1981 No. 341 (C. 8)

COMPANIES

The Companies (1978 Order) (Commencement No. 5) Order (Northern Ireland) 1981

Made . . . . . 26th October 1981

The Department of Commerce, in exercise of the powers conferred on it by Article 1(1) of the Companies (Northern Ireland) Order 1978(**a**) read with paragraph 2(1)(*b*) of Schedule 1 to the Northern Ireland Act 1974(**b**), hereby makes the following Order:

Citation

1. This Order may be cited as the Companies (1978 Order) (Commencement No. 5) Order (Northern Ireland) 1981.

Commencement

2. The provisions of the Companies (Northern Ireland) Order 1978 specified in the first column of the Schedule shall insofar as they confer power to make regulations and orders come into operation on 9th November 1981 and shall for other purposes and to the extent mentioned in that Schedule come into operation on 1st January 1982.

Sealed with the Official Seal of the Department of Commerce for Northern Ireland on 26th October 1981.

(L.S.) *W. T. McCrory*
Assistant Secretary

(**a**) S.I. 1978/1042 (N.I. 12)
(**b**) 1974 c. 28

SCHEDULE Article 2

Provisions of the Order	*Subject matter of provisions*
Article 26(1) to (10)	Qualifications of auditors.
Article 26(11), except insofar as it relates to the repeal of section 155 of the Companies Act (Northern Ireland) 1960(**a**) as that section is applied to unregistered companies by virtue of section 383 of that Act.	
Article 27(1) to (10)	Appointment and removal of auditors.
Article 27(11), except insofar as it relates to the repeal of section 153 of the Companies Act (Northern Ireland) 1960 as that section is applied to unregistered companies by virtue of section 383 of that Act.	
Article 27(12)	
Article 28(1) to (6)	Supplementary provisions relating to appointment and removal of auditors.
Article 28(7), except insofar as it relates to the repeal of section 154 of the Companies Act (Northern Ireland) 1960 as that section is applied to unregistered companies by virtue of section 383 of that Act.	
Article 29	Resignation of auditors.
Article 30	Right of auditor who resigns to requisition meeting of company, etc.
Article 31	Powers of auditors in relation to subsidiaries.
Article 32	False statements, etc., to auditors.
Article 53	Disqualification for persistent default in relation to delivery of documents to registrar.
Article 54	Disqualification of directors of insolvent companies.
Article 55	Provisions supplementary to Articles 53 and 54.
Article 56	Register of disqualification orders.
Article 132	Official seal for sealing certificates, etc.
Article 134	Exemptions from prohibition imposed by section 382 of the principal Act of the formation of other partnerships with more than twenty members.
Article 135	Exemptions from prohibition imposed by section 4 of the Limited Partnerships Act 1907(**b**) of limited partnerships with more than twenty members.

(**a**) 1960 c. 22 (N.I.)

(**b**) 1907 c. 24

Provisions of the Order	*Subject matter of provisions*
Article 138	Exemption from obligation to prepare share certificates, etc.
Article 141	Amendments to length of notice for calling meetings.
Article 142	Amendments concerning proxies.
Article 148	Use of computers, etc., for certain company records.
Article 153(1) insofar as it relates to the amendments of the statutory provisions mentioned below in relation to Schedule 6.	Minor and consequential amendments.
Article 153(2) insofar as it relates to the repeal of the statutory provisions mentioned below in relation to Schedule 7.	Repeals.
Schedule 6, Part 1, insofar as it amends the following provisions of the Companies Act (Northern Ireland) 1960 namely:—	Amendments to the principal Act.
section 81,	
in Schedule 1, regulation 8 in Part 1 of Table A, regulation 90 in Part 1 of Table A and Article 38 of Table C;	
Schedule 6, Part II, insofar as it amends the following provisions:	Miscellaneous amendments.
section 8(2) of the Industrial Training Act (Northern Ireland) 1964(**a**),	
section 10(1) of the Pig Production Development Act (Northern Ireland) 1964(**b**),	
section 31 of the Fisheries Act (Northern Ireland) 1966(**c**),	
section 9(2) of the Livestock Marketing Commission Act (Northern Ireland) 1967(**d**),	
section 86 of the Building Societies Act (Northern Ireland) 1967(**e**),	
section 53(2) of the Transport Act (Northern Ireland) 1967(**f**),	
section 41(1)(*e*) of the Industrial and Provident Societies Act (Northern Ireland) 1969(**g**),	
section 30(3) of the Harbours Act (Northern Ireland) 1970(**h**),	

