
STATUTORY INSTRUMENTS

2019 No. 177

**The Statutory Auditors and Third Country Auditors
(Amendment) (EU Exit) Regulations 2019**

PART 2

Amendment of primary legislation

CHAPTER 3

Schedules 10, 11, 11A and 12 to the Companies Act 2006

- 32.** In paragraph 20A (interpretation) ^{M1}—
- (a) at the beginning, insert “ (1) ”;
 - (b) after “In this Part of this Schedule—” insert—

““the Audit Directive” means Directive [2006/43/EC](#) of the European Parliament and of the Council on statutory audits of annual accounts and consolidated accounts, amending Council Directives [78/660/EEC](#) and [83/349/EEC](#) and repealing Council Directive [84/253/EEC](#)”;
 - (c) after the definition of “audit reporting requirements”, insert—

““EEA auditor” means an individual or firm approved in accordance with the Audit Directive by an EEA competent authority to carry out audits of annual accounts or consolidated accounts required by European Union law;

“EEA competent authority” means a competent authority within the meaning of Article 2(10) of the Audit Directive of an EEA State;”;
 - (d) in the definition of “public interest entity”—
 - (i) in paragraph (a), for “regulated market” substitute “ UK regulated market ”;
 - (ii) in paragraph (b), for “other than one listed in Article 2 of Directive 2013/36/EU of the European Parliament and of the Council on access to the activity of credit institutions and investment firms” substitute “ which is a CRR firm within the meaning of Article 4(1)(2A) of that Regulation ”;
 - (iii) for paragraph (c), substitute—

“(c) a person who would be an insurance undertaking as defined in Article 2(1) of Council Directive [91/674/EEC](#) of 19 December 1991 of the European Parliament and of the Council on the annual accounts and consolidated accounts of insurance undertakings as that Article had effect immediately before [^{F1}IP completion day], were the United Kingdom a member State;”.
 - (e) omit the definition of “regulated market”;
 - (f) in the definition of “third country audit function”—

- (i) for “UK-traded non-EEA company” substitute “ UK-traded third country company ”;
- (ii) for “an equivalent body corporate” substitute “ a body corporate ”;
- (iii) for “another EEA State” substitute “ an equivalent third country or transitional third country; ”;
- (g) omit the definition of “transferable securities”^{M2};
- (h) after the definition of “third country audit function” insert—
 - “(2) For the purposes of this Schedule, Gibraltar is to be treated as if it were an EEA State and subject to the Audit Directive.”.

F1 Words in reg. 32(d)(iii) substituted (31.12.2020 immediately before IP completion day) by [The Companies and Statutory Auditors etc. \(Consequential Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/523\)](#), regs. 1(2), **14(h)**

Commencement Information

I1 Reg. 32 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 2](#)

Marginal Citations

M1 Paragraph 20A was inserted by paragraph 71 of Schedule 3 to [S.I. 2016/649](#).

M2 The definition of “transferable securities” was amended by paragraph 9(9) of Schedule 4 to [S.I. 2017/701](#).

Changes to legislation:

There are currently no known outstanding effects for the The Statutory Auditors and Third Country Auditors (Amendment) (EU Exit) Regulations 2019, Section 32.