



# Companies Consolidation (Consequential Provisions) Act 1985

## 1985 CHAPTER 9

An Act to make, in connection with the consolidation of the Companies Acts 1948 to 1983 and other enactments relating to companies, provision for transitional matters and savings, repeals (including the repeal, in accordance with recommendations of the Law Commission, of certain provisions of the Companies Act 1948 which are no longer of practical utility) and consequential amendments of other Acts. [11th March 1985]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### Commencement Information

II Act not in force at Royal Assent see s.34; Act wholly in force at 1.7.1985

### *Old public companies*

#### 1 Meaning of “old public company”.

- (1) For the purposes of the <sup>M1</sup>Companies Act 1985 (“the principal Act”) and this Act, an “old public company” is a company limited by shares or by guarantee and having a share capital in respect of which the following conditions are satisfied—
- the company either existed on 22nd December 1980 or was incorporated after that date pursuant to an application made before that date.
  - on that date or, if later, on the day of the company's incorporation the company was not or (as the case may be) would not have been a private company within section 28 of the <sup>M2</sup>Companies Act 1948, and

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- (c) the company has not since that date or the day of the company's incorporation (as the case may be) either been re-registered as a public company or become a private company.
- (2) References in the principal Act (other than so much of it as is derived from Part I of the <sup>M3</sup>Companies Act 1980, and other than section 33 (penalty for trading under misleading name)) to a public company or a company other than a private company are to be read as including (unless the context otherwise requires) references to an old public company, and references in that Act to a private company are to be read accordingly.

#### Marginal Citations

- M1** 1985 c. 6.  
**M2** 1948 c. 38.  
**M3** 1980 c. 22.

## 2 Re-registration as public company.

- (1) An old public company may be re-registered as a public company if—
- (a) the directors pass a resolution, complying with the following subsection, that it should be so re-registered, and
  - (b) an application for the purpose in the prescribed form and signed by a director or secretary of the company is delivered to the registrar of companies together with the documents mentioned in subsection (4) below, and
  - (c) at the time of the resolution, the conditions specified in section 3 below are satisfied.
- (2) The resolution must alter the company's memorandum so that it states that the company is to be a public company and make such other alterations in it as are necessary to bring it in substance and in form into conformity with the requirements of the principal Act with respect to the memorandum of a public company.
- (3) A resolution of the directors under this section is subject to section 380 of the principal Act (copy of resolution to be forwarded to registrar of companies within 15 days).
- (4) The documents referred to in subsection (1)(b) are—
- (a) a printed copy of the memorandum as altered in pursuance of the resolution, and
  - (b) a statutory declaration in the prescribed form by a director or secretary of the company that the resolution has been passed and that the conditions specified in section 3 of this Act were satisfied at the time of the resolution.
- (5) The registrar may accept a declaration under subsection (4)(b) as sufficient evidence that the resolution has been passed and the necessary conditions were satisfied.
- (6) Section 47(1) and (3) to (5) of the principal Act apply on an application for re-registration under this section as they apply on an application under section 43 of that Act.

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### **3 Conditions for re-registering under s. 2.**

- (1) The following are the conditions referred to in section 2(1)(c) (being conditions also relevant under section 4).
- (2) At the time concerned, the nominal value of the company's allotted share capital must not be less than the authorised minimum (defined in section 118 of the principal Act).
- (3) In the case of all the shares of the company, or of all those of its shares which are comprised in a portion of the share capital which satisfies the condition in subsection (2)—
  - (a) each share must be paid up at least as to one-quarter of the nominal value of that share and the whole of any premium on it;
  - (b) where any of the shares in question or any premium payable on them has been fully or partly paid up by an undertaking given by any person that he or another should do work or perform services for the company or another, the undertaking must have been performed or otherwise discharged; and
  - (c) where any of the shares in question has been allotted as fully or partly paid up as to its nominal value or any premium payable on it otherwise than in cash, and the consideration for the allotment consists of or includes an undertaking (other than one to which paragraph (b) applies) to the company, then either—
    - (i) that undertaking must have been either performed or otherwise discharged, or
    - (ii) there must be a contract between the company and some person pursuant to which the undertaking is to be performed within 5 years from the time of the resolution.

### **4 Old public company becoming private.**

- (1) An old public company may pass a special resolution not to be re-registered under section 2 as a public company; and section 54 of the principal Act (litigated objection by shareholders) applies to the resolution as it would apply to a special resolution by a public company to be re-registered as private.
- (2) If either—
  - (a) 28 days from the passing of the resolution elapse without an application being made under section 54 of the principal Act (as applied), or
  - (b) such an application is made and proceedings are concluded on the application without the court making an order for the cancellation of the resolution,the registrar of companies shall issue the company with a certificate stating that it is a private company; and the company then becomes a private company by virtue of the issue of the certificate.
- (3) For the purposes of subsection (2)(b), proceedings on the application are concluded—
  - (a) except in a case within the following paragraph, when the period mentioned in section 54(7) of the principal Act (as applied) for delivering an office copy of the court's order under that section to the registrar of companies has expired, or
  - (b) when the company has been notified that the application has been withdrawn.
- (4) If an old public company delivers to the registrar of companies a statutory declaration in the prescribed form by a director or secretary of the company that the company does not at the time of the declaration satisfy the conditions specified in section 3 for

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the company to be re-registered as public, the registrar shall issue the company with a certificate stating that it is a private company; and the company then becomes a private company by virtue of the issue of the certificate.

- (5) A certificate issued to a company under subsection (2) or (4) is conclusive evidence that the requirements of that subsection have been complied with and that the company is a private company.

## **5 Failure by old public company to obtain new classification.**

- (1) If at any time a company which is an old public company has not delivered to the registrar of companies a declaration under section 4(4), the company and any officer of it who is in default is guilty of an offence unless at that time the company—
- (a) has applied to be re-registered under section 2, and the application has not been refused or withdrawn, or
  - (b) has passed a special resolution not to be re-registered under that section, and the resolution has not been revoked, and has not been cancelled under section 54 of the principal Act as applied by section 4 above.
- (2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding one-fifth of the statutory maximum or, on conviction after continued contravention, to a daily default fine not exceeding one-fiftieth of the statutory maximum for every day on which the subsection is contravened.

## **6 Shares of old public company held by itself; charges on own shares.**

- (1) The following has effect notwithstanding section 1(2).
- (2) References to a public company in sections 146 to 149 of the principal Act (treatment of a company's shares when acquired by itself) do not include an old public company; and references in those sections to a private company are to be read accordingly.
- (3) In the case of a company which after 22nd March 1982 remained an old public company and did not before that date apply to be re-registered under section 8 of the Act of 1980 as a public company, any charge on its own shares which was in existence on or immediately before that date is a permitted charge for the purposes of Chapter V of Part V of the principal Act and accordingly not void under section 150 of that Act.

7 ..... F1

### **Textual Amendments**

**F1** S. 7 repealed by [Financial Services Act 1986 \(c. 60, SIF 69\)](#), s. 212(3), [Sch. 17 Pt. I](#)

## **8 Trading under misleading name.**

- (1) An old public company is guilty of an offence if it carries on any trade, profession or business under a name which includes, as its last part, the words “public limited company” or “cwmni cyfyngedig cyhoeddus”.

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- (2) A company guilty of an offence under this section, and any officer of the company who is in default, is liable on summary conviction as for an offence under section 33 of the principal Act.

## **9 Payment for share capital.**

- (1) Subject as follows, sections 99, 101 to 103, 106, 108 and 110 to 115 in Part IV of the principal Act apply to a company whose directors have passed and not revoked a resolution to be re-registered under section 2 of this Act, as those sections apply to a public company.
- (2) Sections 99, 101 to 103, 108 and 112 of the principal Act do not apply to the allotment of shares by a company, other than a public company registered as such on its original incorporation, where the contract for the allotment was entered into—
- (a) except in a case falling within the following paragraph, on or before 22nd June 1982;
  - (b) in the case of a company re-registered or registered as a public company in pursuance of—
    - (i) a resolution to be re-registered under section 43 of the principal Act,
    - (ii) a resolution to be re-registered under section 2 of this Act, or
    - (iii) a resolution by a joint stock company that the company be a public company,being a resolution that was passed on or before 22nd June 1982, before the date on which the resolution was passed.

### *Miscellaneous savings*

## **10 Pre-1901 companies limited by guarantee.**

Section 15 of the principal Act does not apply in the case of companies registered before 1st January 1901.

## **11 Company official seal.**

- (1) A company which was incorporated before 12th February 1979 and which has such an official seal as is mentioned in section 40 of the principal Act may use the seal for sealing such securities and documents as are there mentioned, notwithstanding anything in any instrument constituting or regulating the company or in any instrument made before that date which relates to any securities issued by the company.
- (2) Any provision of such an instrument which requires any such securities or documents to be signed shall not apply to the securities or documents if they are sealed with that seal.
- [<sup>F2</sup>(3) The foregoing provisions of this section are without prejudice to the right of a company to subscribe such securities and documents in accordance with the Requirements of Writing (Scotland) Act 1995.]