(**a**) 1964 c. 18 (N.I.)
(**b**) 1964 c. 25 (N.I.)
(**c**) 1966 c. 17 (N.I.)
(**d**) 1967 c. 21 (N.I.)
(**e**) 1967 c. 31 (N.I.)
(**f**) 1967 c. 37 (N.I.)
(**g**) 1969 c. 24 (N.I.)
(**h**) 1970 c. 1 (N.I.)

Provisions of the Order	*Subject matter of provisions*
section 29(1)(*e*) of the Friendly Societies Act (Northern Ireland) 1970(**a**),	
Article 24 of the Electricity Supply (Northern Ireland) Order 1972(**b**),	
paragraph 7(2) in Schedule 2 to the Industry Act 1975(**c**).	
Schedule 7, insofar as it provides for the repeal of the following provisions or parts of provisions:—	
(*a*) in section 127(1)(*a*) of the Companies Act (Northern Ireland) 1960, the words "where the company is neither a private company nor an unlimited company and ten days' notice in writing where it is a private company or an unlimited company",	
in section 127(2)(*a*) of that Act, the words "where the company is neither a private company nor an unlimited company and by ten days' notice in writing where it is a private company or an unlimited company",	
in section 127(3) of that Act, the words "by the auditors of the company, and",	
in section 130(3) of that Act, the words "(other than a private company)",	
in section 130(4) of that Act, the words "Subject to subsection (5)," and ", or, in the case of a private company, more than twenty-four hours,",	
section 130(5) of that Act,	
sections 153 to 155 of that Act, except insofar as those provisions are applied to unregistered companies by virtue of section 383 of that Act,	
in paragraph 6 of Schedule 2 to that Act, the words "under this Act",	
in paragraph 30 of Schedule 3 to that Act, the words "under this Act",	
in paragraph 6 of Schedule 4 to that Act, the words "under this Act";	
(*b*) Articles 2(3) and 3 to 6 of the Stock Exchange (Completion of Bargains) (Northern Ireland) Order 1977(**d**).	

(**a**) 1970 c. 31 (N.I.)
(**b**) S.I. 1972/1072 (N.I. 9)
(**c**) 1975 c. 68
(**d**) S.I. 1977/1254 (N.I. 21)

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order brings into operation certain provisions of the Companies (Northern Ireland) Order 1978 which:—

(*a*) amend the law relating to auditors;

(*b*) introduce provisions to disqualify from participation in management of companies, persons (i) who are or have been directors of insolvent companies or (ii) have been guilty of persistent default in complying with certain requirements of the Companies Acts;

(*c*) re-enact certain provisions of the Stock Exchange (Completion of Bargains) (Northern Ireland) Order 1977;

(*d*) relax the rules restricting partnerships of persons carrying on business to 20 persons; and

(*e*) otherwise amend the Companies Act (Northern Ireland) 1960.

The provisions insofar as they confer power to make regulations and orders are brought into operation on 9th November 1981 and for other purposes on 1st January 1982.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order.)

The following commencement orders have previously been made:—

The Companies (1978 Order) (Commencement No. 1) Order (Northern Ireland) 1978 — S.R. 1978 No. 331 (C. 16).

The Companies (1978) Order (Commencement No. 2) Order (Northern Ireland) 1979 — S.R. 1979 No. 191 (C. 8).

The Companies (1978 Order) (Commencement No. 3) Order (Northern Ireland) 1979 — S.R. 1979 No. 325 (C. 14).

The Companies (1978 Order) (Commencement No. 4) Order (Northern Ireland) 1981 — S.R. 1981 No. 323 (C. 6).

A list of the provisions brought into force by these commencement orders may be obtained from the Department of Commerce, 43-47 Chichester Street, Belfast BT1 4RJ.

1981 No. 342

This Order has been exempted from printing by the Statutory Rules (Northern Ireland) Order 1979. A summary is given in the List of Statutory Rules of a Local Character under the heading ROAD TRAFFIC AND VEHICLES.