

2007 No. 732

COMPANIES

The Companies (EEA State) Regulations 2007

Made - - - - *7th March 2007*

Laid before Parliament *8th March 2007*

Coming into force - - *9th March 2007*

The Secretary of State is a Minister designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the creation, operation, regulation or dissolution of companies and other forms of business organisation.

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 2(2) of that Act(c).

Citation and commencement

- 1.—(1) These Regulations may be cited as the Companies (EEA State) Regulations 2007.
- (2) These Regulations come into force on 9th March 2007.

Amendment of the Companies Act 1985

2. In section 744 of the Companies Act 1985(d) (expressions used generally in that Act), for the definition of “EEA State” substitute—

““EEA State” has the meaning given by Schedule 1 to the Interpretation Act 1978;”.

Amendment of the Companies Act 2006

3. In section 1170 of the Companies Act 2006(e) (meaning of “EEA State” and related expressions), for the definition of “EEA State” substitute—

““EEA State” has the meaning given by Schedule 1 to the Interpretation Act 1978;”.

Amendment of the Companies (Northern Ireland) Order 1986

4. In Article 2(3) of the Companies (Northern Ireland) Order 1986(f) (general interpretation), for the definition of “EEA State” substitute—

(a) S.I. 2007/193.
(b) 1972 c.68.
(c) The enabling powers of section 2(2) of that Act were extended by virtue of the amendment of section 1(2) by section 1 of the European Economic Area Act 1993 (c.51).
(d) 1985 c.6; the definition of “EEA State” was inserted by regulation 4(1) of S.I. 1997/2306.
(e) 2006 c.46.
(f) S.I. 1986/1032 (N.I. 6); the definition of “EEA State” was inserted by regulation 5(1) of S.R. 2004/263.

““EEA State” has the meaning given by Schedule 1 to the Interpretation Act 1978;”.

Amendment of the Companies (Summary Financial Statement) Regulations 1995

5. In regulation 2(1) of the Companies (Summary Financial Statement) Regulations 1995(a) (interpretation), for the definition of “EEA State” substitute—

““EEA State” has the meaning given by Schedule 1 to the Interpretation Act 1978;”.

Amendment of the Companies (Summary Financial Statement) Regulations (Northern Ireland) 1996

6. In regulation 2 of the Companies (Summary Financial Statement) Regulations (Northern Ireland) 1996(b) (interpretation), for the definition of “EEA State” substitute—

““EEA State” has the meaning given by Schedule 1 to the Interpretation Act 1978;”.

Amendment of the Takeovers Directive (Interim Implementation) Regulations 2006

7. In regulation 2(1) of the Takeovers Directive (Interim Implementation) Regulations 2006(c) (interpretation), for the definition of “EEA State” substitute—

““EEA State” has the meaning given by Schedule 1 to the Interpretation Act 1978;”.

7th March 2007

Ian McCartney
Minister for Trade, Investment and Foreign Affairs
Department of Trade and Industry

(a) S.I. 1995/2092.
(b) S.R. 1996 No. 179.
(c) S.I. 2006/1183.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the definition of “EEA State” in companies legislation. The existing definitions do not include Bulgaria and Romania, which became Community member States on 1st January 2007. The new definitions refer to the definition of “EEA state” inserted into the Interpretation Act 1978 (c.30) by the Legislative and Regulatory Reform Act 2006 (c.51); this includes all Community member States. The definition is amended using powers under section 2(2) of the European Communities Act 1972 (c.68) in order correctly to transpose Community legislation in relation to company law.

The main amendments are to section 744 of the Companies Act 1985 (the 1985 Act), Article 2 of the Companies (Northern Ireland) Order 1986 (S.I. 1986/1032 (N.I. 6)) and section 1170 of the Companies Act 2006 (c.46). Section 1170 will be brought into force on 6th April 2007 if the Companies Act 2006 (Commencement No. 2, Consequential Amendments, Transitional Provisions and Savings) Order 2007 receives Parliamentary approval, at which point the other two definitions will be repealed.

These Regulations also substitute the same definition of “EEA State” in regulations that contain a definition in similar terms to that in section 744 of the 1985 Act.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

STATUTORY INSTRUMENTS

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£3.00

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E0376 3/2007 170376T 19585