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#### Textual Amendments

**F2** S. 11(3) added (S.) (1.8.1995) by 1995 c. 7, ss. 14(1), 15(2), **Sch. 4**, para. 57 (with ss. 9(3)(5)(7), 13, 14(3))

## 12 Share premiums: retrospective relief.

- (1) The relief given by this section (being a replacement of section 39 of the <sup>M4</sup>Companies Act 1981) applies only where a company has issued shares in circumstances to which this section applies before 4th February 1981.
- (2) Subject as follows, this section applies where the issuing company (that is, the company issuing shares as mentioned in section 130 of the principal Act) has issued at a premium shares which were allotted in pursuance of any arrangement providing for the allotment of shares in the issuing company on terms that the consideration for the shares allotted was to be provided by the issue or transfer to the issuing company of shares in another company or by the cancellation of any shares in that other company not held by the issuing company.
- (3) The other company in question must either have been at the time of the arrangement a subsidiary of the issuing company or of any company which was then the issuing company's holding company or have become such a subsidiary on the acquisition or cancellation of its shares in pursuance of the arrangement.
- (4) Any part of the premiums on the shares so issued which was not transferred to the company's share premium account in accordance with section 56 of the Act of 1948 shall be treated as if that section had never applied to those premiums (and may accordingly be disregarded in determining the sum to be included in the company's share premium account).
- (5) Section 133(2) and (3) of the principal Act apply for the interpretation of this section; and for the purposes of this section—
  - (a) “company” (except in references to the issuing company) includes any body corporate, and
  - (b) the definition of “arrangement” in section 131(7) of the principal Act applies.
- (6) This section is deemed included in Chapter III of Part V of the principal Act for the purpose of the Secretary of State's power under section 134 of that Act to make regulations in respect of relief from the requirements of section 130 of that Act.

#### Marginal Citations

**M4** 1981 c. 62.

## 13 Saving, in case of re-issued debentures, of rights of certain mortgagees.

Whereas by section 104 of the <sup>M5</sup>Companies (Consolidation) Act 1908 it was provided that, upon the re-issue of redeemed debentures, the person entitled to the debentures should have the same rights and priorities as if the debentures had not previously been issued:

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And whereas section 45 of the <sup>M6</sup>Companies Act 1928 amended section 104 of the Act of 1908 so as to provide (among other things) that the said person should have the same priorities as if the debentures had never been redeemed, but saved, in the case of debentures redeemed before, but re-issued after, 1st November 1929, the rights and priorities of persons under mortgages and charges created before that date:

Now, therefore, where any debentures which were redeemed before the date last mentioned have been re-issued after that date and before the commencement of the Act of 1948 (1st July 1948), or are or have been re-issued after that commencement, the reissue of the debentures does not prejudice, and is deemed never to have prejudiced, any right or priority which any person would have had under or by virtue of any such mortgage or charge as above referred to if section 104 of the Act of 1908, as originally enacted, had been enacted in the Act of 1948 instead of section 90 of that Act, and in the principal Act instead of section 194 of that Act.

#### Marginal Citations

**M5** 1908 c. 69.

**M6** 1928 c. 45.

#### **14 Removal of directors appointed for life pre-1945.**

Section 303(1) of the principal Act does not, in the case of a private company, authorise the removal of a director holding office for life on 18th July 1945, whether or not subject to retirement under an age limit by virtue of the articles or otherwise.

#### **15 Tax-free payments to directors.**

Section 311(1) of the principal Act does not apply to remuneration under a contract which was in force on 18th July 1945 and provides expressly (and not by reference to the articles) for payment of remuneration as mentioned in that subsection; and section 311(2) does not apply to any provision contained in such a contract.

#### **16 Statutory declaration of solvency in voluntary winding up.**

In relation to a winding up commenced before 22nd December 1981, section 577 of the principal Act applies in the form of section 283 of the Act of 1948, without the amendment of that section made by section 105 of the Act of 1981.

#### **17 Court's power to control proceedings.**

Nothing in section 603 of the principal Act affects the practice or powers of the court as existing immediately before 1st November 1929, with respect to the staying of proceedings against a company registered in England and Wales and in course of being wound up.

#### **18 Effect of floating charge in winding up.**

In relation to a charge created on or before 31st December 1947, section 617(1) of the principal Act has effect with the substitution of "6 months" for "12 months".

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## 19 Saving from s. 649 of principal Act.

Nothing in section 649 of the principal Act affects the practice or powers of the court as existing immediately before 1st November 1929, with respect to the costs of an application for leave to proceed with an action or proceeding against a company which is being wound up in England and Wales.

## 20 .....<sup>F3</sup>

### Textual Amendments

**F3** S. 20 repealed by [Banking Act 1987 \(c. 22, SIF 10\)](#), s. 108(2), [Sch. 7 Pt. I](#)

## <sup>F4</sup>21 Priority of old debts in winding up.

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### Textual Amendments

**F4** S. 21 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 17](#) Group 5

## 22 Saving as to certain old liquidations.

- (1) The provisions of the principal Act with respect to winding up (other than sections 635, 658 and 620 as applied for the purposes of section 620 and subsection (2) below) shall not apply to any company of which the <sup>M7</sup>winding up commenced before 1st November 1929; but every such company shall be wound up in the same manner and with the same incidents as if the Companies Act 1929, the Act of 1948 and the principal Act (apart from the sections above-mentioned) had not passed; and, for the purposes of the winding up, the Act or Acts under which the winding up commenced shall be deemed to remain in full force.
- (2) A copy of every order staying or sisting the proceedings in a winding up commenced as above shall forthwith be forwarded by the company, or otherwise as may be prescribed, to the registrar of companies, who shall enter the order in his records relating to the company.

### Marginal Citations

**M7** 1929 c. 23.

## 23 Restrictions on shares imposed pre-1982.

Where before 3rd December 1981 shares in a company were directed by order of the Secretary of State to be subject to the restrictions imposed by section 174 of the Act of 1948, and the order remains in force at the commencement date, nothing in this Act prevents the continued application of the order with such effect as it had immediately before the repeal of section 174 took effect.



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## 24 Saving for conversion of winding up under 1981 s. 107.

- (1) The repeal of section 107 of the 1981 Act (conversion of creditors' winding up into members' voluntary winding up, due to circumstances arising in the period April to August 1981) does not affect the enablement for such a conversion by means of a statutory declaration (complying with subsection (2) of the section) delivered to the registrar of companies after the commencement date.
- (2) For the purposes of sections 577(4) and 583 of the principal Act (consequences of actual or prospective failure to pay debts in full within the period stated by the directors in the declaration of solvency), the period stated in the declaration in the case of a winding up converted under section 107 is taken to have been 12 months from the commencement of the winding up, unless the contrary is shown.

### *Miscellaneous amendments*

<sup>F5</sup>25 .....

#### **Textual Amendments**

**F5** S. 25 repealed (1.12.2001) by S.I. 2001/3649, arts. 1, 38(a)

## 26 Industrial and Provident Societies Act 1967.

- (1) The following provisions of this section have effect with regard to the <sup>M8</sup>Industrial and Provident Societies Act 1967 (of which certain provisions were amended by section 10 of the <sup>M9</sup>Companies (Floating Charges and Receivers) (Scotland) Act 1972).
- (2) For section 3 of the Act of 1967 the following shall be substituted—

### **“3 Application to registered societies of provisions relating to floating charges.**

- (1) Subject to the following provisions of this section, the following provisions of the Companies Act 1985 relating to floating charges, namely Chapter I of Part XVIII together with sections 517(2) and 617(3) (which provisions are in this Part referred to as “the relevant provisions”) shall apply to a registered society as they apply to an incorporated company.
- (2) Accordingly (subject as aforesaid) the relevant provisions shall, so far as applicable, apply as if—
  - (a) references to a company or an incorporated company were references to a registered society;
  - (b) references to the registrar and the registrar of companies were references to the registrar under this Act; and
  - (c) references, however expressed, to registration of a floating charge, or registration in accordance with Chapter II of Part XII of the Act of 1985, or delivery to or receipt by the registrar of particulars for registration, were references to the delivery to the registrar of any document required by section 4(1) of this Act to be so delivered.

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- (3) Where, in the case of a registered society, there are in existence—
- (a) a floating charge created by the society under the relevant provisions as applied by this section, and
  - (b) an agricultural charge created by the society under Part II of the Agricultural Credits (Scotland) Act 1929,
- and any assets of the society are subject to both charges, sections 463(1)(c) and 464(4)(b) of the Act of 1985 shall have effect for the purpose of determining the ranking with one another of those charges as if the agricultural charge were a floating charge created under the relevant provisions and registered under that Act at the same time as it was registered under Part II of the Act of 1929.
- (4) In this section, and in the following provisions of this Part of this Act, “registered society” does not include a registered society whose registered office is situated in England and Wales.
- (5) In their application to a registered society, the relevant provisions shall have effect with the following modifications—
- (a) in sections 462(2) and 517(2), the references to the Court of Session shall be read as references to any sheriff court;
  - (b) section 462(5) shall be subject only to such provisions of the Act of 1985 as apply (by virtue of section 55 of the principal Act) to registered societies; and
  - (c) in section 466, subsections (4) and (5) and the words “subsection (4) of” in subsection (6) shall be omitted.”
- (3) Subsections (1) and (2)(a) of section 4 of the Act of 1967 continue in force as amended by paragraph (iv) of section 10 of the <sup>M10</sup>Companies (Floating Charges and Receivers) (Scotland) Act 1972.
- (4) In sections 4 and 5 of the Act of 1967, for the words “Part I of the Act of 1972” there shall be substituted the words “the relevant provisions of the Companies Act 1985”.

