
STATUTORY INSTRUMENTS

1995 No. 1729

COMPANIES

The Foreign Companies (Execution of Documents) (Amendment) Regulations 1995

<i>Made</i>	- - - -	<i>6th July 1995</i>
<i>Laid before Parliament</i>		<i>7th July 1995</i>
<i>Coming into force</i>	- -	<i>1st August 1995</i>

The Secretary of State, in exercise of the powers conferred on him by section 130(6) of the Companies Act 1989⁽¹⁾ and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Foreign Companies (Execution of Documents) (Amendment) Regulations 1995 and shall come into force on 1st August 1995.

Interpretation

2. In these Regulations “the principal Regulations” means the Foreign Companies (Execution of Documents) Regulations 1994⁽²⁾.

Amendment of regulations 2 and 3 of the principal Regulations

3. Regulation 2 of the principal Regulations shall be amended as follows—

- (a) for the words “Sections 36 to 36C” there shall be substituted the words “Sections 36, 36A, 36B⁽³⁾ and 36C”;
- (b) for the words “regulations 3 to 6 below” there shall be substituted the words “regulations 3 to 5 below.”.

4. In regulation 3 of the principal Regulations for the words “sections 36 to 36C” there shall be substituted the words “sections 36, 36A, 36B and 36C”.

(1) 1989 c. 40.

(2) S.I. 1994/950.

(3) With effect from 1st August 1995, section 36B of the Companies Act 1985 (c. 6) is substituted by paragraph 51 of Schedule 4 to the Requirements of Writing (Scotland) Act 1995 (c. 7).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Revocation of regulation 6 of the principal Regulations

5. Regulation 6 is hereby revoked.

6th July 1995

Jonathan Evans,
Parliamentary Under-Secretary of State, for
Corporate and Consumer Affairs,
Department of Trade and Industry

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Foreign Companies (Execution of Documents) Regulations 1994 (“the 1994 Regulations”).

The 1994 Regulations adapted section 36B (execution of a document by a company under the law of Scotland) of the Companies Act 1985 (“the 1985 Act”) for the purpose of its application to a company incorporated outside Great Britain. With effect from 1st August 1995, however, paragraph 5 of Schedule 2 to the Requirements of Writing (Scotland) Act 1995 (“the 1995 Act”) provides new rules for the signing of documents, in accordance with the law of Scotland, by all bodies corporate other than companies incorporated in Great Britain, or local authorities. From that date, therefore, those rules will apply to companies incorporated outside Great Britain. Moreover, paragraph 51 of Schedule 4 to the 1995 Act substitutes a new section 36B in the 1985 Act (providing that where an enactment requires a document to be executed by a company affixing its common seal, a document signed in accordance with the 1995 Act is to have effect as if so executed), for which the translations provided by regulation 6 of the 1994 Regulations are no longer relevant. In view of those changes, regulation 6 of the 1994 Regulations is revoked and a consequential amendment is made in regulation 2. It is also provided by virtue of amendments to regulations 2 and 3 of the 1994 Regulations that substituted section 36B of the 1985 Act shall apply to a company incorporated outside Great Britain, with the modification that references in that provision to a company shall be construed as references to a company incorporated outside Great Britain.