
STATUTORY INSTRUMENTS

2011 No. 2194

The Overseas Companies (Execution of Documents and Registration of Charges) (Amendment) Regulations 2011

Amendment of the Overseas Companies (Execution of Documents and Registration of Charges) Regulations 2009

2.—(1) The Overseas Companies (Execution of Documents and Registration of Charges) Regulations 2009(1) are amended as follows.

(2) In regulation 8 (application and interpretation of Part) omit paragraph (5).

(3) Omit regulations 9 to 22.

(4) In regulation 23 (companies to keep available for inspection copies of instruments creating charges)—

(a) in paragraph (1) for the words “requiring registration under this Part”, substitute “referred to in regulation 24(1)”;

(b) omit paragraph (2).

(5) In regulation 24 (company’s register of charges)—

(a) for paragraph (1) substitute—

“(1) Every company to which this Part applies must keep available for inspection a register of charges and must, as soon as practicable and in any event within 21 days of the creation of the charge, enter in it—

(a) any charge on land situated in the United Kingdom or any interest in such land;

(b) any charge on ships, aircraft or intellectual property registered in the United Kingdom; and

(c) any floating charge on the whole or part of the company’s property or undertaking situated in the United Kingdom.”;

(b) in paragraph (2) after the word “property” insert “, land or undertaking”;

(c) after paragraph (2) insert—

“(2A) Paragraph (1)(c) does not apply to a floating charge which expressly excludes all property or undertaking of the company situated in the United Kingdom or which purports to be a fixed charge.

(2B) A charge on land, for the purposes of this regulation, includes a charge created by a heritable security within the meaning of section 9(8) of the Conveyancing and Feudal Reform (Scotland) Act 1970(2).

(2C) The holding of debentures entitling the holder to a charge on land is not, for the purposes of this regulation, an interest in land.”.

(6) In regulation 25(3)(a) (copies of instruments and company’s register of charges to be available for inspection)—

(1) S.I. 2009/1917.

(2) 1970 c.35.

Status: This is the original version (as it was originally made).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

- (a) for “14” substitute “21”;
 - (b) for “registration” substitute “entry on the register”; and
 - (c) for “this Part” substitute “regulation 24(1)”.
- (7) In regulation 26(3) (exercise of right of inspection) for the words “company records” substitute “documents and register”.
- (8) Insert regulation 26A as follows—

“Inspection by electronic means

26A. Where the company and the person agree, the inspection referred to in regulation 26 may be carried out by electronic means.”.

- (9) Omit regulation 27 (deliveries of documents in language other than English).