#### Marginal Citations

**M8** 1967 c. 48.

**M9** 1972 c. 67.

**M10** 1972 c. 67.

#### <sup>F6</sup>27 Amendment of Table A.

#### Textual Amendments

**F6** S. 27 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 17 Group 5

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### *Repeal of obsolete provisions*

#### **F7 28 Stannaries and cost-book companies.**

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#### **Textual Amendments**

**F7** S. 28 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 17 Group 5

*Repeals, etc. consequential on Companies Acts consolidation; continuity of law*

#### **29 Repeals.**

The enactments specified in the second column of Schedule 1 to this Act are repealed to the extent specified in the third column of the Schedule.

#### **30 Amendment of post-1948 statutes.**

The enactments specified in the first column of Schedule 2 to this Act (being enactments passed after the Act of 1948 and containing references to that Act or others of the Companies Acts 1948 to 1983) are amended as shown in the second column of the Schedule.

#### **31 Continuity of law.**

(1) In this section—

- (a) “the new Acts” means the principal Act, the <sup>M11</sup>Company Securities (Insider Dealing) Act 1985, the <sup>M12</sup>Business Names Act 1985 and this Act;
- (b) “the old Acts” means the Companies Acts 1948 to 1983 and any other enactment which is repealed by this Act and replaced by a corresponding provision in the new Acts; and
- (c) “the commencement date” means 1st July 1985.

(2) So far as anything done or treated as done under or for the purposes of any provision of the old Acts could have been done under or for the purposes of the corresponding provision of the new Acts, it is not invalidated by the repeal of that provision but has effect as if done under or for the purposes of the corresponding provision; and any order, regulation or other instrument made or having effect under any provision of the old Acts shall, in so far as its effect is preserved by this subsection, be treated for all purposes as made and having effect under the corresponding provision.

(3) Where any period of time specified in a provision of the old Acts is current immediately before the commencement date, the new Acts have effect as if the corresponding provision had been in force when the period began to run; and (without prejudice to the foregoing) any period of time so specified and current is deemed for the purposes of the new Acts—

- (a) to run from the date or event from which it was running immediately before the commencement date, and
- (b) to expire (subject to any provision of the new Acts for its extension) whenever it would have expired if the new Acts had not been passed;

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and any rights, priorities, liabilities, reliefs, obligations, requirements, powers, duties or exemptions dependent on the beginning, duration or end of such a period as above mentioned shall be under the new Acts as they were or would have been under the old.

- (4) Where in any provision of the new Acts there is a reference to another provision of those Acts, and the first-mentioned provision operates, or is capable of operating, in relation to things done or omitted, or events occurring or not occurring, in the past (including in particular past acts of compliance with any enactment, failures of compliance, contraventions, offences and convictions of offences), the reference to that other provision is to be read as including a reference to the corresponding provision of the old Acts.
- (5) A contravention of any provision of the old Acts committed before the commencement date shall not be visited with any severer punishment under or by virtue of the new Acts than would have been applicable under that provision at the time of the contravention; but—
- (a) where an offence for the continuance of which a penalty was provided has been committed under any provision of the old Acts, proceedings may be taken under the new Acts in respect of the continuance of the offence after the commencement date in the like manner as if the offence had been committed under the corresponding provision of the new Acts; and
  - (b) the repeal of any transitory provision of the old Acts (not replaced by any corresponding provision of the new Acts) requiring a thing to be done within a certain time does not affect a person's continued liability to be prosecuted and punished in respect of the failure, or continued failure, to do that thing.
- (6) A reference in any enactment, instrument or document (whether express or implied, and in whatever phraseology) to a provision (whether first in force before or after the Act of 1948 or contained in that Act) which is replaced by a corresponding provision of the new Acts is to be read, where necessary to retain for the enactment, instrument or document the same force and effect as it would have had but for the passing of the new Acts, as, or as including, a reference to that corresponding provision.
- (7) The generality of subsection (6) is not affected by any specific conversion of references made by this Act, nor by the inclusion in any provision of the new Acts of a reference (whether express or implied, and in whatever phraseology) to the provision of the old Acts corresponding to that provision, or to a provision of the old Acts which is replaced by a corresponding provision of the new.
- (8) Nothing in the new Acts affects—
- (a) the registration or re-registration of any company under the former Companies Acts, or the continued existence of any company by virtue of such registration or re-registration; or
  - (b) the application of—
    - (i) Table B in the <sup>M13</sup>Joint Stock Companies Act 1856,
    - or
    - (ii) Table A in the <sup>M14</sup> Companies Act 1862, the <sup>M15</sup> Companies (Consolidation) Act 1908, the <sup>M16</sup> Companies Act 1929 or the <sup>M17</sup> Companies Act 1948,
 to any company existing immediately before the commencement date; or
  - (c) the operation of any enactment providing for any partnership, association or company being wound up, or being wound up as a company or as an unregistered company under any of the former Companies Acts.

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- (9) Anything saved from repeal by section 459 of the Act of 1948 and still in force immediately before the commencement date remains in force notwithstanding the repeal of the whole of the Act.
- (10) Where any provision of the new Acts was, immediately before the commencement date, contained in or given effect by a statutory instrument (whether or not made under a power in any of the old Acts), then—
- (a) the foregoing provisions of this section have effect as if that provision was contained in the old Acts, and
  - (b) insofar as the provision was, immediately before that date, subject to a power (whether or not under the old Acts) of variation or revocation, nothing in the new Acts is to be taken as prejudicing any future exercise of the power.
- (11) The provisions of this section are without prejudice to the operation of sections 16 and 17 of the <sup>M18</sup>Interpretation Act 1978 (savings from, and effect of, repeals); and for the purposes of section 17(2) of that Act (construction of references to enactments repealed and replaced; continuity of powers preserved in repealing enactment), any provision of the old Acts which is replaced by a provision of the principal Act, the <sup>M19</sup>Company Securities (Insider Dealing) Act 1985 or the <sup>M20</sup>Business Names Act 1985 is deemed to have been repealed and re-enacted by that one of the new Acts and not by this Act.

#### Marginal Citations

- M11 1985 c. 8.
- M12 1985 c. 7.
- M13 19 & 20 Vict. c. 47
- M14 25 & 26 Vict. c. 89
- M15 8 Edw. 7 c. 69
- M16 1929 c. 23.
- M17 1948 c. 38.
- M18 1978 c. 30.
- M19 1985 c. 8.
- M20 1985 c. 7.

### General

## 32 Interpretation.

In this Act—

“the Act of 1948” means the <sup>M21</sup>Companies Act 1948,

“the Act of 1980” means the <sup>M22</sup>Companies Act 1980,

“the Act of 1981” means the <sup>M23</sup>Companies Act 1981, and

“the principal Act” means the <sup>M24</sup>Companies Act 1985;

and expressions used in this Act and also in the principal Act have the same meanings in this Act as in that (the provisions of Part XXVI of that Act to apply accordingly).

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*Status: Point in time view as at 29/12/2004.*

*Changes to legislation: There are currently no known outstanding effects for the Companies Consolidation (Consequential Provisions) Act 1985 (repealed). (See end of Document for details)*

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**Marginal Citations**

**M21** 1948 c. 38.

**M22** 1980 c. 22.

**M23** 1981 c. 62.

**M24** 1985 c. 6.

**33 Northern Ireland.**

Except in so far as it has effect for maintaining the continuity of the law, or—

- (a) repeals any enactment which extends to Northern Ireland, or
- (b) amends any enactment which extends to Northern Ireland (otherwise than by the insertion of provisions expressed not so to extend),

nothing in this Act extends to Northern Ireland.

**34 Commencement.**

This Act comes into force on 1st July 1985.

**35 Citation.**

This Act may be cited as the Companies Consolidation (Consequential Provisions) Act 1985.

*Status: Point in time view as at 29/12/2004.*

*Changes to legislation: There are currently no known outstanding effects for the Companies Consolidation (Consequential Provisions) Act 1985 (repealed). (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

Section 29.

#### ENACTMENTS REPEALED

<b>Chapter</b>	<b>Short title</b>	<b>Extent of repeal</b>
1948 c. 38.	Companies Act 1948.	The whole Act.
1952 c. 33.	Finance Act 1952.	In section 30, subsections (2) and (3); in subsection (5) the words “(2) or (3)”; and in subsection (6) the words from “and subsection (3)” to the end.
1961 c. 46.	Companies (Floating Charges) (Scotland) Act 1961.	Section 7.
1966 c. 18.	Finance Act 1966.	In Schedule 6, in paragraph 14, the words “section 319(1)(a)(ii) of the Companies Act 1948 and in”.
1966 c. 29.	Singapore Act 1966.	In the Schedule, paragraph 14.
1967 c. 81.	Companies Act 1967.	The whole Act, except so much of Part II as remains unrepealed immediately before the commencement of this Act.
1970 c. 8.	Insolvency Services (Accounting and Investment) Act 1970.	In section 1(3), paragraph (c) (with the “and” immediately preceding it).
1972 c. 67.	Companies (Floating Charges and Receivers) (Scotland) Act 1972.	The whole Act.
1972 c. 68.	European Communities Act 1972.	Section 9.
1973 c. 38.	Social Security Act 1973.	In Schedule 27, paragraph 9.
1973 c. 48.	Pakistan Act 1973.	In Schedule 3, paragraph 3(1) and (4).
1973 c. 51.	Finance Act 1973.	In Schedule 19, paragraph 14.

