



Companies Act 1985

1985 CHAPTER 6

PART XIV

INVESTIGATION OF COMPANIES AND THEIR AFFAIRS; REQUISITION OF DOCUMENTS

PROSPECTIVE

[^{F1}Powers of Secretary of State to give directions to inspectors

Textual Amendments

- F1** Ss. 446A, 446B and preceding cross-heading inserted (1.10.2007) by [Companies Act 2006 \(c. 46\)](#), ss. [1035\(1\)](#), [1300](#); S.I. 2007/2194, [art. 2\(1\)\(k\)](#) (with [art. 12](#), [Sch. 3 para. 48](#))

446A General powers to give directions

- (1) In exercising his functions an inspector shall comply with any direction given to him by the Secretary of State under this section.
- (2) The Secretary of State may give an inspector appointed under section 431, 432(2) or 442(1) a direction—
 - (a) as to the subject matter of his investigation (whether by reference to a specified area of a company's operation, a specified transaction, a period of time or otherwise), or
 - (b) which requires the inspector to take or not to take a specified step in his investigation.
- (3) The Secretary of State may give an inspector appointed under any provision of this Part a direction requiring him to secure that a specified report under section 437—
 - (a) includes the inspector's views on a specified matter,
 - (b) does not include any reference to a specified matter,

Status: Point in time view as at 01/04/2014. This version of this cross heading contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Companies Act 1985, Cross Heading: Powers of Secretary of State to give directions to inspectors. (See end of Document for details)

- (c) is made in a specified form or manner, or
 - (d) is made by a specified date.
- (4) A direction under this section—
- (a) may be given on an inspector's appointment,
 - (b) may vary or revoke a direction previously given, and
 - (c) may be given at the request of an inspector.
- (5) In this section—
- (a) a reference to an inspector's investigation includes any investigation he undertakes, or could undertake, under section 433(1) (power to investigate affairs of holding company or subsidiary);
 - (b) “specified” means specified in a direction under this section.

Modifications etc. (not altering text)

- C1** S. 446A applied (with modifications) (E.W.S.) (6.4.2014) by [The Co-operative and Community Benefit Societies and Credit Unions \(Investigations\) Regulations 2014 \(S.I. 2014/574\)](#), regs. 1(1), 2

446B Direction to terminate investigation

- (1) The Secretary of State may direct an inspector to take no further steps in his investigation.
- (2) The Secretary of State may give a direction under this section to an inspector appointed under section 432(1) or 442(3) only on the grounds that it appears to him that—
 - (a) matters have come to light in the course of the inspector's investigation which suggest that a criminal offence has been committed, and
 - (b) those matters have been referred to the appropriate prosecuting authority.
- (3) Where the Secretary of State gives a direction under this section, any direction already given to the inspector under section 437(1) to produce an interim report, and any direction given to him under section 446A(3) in relation to such a report, shall cease to have effect.
- (4) Where the Secretary of State gives a direction under this section, the inspector shall not make a final report to the Secretary of State unless—
 - (a) the direction was made on the grounds mentioned in subsection (2) and the Secretary of State directs the inspector to make a final report to him, or
 - (b) the inspector was appointed under section 432(1) (appointment in pursuance of order of the court).
- (5) An inspector shall comply with any direction given to him under this section.
- (6) In this section, a reference to an inspector's investigation includes any investigation he undertakes, or could undertake, under section 433(1) (power to investigate affairs of holding company or subsidiary).]

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Modifications etc. (not altering text)

- C2** S. 446B applied (with modifications) (E.W.S.) (6.4.2014) by [The Co-operative and Community Benefit Societies and Credit Unions \(Investigations\) Regulations 2014 \(S.I. 2014/574\)](#), regs. 1(1), 2

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