
STATUTORY INSTRUMENTS

2009 No. 1632

The Companies (Shareholders' Rights) Regulations 2009

PART 2

AMENDMENTS OF GENERAL APPLICATION

Advance voting on a poll

5.—(1) After section 322 of the Companies Act 2006 insert—

“Voting on a poll: votes cast in advance

322A.—(1) A company's articles may contain provision to the effect that on a vote on a resolution on a poll taken at a meeting, the votes may include votes cast in advance.

(2) In the case of a traded company any such provision in relation to voting at a general meeting may be made subject only to such requirements and restrictions as are—

- (a) necessary to ensure the identification of the person voting, and
- (b) proportionate to the achievement of that objective.

Nothing in this subsection affects any power of a company to require reasonable evidence of the entitlement of any person who is not a member to vote.

(3) Any provision of a company's articles is void in so far as it would have the effect of requiring any document casting a vote in advance to be received by the company or another person earlier than the following time—

- (a) in the case of a poll taken more than 48 hours after it was demanded, 24 hours before the time appointed for the taking of the poll;
- (b) in the case of any other poll, 48 hours before the time for holding the meeting or adjourned meeting.

(4) In calculating the periods mentioned in subsection (3), no account is to be taken of any part of a day that is not a working day.”.

(2) In section 282(4) and section 283(5) of that Act (passing of ordinary or special resolution on a poll), for “in person or by proxy” substitute “in person, by proxy or in advance (see section 322A)”.