
STATUTORY INSTRUMENTS

2008 No. 1911

The Limited Liability Partnerships (Accounts and Audit)
(Application of Companies Act 2006) Regulations 2008

PART 11

APPOINTMENT OF AUDITORS

[^{F1}The maximum engagement period

38A. Section 494ZA applies to LLPs, modified so that it reads as follows—

“**494ZA.**—(1) Where a person is auditor of an LLP for consecutive financial years, the maximum engagement period of the person as auditor of the LLP—

- (a) begins with the first of those years (see the appropriate entry in the first column of the following Table), and
- (b) ends with the financial year specified in the corresponding entry in the second column of the Table:

<i>First financial year of the maximum engagement period</i>	<i>Last financial year of the maximum engagement period</i>
A financial year of the LLP beginning before 17 June 1994.	The last financial year of the LLP to begin before 17 June 2020.
A financial year of the LLP beginning—	The last financial year of the LLP to begin before 17 June 2023.
(a) on or after 17 June 1994, and	
(b) before 17 June 2003.	
A financial year of the LLP beginning—	<i>No qualifying selection procedure</i>
(a) on or after 17 June 2003, and	Where neither the first financial year of the maximum engagement period nor any subsequent financial year is one for which the auditor has been appointed following the carrying out of a qualifying selection procedure, the later of—
(b) before 17 June 2016.	(a) the last financial year of the LLP to begin before 17 June 2016, and
	(b) the last financial year of the LLP to begin within the period of 10 years beginning with the first day of the

Changes to legislation: There are currently no known outstanding effects for the The Limited Liability Partnerships (Accounts and Audit) (Application of Companies Act 2006) Regulations 2008, Section 38A. (See end of Document for details)

<i>First financial year of the maximum engagement period</i>	<i>Last financial year of the maximum engagement period</i>
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first financial year of the maximum engagement period.

No qualifying selection procedure within 10 years

Where the last day of the last financial year of the LLP to begin within the period of 10 years beginning with the first day of the last financial year of the LLP for which the auditor was appointed following a qualifying selection procedure is before 17 June 2016—

(a) the last financial year of the LLP to begin before 17 June 2016, unless

(b) the auditor is appointed following a qualifying selection procedure for the first financial year of the LLP to begin on or after 17 June 2016, in which case it is the last financial year of the LLP to begin within the period of 20 years beginning with the first day of the first financial year of the maximum engagement period.

Qualifying selection procedure within 10 years

In any other case, the earlier of—

(a) the last financial year of the LLP to begin within the period of 10 years beginning with the first day of the last financial year of the LLP for which the auditor was appointed following a qualifying selection procedure, and

(b) the last financial year of the LLP to begin within the period of 20 years beginning with the first day of the first financial year of the maximum engagement period.

A financial year of the LLP beginning on or after 17 June 2016. The earlier of—

(a) the last financial year of the LLP to begin within the period of 10 years beginning with the first day of the last financial year of the LLP for which

<i>First financial year of the maximum engagement period</i>	<i>Last financial year of the maximum engagement period</i>
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the auditor was appointed following a qualifying selection procedure, and

(b) the last financial year of the LLP to begin within the period of 20 years beginning with the first day of the first financial year of the maximum engagement period.

(2) Where the first financial year of the maximum engagement period begins on or after 17 June 2003, the maximum engagement period may be extended by a period of no more than 2 years with the approval of the competent authority.

(3) Such approval may be given by the competent authority only if it is satisfied that exceptional circumstances exist.

(4) Where the competent authority gives its approval as mentioned in subsection (2)—

- (a) the second column of the Table in subsection (1) has effect with the necessary modifications, and
- (b) the first appointment to be made after the end of the period as so extended must be made following a qualifying selection procedure.

(5) In this section “qualifying selection procedure” means—

- (a) in the case of an appointment for a financial year beginning on or after 17 June 2016 made after the Statutory Auditors and Third Country Auditors Regulations 2017 come into force—
 - (i) if the LLP has an audit committee, a selection procedure that complies with the requirements of section 485A(4) and (5)(a) and (b), and
 - (ii) if the LLP does not have an audit committee, a selection procedure that complies with the requirements of ^{F2}section 485B(4)];
- (b) in any other case, a selection procedure that substantially meets the requirements of Article 16(2) to (5) of the Audit Regulation [^{F3}as it had effect immediately before IP completion day], having regard to the circumstances at the time (including whether the LLP had an audit committee).”]

Textual Amendments

- F1** Regs. 38A, 38B inserted (with effect in accordance with reg. 2(5)(a) of the amending S.I.) by [The Statutory Auditors Regulations 2017](#) (S.I. 2017/1164), reg. 1(2)(3), **Sch. 3 para. 12** (with reg. 2(6)(7))
- F2** Words in [reg. 38A](#) substituted (31.12.2020) by [The Statutory Auditors and Third Country Auditors \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/177), regs. 2, **51(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in [reg. 38A](#) inserted (31.12.2020) by [The Statutory Auditors and Third Country Auditors \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/177), regs. 2, **51(a)(ii)** (as amended by S.I. 2020/523, regs. 1(2), 15(a)(i)); 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation:

There are currently no known outstanding effects for the The Limited Liability Partnerships (Accounts and Audit) (Application of Companies Act 2006) Regulations 2008, Section 38A.