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1974 c. 37.	Health and Safety at Work Etc. Act 1974.	Section 79.
1975 c. 18.	Social Security (Consequential Provisions) Act 1975.	In Schedule 2, paragraph 7.
1975 c. 45.	Finance (No. 2) Act 1975.	In Part IV of Schedule 12, paragraph 6(1)(e).
1975 c. 60.	Social Security Pensions Act 1975.	In Schedule 4, paragraph 3.
1976 c. 47.	Stock Exchange (Completion of Bargains) Act 1976.	Sections 1 to 4.  Section 7(3).
1976 c. 60.	Insolvency Act 1976.	In section 1(1), the words “the winding up of companies and”.  Section 9.  Section 14(3).  In section 14(6), the word “9”.  In Part I of Schedule 1, the heading “The Companies Act 1948” and the entries under that heading; and in Part II of that Schedule in paragraph 1, sub-paragraph (c), in paragraph 2, sub-paragraph (c), paragraph 6, and in paragraph 7, sub-paragraph (b).  In Schedule 2, paragraphs 3 and 4.
1976 c. 69.	Companies Act 1976.	The whole Act.
1979 c. 53.	Charging Orders Act 1979.	In section 4, the words “and in section 325 of the Companies Act 1948”, and the words “in each case”.
1980 c. 22.	Companies Act 1980.	The whole Act.
1981 c. 54.	Supreme Court Act 1981.	In Schedule 5, the entry relating to the Companies Act 1948.
1981 c. 62.	Companies Act 1981.	The whole Act.
1981 c. 63.	Betting and Gaming Duties Act 1981.	In section 30(1), the word “or” at the end



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		of paragraph (b), and paragraph (c).
		In section 30(2), paragraph (c).
1981 c. 65.	Trustee Savings Banks Act 1981.	In Schedule 6, the entry under “COMPANIES ACT 1948”.
1982 c. 4.	Stock Transfer Act 1982.	In Schedule 2, paragraphs 4 and 5.
1982 c. 46.	Employment Act 1982.	Section 1.
1982 c. 48.	Criminal Justice Act 1982.	In section 46(4)(a) the words from “except” to “1981”.
1982 c. 50.	Insurance Companies Act 1982.	In Schedule 4, paragraph 14.
1983 c. 50.	Companies (Beneficial Interests) Act 1983.	The whole Act.
1983 c. 53.	Car Tax Act 1983.	In Schedule 1, in paragraph 4(1), the word “or” at the end of sub-paragraph (b), and sub-paragraph (c); and in that Schedule, in paragraph 4(2), sub-paragraph (c).
1983 c. 55.	Value Added Tax Act 1983.	In Schedule 7, in paragraph 12(1), the word “or” at the end of sub-paragraph (b), and sub-paragraph (c); and in that Schedule, in paragraph 12(2), sub-paragraph (c).

## X1F8F9 SCHEDULE 2

### AMENDMENTS OF ENACTMENTS CONSEQUENTIAL ON CONSOLIDATION OF COMPANIES ACTS

#### Editorial Information

- X1** Sch. 2: due to the large number of entries contained in Sch. 2 and the frequency with which it has been amended, no separate versions are retained in respect of amendments coming into force after 6.1.1992 or which are not yet in force. Historic information relating to all such amendments is reflected in the current version.

#### Textual Amendments

- F8** Sch. 2 entries repealed (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\), s. 411\(2\)](#), [Sch. 19\(1\)](#) Note 1 (with [Sch. 18](#)); [S.I. 2003/1900, arts. 1\(2\), 2\(1\)](#), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142, art. 1\(3\)](#)); [S.I. 2003/3142, art. 3\(2\)](#) (with [art. 11](#))

*Status: Point in time view as at 29/12/2004.*

*Changes to legislation: There are currently no known outstanding effects for the Companies Consolidation (Consequential Provisions) Act 1985 (repealed). (See end of Document for details)*

**F9** Sch. 2 entry repealed (20.6.2003 for specified purposes, 29.12.2004 in so far as not already in force) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 26**; S.I. 2003/1397, art. 2(1), Sch. (with art. 3(1)); S.I. 2004/3233, art. 2, Sch.

<b>Enactment</b>	<b>Amendment</b>
Landlord and Tenant Act 1954 (c. 56):	
Section 42(1)	For the words from “Companies Act 1948” to the end of the subsection substitute “Companies Act 1985 by section 736 of that Act”.
<b>F10</b>	<b>F10</b>
...	...
<b>F11</b>	<b>F11</b>
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<b>F12</b>	<b>F12</b>
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<b>F13</b>	<b>F13</b>
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Corporate Bodies’ Contracts Act 1960 (c. 46):	
Section 2	For “Companies Act 1948” substitute “Companies Act 1985”.
[ <sup>F14</sup> Charities Act 1960 (c. 58):]	
[ <sup>F14</sup> Section 8(3)]	[ <sup>F14</sup> For “paragraph (a) of subsection (1) of section one hundred and sixty-one of the Companies Act 1948 by the Board of Trade” substitute “section 389(1)(a) of the Companies Act 1985 by the Secretary of State”.]

*Status: Point in time view as at 29/12/2004.*

*Changes to legislation: There are currently no known outstanding effects for the Companies Consolidation (Consequential Provisions) Act 1985 (repealed). (See end of Document for details)*

[ <sup>F15</sup> Section 30(1)]	[ <sup>F15</sup> For “Companies Act 1948” substitute “Companies Act 1985”.]
F13	
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F13	F13
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F16	F16
. . .	. . .
Transport Act 1962 (c. 46):	
F13	F13
. . .	. . .
Section 92	In the definition of “subsidiary”, for “section one hundred and fifty-four of the Companies Act 1948” substitute “section 736 of the Companies Act 1985”.
Betting, Gaming and Lotteries Act 1963 (c. 2):	
F13	F13
. . .	. . .
Schedule 2	(a) In paragraph 24(1), for “section 1 of the Companies Act 1976” substitute “section 241 of the Companies Act 1985”. (b) In paragraph 24(2), for “section 14(3), (4) and (6) of the Companies Act 1967” substitute— “the following provisions of the Companies Act 1985— section 236(2), as read with section 262 (matters to be stated in auditors’ report), and section 237(1) and (4) (responsibilities of auditors in preparing their report)”.
Stock Transfer Act 1963 (c. 18):	
Section 1(4)	In paragraph (a), for “Companies Act 1948” substitute “Companies Act 1985”.
Section 2	(a) In subsection (2), for “section 79(1) of the Companies Act 1948” substitute “section 184 of the Companies Act 1985”. (b) In subsection (3)(a), for “section 75 of the Companies Act 1948” substitute “section 183(1) and (2) of the Companies Act 1985”.
Harbours Act 1964 (c. 40):	

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Section 42	<p>(a) In subsection (6), for “Companies Acts 1948 to 1981” substitute “Companies Act 1985”; and for “those Acts” substitute “that Act”.</p> <p>(b) In subsection (7)(a), for “Companies Acts 1948 to 1981” substitute “Companies Act 1985”.</p> <p>(c) In subsection (9), for “section 154 of the Companies Act 1948” substitute “section 736 of the Companies Act 1985”.</p>
F17	F17
. . .	. . .
Trading Stamps Act 1964 (c. 71):	
Section 1(4)	For “Companies Act 1948” substitute “Companies Act 1985”.
F13	F13
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F13	F13
. . .	. . .
Industrial and Provident Societies Act 1965 (c. 12):	
Section 1(2)	For “Companies Act 1948” substitute “Companies Act 1985”.
Section 52(2)	The same amendment; and for “Act of 1948” substitute “Act of 1985”.
Section 53	<p>(a) In subsection (1), for “section 141 of the Companies Act 1948” substitute “section 378 of the Companies Act 1985”.</p> <p>(b) In subsection (4), for “Companies Act 1948” substitute “Companies Act 1985”.</p>
F13	F13
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Section 74	In the definition of “Companies Acts”, the same amendment.
F13	F13
. . .	. . .
F13	F13
. . .	. . .
Teaching Council (Scotland) Act 1965 (c. 19):	
Schedule 1	In paragraph 13(3), for “section 161(1)(a) of the Companies Act 1948 by the Board of Trade” substitute “section 389(1)(a) of

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*Changes to legislation: There are currently no known outstanding effects for the Companies Consolidation (Consequential Provisions) Act 1985 (repealed). (See end of Document for details)*

	the Companies Act 1985 by the Secretary of State”.
F18	
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F18	F18
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F19	F19
. . .	. . .
Universities (Scotland) Act 1966 (c. 13):	
Section 12(2)	In paragraph (e), for “section 161(1)(a) of the Companies Act 1948 by the Board of Trade” substitute “section 389(1)(a) of the Companies Act 1985 by the Secretary of State”.
[ <sup>F20</sup> General Rate Act 1967 (c. 9):]	
[ <sup>F20</sup> Section 32A(6)]	[ <sup>F20</sup> In the definition of “subsidiary”, for “section 154 of the Companies Act 1948” substitute “section 736 of the Companies Act 1985”.]
F13	
. . .	
F13	F13
. . .	. . .
[ <sup>F21</sup> Housing Subsidies Act 1967 (c. 29):]	
[ <sup>F21</sup> Section 32(1)]	[ <sup>F21</sup> In the definition of “insurance company”, for “paragraph 24 of Schedule 8 to the Companies Act 1948” substitute “paragraph 28 of Schedule 9 to the Companies Act 1985”.]
[ <sup>F22</sup> Development of Inventions Act 1967 (c. 32):]	
[ <sup>F22</sup> Section 12(3)]	[ <sup>F22</sup> For “section 161(1)(a) of the Companies Act 1948 by the Board of Trade” substitute “section 389(1)(a) of the Companies Act 1985 by the Secretary of State”.]
Companies Act 1967 (c. 81):	
Section 90	For this section substitute the following— Summary proceedings“90.—(1) Summary proceedings for an offence under this Part may (without prejudice to any jurisdiction exercisable apart from this subsection) be taken against a body corporate at any place at which the body has a place of

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business, and against any other person at any place at which he is for the time being.

