

*These notes refer to the Companies (Audit, Investigations and Community Enterprise) Act 2004 (c.27) which received Royal Assent on 28 October 2004*

# COMPANIES (AUDIT, INVESTIGATIONS AND COMMUNITY ENTERPRISE) ACT 2004

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 2: Community Interest Companies**

##### **Summary and background Supplementary**

##### ***Section 61 - Orders made by Regulator***

274. This section sets out procedural requirements for the making of orders by the Regulator. For instance, it specifies those to whom the various types of order are to be given (*subsection (1)*). *Subsection (3)* allows the Regulator to make savings and transitional provisions when discharging an order, so as to provide a measure of control over the extent of the discharge where necessary. For example, an order under *section 48(1)*, vesting the stock and equipment of a CIC in the Official Property Holder, might be discharged in part, so that all the stock is vested back in the CIC, but with a proviso that the CIC may not sell the stock for less than 50% of its book value, and with transitional provisions to make arrangements for the physical transfer of the stock. *Subsection (5)* requires the Regulator to give reasons for those of his orders and decisions for which the Act confers a right of appeal to the Appeal Officer or to the courts. The Regulator must give his reasons to those persons who have the right to appeal the order or decision. This is to ensure that they will have the information they need to make a decision about whether they have grounds to appeal.