

SCHEDULES

SCHEDULE 2

Regulation 20

Small manufacturer or supplier

Determination of small manufacturer or supplier

1. A small manufacturer or supplier means—
 - (a) with respect to a manufacturer or supplier referred to in paragraph 2, a manufacturer or supplier that, as determined by the Secretary of State, is likely to receive in respect of the total supply of all presentations, a total net sales income below the thresholds set out in column (2) of table 1 where it satisfies the corresponding description of the manufacturer’s or supplier’s current accounting reference period specified in column (1) of the table; or
 - (b) with respect to a manufacturer or supplier referred to in paragraph 3, a manufacturer or supplier that has received in respect of the total supply of all presentations, a total of net sales income below the thresholds set out in column (2) of table 2 where it satisfies the corresponding description of the manufacturer’s or supplier’s previous accounting reference period specified in column (1) of the table.

2. The manufacturer or supplier referred to in paragraph 1(a) is a manufacturer or supplier that would be required to make payments under regulation 3 or under a direction given under regulation 4 for a period of less than one of their complete accounting reference periods were it not for the fact that regulation 3(6) or 4(5) applied.

3. The manufacturer or supplier referred to in paragraph 1(b) is a manufacturer or supplier that would be required to make payments under regulation 3 or under a direction given under regulation 4 for a period of one or more of their complete accounting reference periods were it not for the fact that regulation 3(6) or 4(5) applied.

Table 1

| <i>Column (1)</i> | <i>Column (2)</i> |
|--|---|
| <i>Length of current accounting reference period</i> | <i>Likely net sales income</i> |
| Twelve months | £5 million |
| Less than twelve months | £5 million as proportionately reduced to the number of months in the manufacturer’s or supplier’s accounting reference period |
| More than twelve months | £5 million as proportionately increased to the number of months in the manufacturer’s or supplier’s accounting reference period |

Status: This is the original version (as it was originally made).

Table 2

| <i>Column (1)</i> | <i>Net sales income</i> |
|---|---|
| <i>Length of previous accounting reference period</i> | |
| Twelve months | £5 million |
| Less than twelve months | £5 million as proportionately reduced to the number of months in the manufacturer's or supplier's accounting reference period |
| More than twelve months | £5 million as proportionately increased to the number of months in the manufacturer's or supplier's accounting reference period |

Information requirements

4. A manufacturer or supplier referred to in paragraph 2 that considers that it is likely to receive in respect of the total supply of all presentations, a total net sales income below the thresholds set out in column (2) of table 1 where it satisfies the corresponding description of the manufacturer's or supplier's current accounting reference period specified in column (1) of table 1, must provide in writing to the Secretary of State information setting out—

- (a) an estimate of the total net sales income it is likely to receive in respect of the total supply of all presentations for its current financial year within 30 days of the date on which the requirement to make payments under regulation 3 or under a direction given under regulation 4(2)(b) would begin to apply were it not for the fact that regulation 3(6) or 4(5) applied;
- (b) the total net sales income in respect of the total supply of all presentations for its previous financial year within 30 days of the completion of the first financial year during which the requirement to make payments under regulation 3 or under a direction given under regulation 4(2)(b) would have first applied were it not for the fact that regulation 3(6) or 4(5) applied.

5. A manufacturer or supplier referred to in paragraph 3 must provide, in writing, information setting out its total net sales income in respect of the total supply of all presentations for each complete financial year within 30 days of each financial year that the manufacturer or supplier remains a small manufacturer or supplier.

Rules

6. This Schedule must be construed in accordance with the following rules.

7. The end date of the final period in the manufacturer's or supplier's financial year, be that the final quarter or remaining period, must be treated as extended or reduced by not more than seven days before or after that period, if the end date of the supplier's or manufacturer's financial year has, in accordance with section 390(2)(b) of the Companies Act 2006, also been reduced or extended by the same period.

8. Where a manufacturer or supplier changes the length of their current or previous accounting reference date under section 392 of the Companies Act 2006 so as to extend or shorten its current or previous accounting reference period, the new manufacturer or supplier must in writing notify the Secretary of State of the new date of its accounting reference period and provide the Secretary

of State with the relevant documents which show that the accounting reference period has changed within 30 days of the change.

9. A manufacturer's or supplier's "previous accounting reference period" means the one immediately preceding its current accounting reference period.