(2) Notwithstanding anything in section 127(1) of the Magistrates' Courts Act 1980, an information relating to an offence under this Part which is triable by a magistrates' court in England and Wales may be so tried if it is laid at any time within 3 years after the commission of the offence and within 12 months after the date on which evidence sufficient in the opinion of the Director of Public Prosecutions, the Secretary of State or the Industrial Assurance Commissioner (as the case may be) to justify the proceedings comes to his knowledge.

(3) Summary proceedings in Scotland for an offence under this Part shall not be commenced after the expiration of 3 years from the commission of the offence.

Subject to this (and notwithstanding anything in section 331 of the Criminal Procedure (Scotland) Act 1975), such proceedings may (in Scotland) be commenced at any time within 12 months after the date on which evidence sufficient in the Lord Advocate's opinion to justify the proceedings comes to his knowledge or, where such evidence was reported to him by the Secretary of State or the Industrial Assurance Commissioner, within 12 months after the date on which it came to the knowledge of the former or the latter (as the case may be); and subsection (3) of that section applies for the purpose of this subsection as it applies for the purposes of that section.

(4) For purposes of this section, a certificate of the Director of Public Prosecutions, the Lord Advocate, the Secretary of State or the Industrial Assurance Commissioner (as the case may be) as to the date on which such evidence came to his knowledge is conclusive evidence."

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F13	F13
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F13	F13
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Transport Act 1968 (c. 73):	
F13	F13
...	...
[ <sup>F23</sup> ...	...
...	...]
Post Office Act 1969 (c. 48):	
Section 86(2)	For “section 154 of the Companies Act 1948” substitute “section 736 of the Companies Act 1985”; and for “section 150(4)” substitute “section 736(5) (b)”.
[ <sup>F24</sup> ...:	
...	...].
[ <sup>F25</sup> Insolvency Services (Accounting and Investment) Act 1970 (c. 8):]	
[ <sup>F25</sup> Section 4]	[ <sup>F25</sup> For “section 362(4) of the Companies Act 1948” substitute “section 660(5) of the Companies Act 1985 (or the previous corresponding provision of the Companies Act 1948)”.]
Taxes Management Act 1970 (c. 9):	
Section 108(2)	For “Companies Act 1948” substitute “Companies Act 1985”.
Income and Corporation Taxes Act 1970 (c. 10):	
Section 64A	For “proviso (b) to section 54(1) of the Companies Act 1948” substitute “section 153(4)(b) of the Companies Act 1985”.
Section 242(1)	For “Companies Act 1948” substitute “Companies Act 1985”.
Section 247(7)	The same amendment.
Section 265(5)	For “section 244 of the Companies Act 1948” substitute “section 538 of the Companies Act 1985”.
Section 272(2)	For “Companies Act 1948” substitute “Companies Act 1985”.

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Section 280(3) For “section 66 of the Companies Act 1948” substitute “section 135 of the Companies Act 1985”.

Section 343(9) For “Companies Act 1948” substitute “Companies Act 1985”.

Section 482(10) For “section 455 of the Companies Act 1948” substitute “Part XXVI of the Companies Act 1985”.

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Atomic Energy Authority Act 1971 (c. 11):

Section 14 For “Companies Act 1948 to 1967” substitute “Companies Act 1985”.

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Redemption of Standard Securities (Scotland) Act 1971 (c. 45):

Section 2 For “section 89 of the Companies Act 1948” substitute “section 193 of the Companies Act 1985”.

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*Status: Point in time view as at 29/12/2004.*

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Land Charges Act 1972 (c. 61):

Section 3(8)

Omit “and”, and insert at the end of the subsection “and sections 395 to 398 of the Companies Act 1985”.

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[<sup>F27</sup>Water Act 1973 (c. 37):]

[<sup>F27</sup>Schedule 3.]

[<sup>F27</sup>In paragraph 39(2)(a), for “section 161(1) (a) of the Companies Act 1948” substitute “section 389(1)(a) of the Companies Act 1985”.]

Fair Trading Act 1973 (c. 41):

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*Changes to legislation: There are currently no known outstanding effects for the Companies Consolidation (Consequential Provisions) Act 1985 (repealed). (See end of Document for details)*

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Section 137(5)	For “section 154 of the Companies Act 1948” substitute “section 736 of the Companies Act 1985”.
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F13	F13
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F28	F28
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F13	F13
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[ <sup>F29</sup> Housing Act 1974 (c. 44):]	
[ <sup>F29</sup> Section 12]	[ <sup>F29</sup> In the definition of “subsidiary”, for “Companies Act 1948” substitute “Companies Act 1985”.]
[ <sup>F29</sup> Section 22(1)]	[ <sup>F29</sup> The same amendment.]
[ <sup>F29</sup> Section 24(4)]	[ <sup>F29</sup> For “section 141 of the Companies Act 1948” substitute “section 378 of the Companies Act 1985”; and in paragraph (b) of the subsection, for “section 143 of the Companies Act 1948” substitute “section 380 of the Companies Act 1985”.]
[ <sup>F29</sup> Section 25(1)]	[ <sup>F29</sup> For “Companies Act 1948” substitute “Companies Act 1985”.]
Friendly Societies Act 1974 (c. 46):	
F13	F13
. . .	. . .
F13	F13
. . .	. . .
Section 111(1)	For “Companies Acts 1948 to 1967” substitute “Companies Act 1985”.
[ <sup>F30</sup> Trade Union and Labour Relations Act 1974 (c. 52):]	
[ <sup>F30</sup> Section 2(2)]	[ <sup>F30</sup> For “Companies Act 1948” substitute “Companies Act 1985”.]

*Status: Point in time view as at 29/12/2004.*

*Changes to legislation: There are currently no known outstanding effects for the Companies Consolidation (Consequential Provisions) Act 1985 (repealed). (See end of Document for details)*

[ <sup>F30</sup> Section 3(4)]	[ <sup>F30</sup> For “section 434 of the Companies Act 1948” substitute “section 716 of the Companies Act 1985”.]
[ <sup>F30</sup> Section 4(4)]	[ <sup>F30</sup> For “section 75 or 117 of the Companies Act 1948” substitute “section 183(1) or 360 of the Companies Act 1985”.]
[ <sup>F30</sup> Section 30(1)]	[ <sup>F30</sup> In the definition of “special register body”, for “Companies Act 1948” substitute “Companies Act 1985”.]
[ <sup>F30</sup> Schedule 2]	[ <sup>F30</sup> (a) In paragraph 6, for “section 161(1) (a) of the Companies Act 1948” substitute “section 389(1)(a) of the Companies Act 1985”; and for “section 161(1)(b)” substitute “section 389(1)(b)”].  [ <sup>F30</sup> (b) In paragraph 8, for “section 161(1) (b) of the Companies Act 1948” substitute “section 389(1)(b) of the Companies Act 1985”.]
Finance Act 1975 (c. 7): Section 48(5)	In paragraph (b), for “section 154 of the Companies Act 1948” substitute “section 736 of the Companies Act 1985”.
F31 ... F13 ... F13 ...	F31 ... F13 ... F13 ...
Finance (No. 2) Act 1975 (c. 45): Section 36(4)	For “section 150(4) of the Companies Act 1948” substitute “section 736(5)(b) of the Companies Act 1985”.
F13 ...	F13 ... F13 ... F13 ... F13 ... F13 ...

*Status: Point in time view as at 29/12/2004.*

*Changes to legislation: There are currently no known outstanding effects for the Companies Consolidation (Consequential Provisions) Act 1985 (repealed). (See end of Document for details)*

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Prescription and Limitation (Scotland) Act 1975 (c. 52):

Section 9(1) In paragraph (b), for “section 318 of the Companies Act 1948” substitute “section 613 of the Companies Act 1985”.

Industry Act 1975 (c. 68):

Section 37(1) In the definitions of “holding company” and “subsidiary”, for “section 154 of the Companies Act 1948” (twice) substitute “section 736 of the Companies Act 1985”;  
 [F32and in the definition of “wholly-owned subsidiary”, for “section 150(4) of the Companies Act 1948” substitute “section 736(5)(b) of the Companies Act 1985”.]

