



Companies (Audit, Investigations and Community Enterprise) Act 2004

2004 CHAPTER 27

PART 2

COMMUNITY INTEREST COMPANIES

Becoming a community interest company

[^{F1}38A. Becoming a community interest company: implementation of decision on eligibility

- (1) If the Regulator gives notice of a decision that the company is eligible to become a community interest company, the registrar of companies must—
 - (a) proceed in accordance with section 80 of the Companies Act 2006 (change of name: registration and issue of new certificate of incorporation), and
 - (b) if the registrar enters the new name of the company on the register, retain and record the documents mentioned in section 37C(3).
- (2) The new certificate of incorporation must state—
 - (a) that it is issued on the company's conversion to a community interest company,
 - (b) the date on which it is issued, and
 - (c) that the company is a community interest company.
- (3) On the issue of the certificate—
 - (a) the company by virtue of the issue of the certificate becomes a community interest company, and
 - (b) the changes in the company's name and articles take effect.
- (4) The certificate is conclusive evidence that the company is a community interest company.

Changes to legislation: There are currently no known outstanding effects for the Companies (Audit, Investigations and Community Enterprise) Act 2004, Section 38A. (See end of Document for details)

- (5) If the Regulator decides that the company is not eligible to become a community interest company, the company may appeal to the Appeal Officer against the decision.]

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Textual Amendments

- F1** Ss. 38, 38A substituted for s. 38 (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), **Sch. 1 para. 227(2)** (with art. 10)

Changes to legislation:

There are currently no known outstanding effects for the Companies (Audit, Investigations and Community Enterprise) Act 2004, Section 38A.