b), for “section 380(1)” substitute “section 380(1) of the 1985 Act or Article 388(1) of the 1986 Order”.

(6) In subsection (4)—

(a) for “section 5 of the Companies Act 1985” substitute “section 5 of the 1985 Act or Article 16 of the 1986 Order”, and

(b) omit “under section 4 or 17”.

(7) In subsection (5), for “section 5 of that Act” substitute “section 5 of the 1985 Act or Article 16 of the 1986 Order”.

(8) In subsection (6), for paragraph (b) substitute—

“(b) the statement required by subsection (7), (8) or (8A).”.

(9) For subsections (7) and (8) substitute—

“(7) The statement required where the company is to become an English charity is a statement by the Charity Commissioners that, in their opinion, if the special resolutions take effect and the company ceases to be a community interest company, the company will be an English charity and will not be an exempt charity.

“Exempt charity” here has the same meaning as in the Charities Act 1993(1) (see section 96 of that Act).

(8) The statement required where the company is to become a Scottish charity is a statement by the Scottish Charity Regulator that, if the special resolutions take effect and the company ceases to be a community interest company, the company will be entered in the Scottish Charity Register.”.

(10) After subsection (8) insert—

“(8A) The statement required where the company is to become a Northern Ireland charity is a statement by the Commissioners of Her Majesty’s Revenue and Customs that

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the company has claimed exemption under section 505(1) of the Income and Corporation Taxes Act 1988(2).”.

(11) Omit subsection (9).

(2) 1988 c.1.