[F33Schedule 1] [F33In paragraph 19, for “Section 209 of the Companies Act 1948” substitute “Sections 428 to 430 of the Companies Act 1985”; and for “that section” substitute “those sections”.]

[F33Schedule 2] [F33In paragraph 7(2), for “section 161(1) (a) of the Companies Act 1948” substitute “section 389(1)(a) of the Companies Act 1985”.]

[F34Scottish Development Agency Act 1975 (c. 69):]

[F34Section 25(1)] [F34In the definitions of “holding company” and “subsidiary”, for “section 154 of the Companies Act 1948” substitute “section 736 of the Companies Act 1985”; and in the definition of “wholly-owned subsidiary”, for “section 150(4) of the Companies Act 1948” substitute “section 736(5)(b) of the Companies Act 1985”.]

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Welsh Development Agency Act 1975 (c. 70):

Section 27(1) In the definitions of “holding company” and “subsidiary”, for “section 154 of the Companies Act 1948” (twice) substitute “section 736 of the Companies Act 1985”; and in the definition of “wholly-owned subsidiary”, for “section 150(4) of the Companies Act 1948” substitute “section 736(5)(b) of the Companies Act 1985”.

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*Status: Point in time view as at 29/12/2004.*

**Changes to legislation:** *There are currently no known outstanding effects for the Companies Consolidation (Consequential Provisions) Act 1985 (repealed). (See end of Document for details)*

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Development Land Tax Act 1976 (c. 24):	
Section 33(1)	For “section 244 of the Companies Act 1948” substitute “section 538 of the Companies Act 1985”.
Section 42(4)	For paragraph (c) substitute—

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*Changes to legislation: There are currently no known outstanding effects for the Companies Consolidation (Consequential Provisions) Act 1985 (repealed). (See end of Document for details)*

	“(c) section 614 of the Companies Act 1985, with paragraph 2 of Schedule 19 to that Act”.
F13	
. . .	
F13	F13
. . .	. . .
Restrictive Trade Practices Act 1976 (c. 34):	
Section 33	For “Companies Act 1948” (twice) substitute “Companies Act 1985”.
Section 43(1)	For “section 154 of the Companies Act 1948” substitute “section 736 of the Companies Act 1985”.
F38	F38
. . .	. . .
Resale Prices Act 1976 (c. 53):	
Section 27	In the definition of “interconnected bodies corporate”, for “section 154 of the Companies Act 1948” substitute “section 736 of the Companies Act 1985”.
F13	
. . .	
F39	F39
. . .	. . .
F13	F13
. . .	. . .
F39	F39
. . .	. . .
Industrial Common Ownership Act 1976 (c. 78):	
Section 2(5)	For “section 455(1) of the Companies Act 1948” substitute “section 735 of the Companies Act 1985”; and for “Companies Act 1948” (the second time) substitute “Companies Act 1985”.
F40	F40
. . .	. . .
Aircraft and Shipbuilding Industries Act 1977 (c. 3):	
F41	F41
. . .	. . .
F13	F13
. . .	. . .
F42	F42

*Status: Point in time view as at 29/12/2004.*

*Changes to legislation: There are currently no known outstanding effects for the Companies Consolidation (Consequential Provisions) Act 1985 (repealed). (See end of Document for details)*

...	...
Section 56(1)	(a) In the definition of “equity share capital”, for “section 154 of the Company Act 1948” substitute “section 736 of the Companies Act 1985”.
	(b) In the definition of “holding company”, for “section 154 of the Companies Act 1948” substitute “section 736 of the Companies Act 1985”.
	(c) In the definition of “subsidiary”, for “Companies Act 1948” substitute “Companies Act 1985”.
	(d) In the definition of “wholly-owned subsidiary”, for “section 150 of the Companies Act 1948” substitute “section 736(5)(b) of the Companies Act 1985”.
Nuclear Industry (Finance) Act 1977 (c. 7):	
Section 3	For “Companies Act 1948” substitute “Companies Act 1985”.
Patents Act 1977 (c. 37):	
F13	F13
...	...
F13	F13
...	...
Section 131	In paragraph (d), the same amendment.
F18	
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F18	F18
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F37	
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F37	F37
...	...
F37	F37
...	...
Participation Agreements Act 1978 (c. 1):	
Section 1(4)	For “Sections 150(4) and 154 of the Companies Act 1948” substitute “Section 736 of the Companies Act 1985”.
F13	
...	

*Status: Point in time view as at 29/12/2004.*

*Changes to legislation: There are currently no known outstanding effects for the Companies Consolidation (Consequential Provisions) Act 1985 (repealed). (See end of Document for details)*

F13	F13
...	...
Shipbuilding (Redundancy Payments) Act 1978 (c. 11):	
Section 1(4)	For “section 154 of the Companies Act 1948” substitute “the Companies Act 1985”; and for “section 150 of the Companies Act 1948 and section 144 of” substitute “the Companies Act 1985 and”.
F13	F13
...	...
F13	F13
...	...
[ <sup>F43</sup> Employment Protection (Consolidation) Act 1978 (c. 44):]	
[ <sup>F43</sup> Section 121(1)]	[ <sup>F43</sup> For paragraph (c) substitute—] [ <sup>F43</sup> “(c) section 614 of, and Schedule 19 to, the Companies Act 1985.”.]
[ <sup>F43</sup> Section 122(7)]	[ <sup>F43</sup> For “section 317 of the Companies Act 1948” substitute “section 612 of the Companies Act 1985”.]
[ <sup>F43</sup> Section 125(2)]	[ <sup>F43</sup> For paragraph (c) substitute—] [ <sup>F43</sup> “(c) section 614 of the Companies Act 1985, with Schedule 19 to that Act”.]
Capital Gains Tax Act 1979 (c. 14):	
Section 9(3)	In paragraph (b), for “section 154 of the Companies Act 1948” substitute “section 736 of the Companies Act 1985”.
Section 149(7)	For “Companies Act 1948” substitute “Companies Act 1985”.
Credit Unions Act 1979 (c. 34):	
Section 6(1)	For “section 222(d) of the Companies Act 1948” substitute “section 517(1)(e) of the Companies Act 1985”; and after the word “seven” insert “(or, in the case of section 517(1)(e) of the Act of 1985, for the word “two”)”.
[ <sup>F44</sup> ...	...]
...	...
F45	F45
...	...
F13	F13
...	...



*Status: Point in time view as at 29/12/2004.*

*Changes to legislation: There are currently no known outstanding effects for the Companies Consolidation (Consequential Provisions) Act 1985 (repealed). (See end of Document for details)*

F13	F13
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	F13
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	...
Crown Agents Act 1979 (c. 43):	
[ <sup>F46</sup> ...	...]
Section 31	In the definition of “subsidiary”, for “section 154 of the Companies Act 1948” substitute “section 736 of the Companies Act 1985”; and in the definition of “wholly-owned subsidiary”, for “section 150(4) of the Companies Act 1948” substitute “section 736(5)(b) of the Companies Act 1985”.
F47	F47
...	...
Competition Act 1980 (c. 21):	
Section 11(3)	In paragraph (f), for “Companies Act 1948” substitute “Companies Act 1985”.
Section 12(4)	The same amendment.
British Aerospace Act 1980 (c. 26):	
F42	F42
...	...
Section 4	(a) In subsection (3), for “section 40(2) (d) of the Companies Act 1980” substitute “section 264(3)(d) of the Companies Act 1985”; and for “section 40(2)(c)” substitute “section 264(3)(c)”.
	(b) In subsection (7), for “Companies Acts 1948 to 1980” substitute “Companies Act 1985”.
F13	F13
...	...
Industry Act 1980 (c. 33):	

*Status: Point in time view as at 29/12/2004.*

*Changes to legislation: There are currently no known outstanding effects for the Companies Consolidation (Consequential Provisions) Act 1985 (repealed). (See end of Document for details)*

Section 2(4)	For “section 154 of the Companies Act 1948” substitute “section 736 of the Companies Act 1985”.
Section 3	(a) In subsection (5), for “Companies Acts 1948 to 1980” substitute “Companies Act 1985”.  (b) In subsection (7), for “Companies Act 1948” substitute “Companies Act 1985”; and for “section 154 of the said Act of 1948” substitute “section 736 of the said Act of 1985”.
F48 ... F48 ... F48 ...	F48 ... F48 ... F48 ...
Education (Scotland) Act 1980 (c. 44): Section 111(3)	In paragraph (e), for “section 161(1)(a) of the Companies Act 1948” substitute “section 389(1)(a) of the Companies Act 1985”.
F13 ... F13 ...	F13 ... F13 ...
[ <sup>F49</sup> Housing Act 1980 (c. 51):] [ <sup>F49</sup> Schedule 16]	[ <sup>F49</sup> In paragraph 3(2), for “section 161(1)(a) of the Companies Act 1948” substitute “section 389(1)(a) of the Companies Act 1985”; and for “section 161(1)(b)” substitute “section 389(1)(b)”.]
[ <sup>F49</sup> Schedule 19]	[ <sup>F49</sup> In paragraph 17(2), for “section 154 of the Companies Act 1948” substitute “section 736 of the Companies Act 1985”.]
Civil Aviation Act 1980 (c. 60): Section 4(3)	In paragraph (b), for “Companies Act 1948 to 1980” substitute “Companies Act 1985”.
Section 5(5)	The same amendment.
Local Government, Planning and Land Act 1980 (c. 65):	

