



# Companies Act 2006

## 2006 CHAPTER 46

### PART 39

#### COMPANIES: MINOR AMENDMENTS

##### Modifications etc. (not altering text)

- C1** Pts. 1-39 (except for Pt. 7 and ss. 662-669), 45-47 extended (12.5.2011) by [The Companies Act 2006 \(Consequential Amendments and Transitional Provisions\) Order 2011 \(S.I. 2011/1265\)](#), art. 5(1), [Sch. 1 para. 2](#)

VALID FROM 01/04/2008

##### **1175 Removal of special provisions about accounts and audit of charitable companies**

- (1) Part 7 of the Companies Act 1985 (c. 6) and Part 8 of the Companies (Northern Ireland) Order 1986 (accounts and audit) are amended in accordance with Schedule 9 to this Act so as to remove the special provisions about companies that are charities.
- (2) In that Schedule—
- Part 1 contains repeals and consequential amendments of provisions of the Companies Act 1985;
  - Part 2 contains repeals and consequential amendments of provisions of the Companies (Northern Ireland) Order 1986.

##### Commencement Information

- II** [S. 1175](#) partly in force; [s. 1175](#) not in force at Royal Assent see [s. 1300](#); [s. 1175](#) in force for specified purposes at 1.4.2008 by [S.I. 2008/674](#), [art. 3](#) (with [art. 6](#))

*Status: Point in time view as at 20/01/2007. This version of this part contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Companies Act 2006, Part 39. (See end of Document for details)*

VALID FROM 06/04/2007

### **1176 Power of Secretary of State to bring civil proceedings on company's behalf**

- (1) Section 438 of the Companies Act 1985 (power of Secretary of State to bring civil proceedings on company's behalf) shall cease to have effect.
- (2) In section 439 of that Act (expenses of investigating company's affairs)—
  - (a) in subsection (2) omit “, or is ordered to pay the whole or any part of the costs of proceedings brought under section 438,”;
  - (b) omit subsections (3) and (7) (which relate to section 438);
  - (c) in subsection (8)—
    - (i) for “subsections (2) and (3)” substitute “ subsection (2) ”, and
    - (ii) omit “; and any such liability imposed by subsection (2) is (subject as mentioned above) a liability also to indemnify all persons against liability under subsection (3)”.
- (3) In section 453(1A) of that Act (investigation of overseas companies: provisions not applicable), omit paragraph (b) (which relates to section 438).
- (4) Nothing in this section affects proceedings brought under section 438 before the commencement of this section.

#### **Commencement Information**

- I2** S. 1176 wholly in force at 6.4.2007, see s. 1300 and S.I. 2006/3428, **art. 4(1)(b)** (subject to art. 5, Sch. 1 and with arts. 6, 8, Sch. 5)

VALID FROM 06/04/2007

### **1177 Repeal of certain provisions about company directors**

The following provisions of Part 10 of the Companies Act 1985 shall cease to have effect—

- section 311 (prohibition on tax-free payments to directors);
- sections 323 and 327 (prohibition on directors dealing in share options);
- sections 324 to 326 and 328 to 329, and Parts 2 to 4 of Schedule 13 (register of directors' interests);
- sections 343 and 344 (special procedure for disclosure by banks).

#### **Commencement Information**

- I3** S. 1177 wholly in force at 6.4.2007, see s. 1300 and S.I. 2006/3428, **art. 4(1)(c)** (subject to art. 5, Sch. 1 and with arts. 6, 8, Sch. 5)

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VALID FROM 06/04/2007

### **1178 Repeal of requirement that certain companies publish periodical statement**

The following provisions shall cease to have effect—  
section 720 of the Companies Act 1985 (c. 6) (certain companies to publish periodical statement), and  
Schedule 23 to that Act (form of statement under section 720).

#### **Commencement Information**

- I4** [S. 1178](#) wholly in force at 6.4.2007, see [s. 1300](#) and [S.I. 2006/3428](#), [art. 4\(1\)\(d\)](#) (subject to [art. 5](#), [Sch. 1](#) and with [arts. 6, 8](#), [Sch. 5](#))

VALID FROM 06/04/2007

### **1179 Repeal of requirement that Secretary of State prepare annual report**

Section 729 of the Companies Act 1985 (annual report to Parliament by Secretary of State on matters within the Companies Acts) shall cease to have effect.

#### **Commencement Information**

- I5** [S. 1179](#) wholly in force at 6.4.2007, see [s. 1300](#) and [S.I. 2006/3428](#), [art. 4\(1\)\(e\)](#) (subject to [art. 5](#), [Sch. 1](#) and with [arts. 6, 8](#), [Sch. 5](#))

VALID FROM 01/10/2009

### **1180 Repeal of certain provisions about company charges**

Part 4 of the Companies Act 1989 (c. 40) (registration of company charges), which has not been brought into force, is repealed.

### **1181 Access to constitutional documents of RTE and RTM companies**

- (1) The Secretary of State may by order—
- (a) amend Chapter 1 of Part 1 of the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28) for the purpose of facilitating access to the provisions of the articles or any other constitutional document of RTE companies;
  - (b) amend Chapter 1 of Part 2 of the Commonhold and Leasehold Reform Act 2002 (c. 15) (leasehold reform) for the purpose of facilitating access to the provisions of the articles or any other constitutional document of RTM companies.

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- (2) References in subsection (1) to provisions of a company's articles or any other constitutional document include any provisions included in those documents by virtue of any enactment.
- (3) An order under this section is subject to negative resolution procedure.
- (4) In this section—
- “RTE companies” has the same meaning as in Chapter 1 of Part 1 of the Leasehold Reform, Housing and Urban Development Act 1993;
- “RTM companies” has the same meaning as in Chapter 1 of Part 2 of the Commonhold and Leasehold Reform Act 2002.

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#### Commencement Information

- I6** [S. 1181](#) wholly in force at 1.10.2009; [s. 1181](#) not in force at Royal Assent, see [s. 1300](#); [s. 1181](#) in force for specified purposes at 20.1.2007 by [S.I. 2006/3428](#), [art. 3\(3\)](#) (subject to [art. 5](#), [Sch. 1](#) and with [arts. 6, 8](#), [Sch. 5](#)); [s. 1181](#) otherwise in force at 1.10.2009 by [S.I. 2008/2860](#), [art. 3\(v\)](#) (with [arts. 5, 7, 8](#), [Sch. 2](#)) (as amended by [S.I. 2009/1802](#), [art. 18](#))

**Status:**

Point in time view as at 20/01/2007. This version of this part contains provisions that are not valid for this point in time.

**Changes to legislation:**

There are currently no known outstanding effects for the Companies Act 2006, Part 39.