SCHEDULES

SCHEDULE 2

Article 43.

AMENDMENTS CONSEQUENTIAL ON PART III

The Companies (Northern Ireland) Order 1986 (NI 6)

1.—(1) Schedule 23 (punishment of offences) is amended as follows.

(2) For the entries relating to Articles 406(3) to 416(3) (offences under Part XIII: registration of charges) substitute—

"405(3)	Company failing to deliver particulars of charge to registrar.	1. On indictment. 2. Summary.	A fine. The statutory maximum.
415(3)	Company failing to deliver particulars of taking up of issue of debentures.	Summary.	One-fifth of the statutory maximum.
416(4)	Failure to give notice to registrar of appointment of receiver or manager, or of his ceasing to act.	Summary.	One-fifth of the statutory maximum.
417(4)	Failure to comply with requirements of regulations under Article 417.	Summary.	One-fifth of the statutory maximum.
417A(4)	Failure to keep copies of charging instruments or register at registered office.	1. On indictment. 2. Summary.	A fine. The statutory maximum.
417B(4)	Refusing inspection of charging instrument or register or failing to supply copies.	Summary.	One-fifth of the statutory maximum.".

(3) After the entry relating to Article 652(1) insert—

"652D(5)	Part XXIII company failing to deliver particulars of charge to registrar.	1. On indictment. 2. Summary.	A fine. The statutory maximum.".

The Companies (Northern Ireland) Order 1989 (NI 18)

2. In Schedule 1 (matters relevant to determining unfitness of directors), in paragraph 4 (failure of company to comply with certain provisions), for sub-paragraph (h) substitute—

"(h) Articles 405 and 652D (duty of company to deliver particulars of charges on its property).".

The Insolvency (Northern Ireland) Order 1989 (NI 19)

3.—(1) In Article 22(3) (restrictions on making administration order where administrative receiver has been appointed), in sub-paragraph (b) (exceptions) insert—

"(i) be void against the administrator to any extent by virtue of the provisions of Part XIII of the Companies Order (registration of company charges),";

and renumber the existing heads as (ii) and (iii).

(2) In Article 55(5) (offence of failing to deliver documents relating to cessation of appointment of receiver) omit the words "and, for continued contravention, he shall be guilty of a continuing offence.".