*Status: Point in time view as at 29/12/2004.*

*Changes to legislation: There are currently no known outstanding effects for the Companies Consolidation (Consequential Provisions) Act 1985 (repealed). (See end of Document for details)*

Section 100(1)	For “section 150(4) of the Companies Act 1948” substitute “section 736(5)(b) of the Companies Act 1985”.
Section 141(7)	The same amendment.
Section 170	(a) In subsection (1)(d), the same amendment. (b) In subsection (2), the same amendment.
F13	F13
...	...
F13	
...	
F13	F13
...	...
[ <sup>F50</sup> National Film Finance Corporation Act 1981 (c. 15):]	
[ <sup>F50</sup> Section 7(3)]	[ <sup>F50</sup> For “section 161(1)(a) of the Companies Act 1948” substitute “section 389(1)(a) of the Companies Act 1985”.]
[ <sup>F50</sup> Schedule 2]	[ <sup>F50</sup> In paragraph 3(3), for “Companies Act 1948” substitute “Companies Act 1985”.]
[ <sup>F50</sup> Film Levy Finance Act 1981 (c. 16):]	
[ <sup>F50</sup> Schedule 1]	[ <sup>F50</sup> In paragraph 7(3), for “section 161(1)(a) of the Companies Act 1948” substitute “section 389(1)(a) of the Companies Act 1985”.]
F13	
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F13	F13
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F13	F13
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F13	F13
...	...
Supreme Court Act 1981 (c. 54):	
Section 40A(2)	For “section 325 of the Companies Act 1948” substitute “section 621 of the Companies Act 1985”.

*Status: Point in time view as at 29/12/2004.*

*Changes to legislation: There are currently no known outstanding effects for the Companies Consolidation (Consequential Provisions) Act 1985 (repealed). (See end of Document for details)*

Transport Act 1981 (c. 56):

Section 11

(a) In subsection (2), for “sections 39 and 40 of the Companies Act 1980” substitute “sections 263 and 264 of the Companies Act 1985”.

(b) In subsection (3), for “40” substitute “264”.

(c) In subsection (4), for “section 157(1) of the Companies Act 1948” substitute “section 235 of the Companies Act 1985”.

Section 13(6)

For “Companies Act 1948” substitute “Companies Act 1985”.

Section 14(3)

In the definition of “subsidiary”, for “section 154 of the Companies Act 1948” substitute “section 736 of the Companies Act 1985”.

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[<sup>F51</sup>Broadcasting Act 1981 (c. 68):]

[<sup>F51</sup>Section 12(4)]

[<sup>F51</sup>For “section 154 of the Companies Act 1948” substitute “section 736 of the Companies Act 1985”.]

[<sup>F51</sup>Section 42(2)]

[<sup>F51</sup>For “section 161(1)(a) of the Companies Act 1948” substitute “section 389(1)(a) of the Companies Act 1985”.]

[<sup>F51</sup>Section 63(1)].

[<sup>F51</sup>In the definition of “associate”, for “section 154 of the Companies Act 1948”

*Status: Point in time view as at 29/12/2004.*

*Changes to legislation: There are currently no known outstanding effects for the Companies Consolidation (Consequential Provisions) Act 1985 (repealed). (See end of Document for details)*

	substitute “section 736 of the Companies Act 1985”.]
[ <sup>F51</sup> Schedule 7]	[ <sup>F51</sup> In paragraph 8(2), for “section 161(1) (a) of the Companies Act 1948” substitute “section 389(1)(a) of the Companies Act 1985”.]
F13	
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F13	F13
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F13	F13
...	...
Civil Aviation Act 1982 (c. 16):	
F13	F13
...	...
Section 23(3)	For “Companies Act 1948” substitute “Companies Act 1985”; and for “section 407(1)(c) of the said Act of 1948” substitute “section 691(1)(b)(ii) of the said Act of 1985”.
Section 105(1)	In the definition of “subsidiary”, for “section 154 of the Companies Act 1948” substitute “section 736 of the Companies Act 1985”.
F13	
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F13	F13
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F13	F13
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Iron and Steel Act 1982 (c. 25):	
Section 24	(a) In subsection (3), for “section 161(1) (a) of the Companies Act 1948” substitute “section 389(1)(a) of the Companies Act 1985”.
	(b) In subsection (4)(b), for the words from “the Companies Act 1948 (as amended” to “this Act)” substitute “the Companies Act 1985”.

*Status: Point in time view as at 29/12/2004.*

*Changes to legislation: There are currently no known outstanding effects for the Companies Consolidation (Consequential Provisions) Act 1985 (repealed). (See end of Document for details)*

	(c) In subsection (5), for “section 157 of the Companies Act 1948” substitute “section 235 of the Companies Act 1985”.
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F13	F13
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[ <sup>F52</sup> Local Government (Finance) Act 1982 (c. 32):	
Section 31(5)	For “section 154 of the Companies Act 1948” substitute “section 736 of the Companies Act 1985”].
F13	
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F13	F13
...	...
Duchy of Cornwall Management Act 1982 (c. 47):	

*Status: Point in time view as at 29/12/2004.*

*Changes to legislation: There are currently no known outstanding effects for the Companies Consolidation (Consequential Provisions) Act 1985 (repealed). (See end of Document for details)*

Section 9(2)	For “section 161(1)(a) of the Companies Act 1948” substitute “section 389(1)(a) of the Companies Act 1985”.
Transport Act 1982 (c. 49):	
F13	F13
...	...
Section 13(2)	For “Companies Act 1948” substitute “Companies Act 1985”.
F37	
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F13	
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F13	F13
...	...
Finance Act 1983 (c. 28):	
Schedule 5	(a) In paragraph 5(4), for “Companies Act 1948” substitute “Companies Act 1985”. (b) In paragraph 10(4)(a), for “Companies Act 1980” substitute “Companies Act 1985”; and for “section 4” (twice) substitute “section 117”. (c) In paragraph 20(2), for “section 455 of the Companies Act 1948” substitute “section 735 of the Companies Act 1985”.
F13	
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F13	F13
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F53	
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F53	F53
...	...
F13	
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F13	F13
...	...
Value Added Tax Act 1983 (c. 55):	
Section 29(8)	For “Companies Act 1948” substitute “Companies Act 1985”.
Schedule 7	In paragraph 12, in both sub-paragraphs (1)(c) and (2)(c), for “section 319 of the Companies Act 1948” substitute

*Status: Point in time view as at 29/12/2004.*

*Changes to legislation: There are currently no known outstanding effects for the Companies Consolidation (Consequential Provisions) Act 1985 (repealed). (See end of Document for details)*

	<p>“section 614 of the Companies Act 1985, with Schedule 19 to that Act”; and for “section 94 of the Act of 1948” substitute “section 196 of the Act of 1985”.</p>
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F13	F13
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[ <sup>F54</sup> Housing and Building Control Act 1984 (c. 29):]	
[ <sup>F54</sup> Schedule 4]	[ <sup>F54</sup> (a) In paragraph 11(1), for “section 161(1) (a) of the Companies Act 1948” substitute



*Status: Point in time view as at 29/12/2004.*

*Changes to legislation: There are currently no known outstanding effects for the Companies Consolidation (Consequential Provisions) Act 1985 (repealed). (See end of Document for details)*

	“section 389(1)(a) of the Companies Act 1985”; and for “section 161(1)(b)” substitute “section 389(1)(b)”.]
	[ <sup>F54</sup> (b) In paragraph 11(2), for “section 154 of the Companies Act 1948” substitute “section 736 of the Companies Act 1985”.]
Food Act 1984 (c. 30):	
Section 51(2)	In paragraph (a), for “1948” substitute “1985”; and for “Part IV” substitute “Part XI”.
Capital Transfer Tax Act 1984 (c. 51):	
Section 13(5)	For “Companies Act 1948” substitute “Companies Act 1985”.
Section 103(2)	The same amendment.
Section 234(3)	In paragraph (b), the same amendment.

#### Textual Amendments

- F10** Entry relating to the Baking Industry (Hours of Work) Act 1954 repealed by [Sex Discrimination Act 1986 \(c. 59, SIF 106:1\)](#), s. 9, **Sch. Pt. III**
- F11** Entry relating to the Opticians Act 1958 repealed by [Opticians Act 1989 \(c.44, SIF 83:1\)](#), s. 37(4), **Sch. 2**
- F12** Entries relating to the Prevention of Fraud (Investments) Act 1958 repealed by [Financial Services Act 1986 \(c. 60, SIF 69\)](#), s. 212(3), **Sch. 17 Pt. I**
- F13** Sch. 2 entries repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 17** Group 5
- F14** Entry in Sch. 2 relating to the Charities Act 1960 repealed (1.8.1993) by 1993 c. 10, ss. 98(2), 99(1), **Sch. 7**
- F15** Entry in Sch. 2 relating to s. 30(1) of the Charities Act 1960 repealed (1.9.1992) by [Charities Act 1992 \(c. 41\)](#), s. 78(2), **Sch. 7**; S.I. 1992/1900, art. 2(1), **Sch. 1**
- F16** Entries relating to the Building Societies Act 1962 repealed by [Building Societies Act 1986 \(c. 53, SIF 16\)](#), s. 120, **Sch. 19 Pt. I**
- F17** Entry relating to the Housing Act 1964 repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 3, **Sch. 1 Pt. I**
- F18** Words in Sch. 2 repealed (27.3.2004) by [Coal industry Act 1994 \(c. 21\)](#), s. 68(4), **Sch. 11 Pt. III**; S.I. 2004/144, art. 2, Sch.
- F19** Entry relating to the National Health Service Act 1966 repealed by [Health and Medicines Act 1988 \(c. 49, SIF 113:2\)](#), s. 25, **Sch. 3**
- F20** Entry relating to the General Rate Act 1967 repealed (E.W.) (for financial years beginning on or after 1990) by [Local Government Finance Act 1988 \(c. 41, SIF 103:2\)](#), ss. 117(8), 142, 149, **Sch. 13 Pt. I** (subject to any saving under section 117(8) of the said Local Government Finance Act 1988)
- F21** Entry relating to the Housing Subsidies Act 1967 repealed (E.W.) by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 3, **Sch. 1 Pt. I**
- F22** Entry in Sch. 2 relating to s. 12(3) of the Development of Inventions Act 1967 repealed (6.1.1992) by [British Technology Group Act 1991 \(c. 66, SIF 64\)](#), s. 17(2), **Sch. 2 Pt. I**; S.I. 1991/2721, **art. 2**
- F23** Words in Sch. 2 repealed (1.1.1996) by 1995 c. 23, s. 60(2), **Sch. 8 Pt. I** (with ss. 54, 55); S.I. 1995/2181, **art. 2**
- F24** Entry in Sch. 2 relating to the Development of Tourism Act 1969 repealed (19.11.1998) by 1998 c. 43, ss. 1(1), 2(3), **Sch. 1, Pt. IV**, Group 3

*Status: Point in time view as at 29/12/2004.*

*Changes to legislation: There are currently no known outstanding effects for the Companies Consolidation (Consequential Provisions) Act 1985 (repealed). (See end of Document for details)*

- F25** Entry relating to section 4 of the Insolvency Services (Accounting and Investment) Act 1970 repealed (E.W.S.) by **Insolvency Act 1985 (c. 65, SIF 27)**, s. 235, **Sch. 10 Pt. II**
- F26** Words in Sch. 2 repealed (27.3.2004) by **Coal industry Act 1994 (c. 21)**, s. 68(3)(b), **Sch. 11 Pt. IV**; S.I. 2004/144, art. 3
- F27** Entry relating to the Water Act 1973 repealed (E.W.) by **Water Act 1989 (c. 15, SIF 130)**, s. 190(3), **Sch. 27 Pt. I** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)
- F28** Entry relating to the Finance Act 1973 repealed by **Finance Act 1988 (c. 39, SIF 114)**, s. 148, **Sch. 14 Pt. XI**
- F29** Entries relating to the Housing Act 1974 repealed (E.W.) by **Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61)**, s. 3, **Sch. 1 Pt. I**
- F30** Entry in Sch. 2 relating to the Trade Union and Labour Relations Act 1974 repealed (16.10.1992) by **Trade Union and Labour Relations (Consolidation) Act 1992 (c. 452, ss. 300(1), 302, Sch. 1**
- F31** Entries relating to the Social Security Act 1975 repealed by **Insolvency Act 1985 (c. 65, SIF 66)**, s. 235, **Sch. 10 Pt. IV**, **Insolvency Act 1986 (c. 45, SIF 66)**, s. 437, Sch. 11 para. 10(2)
- F32** Words in the entry in Sch. 2 relating to s. 37(1) of the Industry Act 1975 repealed (6.1.1992) by **British Technology Group Act 1991 (c. 66, SIF 64)**, s. 17(2), **Sch. 2 Pt. I**; S.I. 1991/2721, art. 2
- F33** Entries in Sch. 2 relating to Schedules 1 and 2 of the Industry Act 1975 repealed (6.1.1992) by **British Technology Group Act 1991 (c. 66, SIF 64)**, s. 17(2), **Sch. 2 Pt. I**; S.I. 1991/2721, art. 2
- F34** Entry relating to the Scottish Development Agency Act 1975 repealed (1.4.1991) by **Enterprise and New Towns (Scotland) Act 1990 (c. 35, SIF 64)**, s. 38(2), **Sch. 5 Pt. I**
- F35** Entry relating to Sch. 1 para. 19 of the Scottish Development Agency Act 1975 repealed by **Financial Services Act 1986 (c. 60, SIF 69)**, s. 212(3), **Sch. 17 Pt. I**
- F36** Entry relating to Sch. 1 para. 22 of the Welsh Development Agency Act 1975 repealed by **Financial Services Act 1986 (c. 60, SIF 69)**, s. 212(3), **Sch. 17 Pt. I**
- F37** Entries in Sch. 2 repealed (1.12.2001) by S.I. 2001/3649, arts. 1, 38(b)
- F38** Entry relating to the Stock Exchange (Completion of Bargains) Act 1976 repealed by **Financial Services Act 1986 (c. 60, SIF 69)**, s. 212(3), **Sch. 17 Pt. I**
- F39** Entries relating to sections 2 and 10(1) of, and Schedule 1 to the Insolvency Act 1976 repealed (29.12.1986 for s. 2 and Sch. 1, and 1.3.1986 for s. 10(1)) by **Insolvency Act 1985 (c. 65, SIF 66)**, s. 235, **Sch. 10 Pt. IV**, **Insolvency Act 1986 (c. 45, SIF 66)**, s. 437, Sch. 11 para. 10(2)
- F40** Entry relating to the Dock Work Regulation Act 1976 repealed by **Dock Work Act 1989 (c. 13, SIF 43:1)**, s. 7(1), **Sch. 1 Pt. II**
- F41** Entry relating to section 3(5) of the Aircraft and Shipbuilding Industries Act 1977 repealed by **Financial Services Act 1986 (c. 60, SIF 69)**, s. 212(3), **Sch. 17 Pt. I**
- F42** Sch. 2 entries repealed (22.7.2004) by **Statute Law (Repeals) Act 2004 (c. 14)**, **Sch. 1 Pt. 16** Group 1
- F43** Entries relating to the Employment Protection (Consolidation) Act 1978 repealed (E.W.S.) by **Insolvency Act 1985 (c. 65, SIF 66)**, s. 235, **Sch. 10 Pts. II, IV**, **Insolvency Act 1986 (c. 45, SIF 66)**, s. 437, Sch. 11 para. 10(2)
- F44** Words in Sch. 2 repealed (19.6.1997) by 1997 c. 24, ss. 23(3), 24(2), **Sch. 6**
- F45** Entries relating to the Banking Act 1979 repealed by virtue of **Insolvency Act 1985 (c. 65, SIF 66)**, s. 235, **Sch. 10 Pts. II, IV**, **Insolvency Act 1986 (c. 45, SIF 66)**, s. 437, Sch. 11 para. 10(2), **Financial Services Act 1986 (c. 60, SIF 69)**, s. 212(3), **Sch. 17 Pt. I** and **Banking Act 1987 (c. 22, SIF 10)**, s. 108(2), **Sch. 7 Pt. I**
- F46** Words in Sch. 2 repealed (21.3.1997) by 1995 c. 24, s. 13(2), **Sch. 2 Pt. I**; S.I. 1997/1139, art. 2
- F47** Entry relating to the Weights and Measures Act 1979 repealed by **Weights and Measures Act 1985 (c. 72, SIF 131)**, s. 98(1), **Sch. 13 Pt. I**
- F48** Sch. 2 entry repealed in respect of the Transport Act 1980 (22.7.2004) by **Statute Law (Repeals) Act 2004 (c. 14)**, **Sch. 1 Pt. 5** Group 14
- F49** Entries relating to the Housing Act 1980 repealed (E.W.) by **Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61)**, s. 3, **Sch. 1 Pt. I**
- F50** Entries in Sch. 2 relating to the National Film Finance Corporation Act 1981 and the Film Levy Finance Act 1981 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. IX** Group 3

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*Status: Point in time view as at 29/12/2004.*

**Changes to legislation:** *There are currently no known outstanding effects for the Companies Consolidation (Consequential Provisions) Act 1985 (repealed). (See end of Document for details)*

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- F51** Entries relating to the Broadcasting Act 1981 repealed (the repeal being *prosp.* to the extent mentioned in S.I. 1990/2347, **art. 3(3)**) by Broadcasting Act 1990 (c. 42, SIF 96), s. 203(3), **Sch. 21**
- F52** Words in Sch. 2 repealed (E.W.) (11.9.1998) by 1998 c. 18, ss. 54(3), 55(2), **Sch. 5**
- F53** Sch. 2 entry relating to the Car Tax Act 1983 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 9** Group 5
- F54** Entries relating to the Housing and Building Control Act 1984 repealed (E.W.) by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 3, **Sch. 1 Pt. 1**

**Status:**

Point in time view as at 29/12/2004.

**Changes to legislation:**

There are currently no known outstanding effects for the Companies Consolidation (Consequential Provisions) Act 1985 (repealed).