STATUTORY INSTRUMENTS

1977 No. 1348 (C.45)

COMPANIES

The Companies Act 1976 (Commencement No. 5) Order 1977

Made - - - *2nd August* 1977

The Secretary of State, in exercise of his powers under section 45(3) of the Companies Act 1976(**a**), hereby makes the following Order:—

1. This Order may be cited as the Companies Act 1976 (Commencement No. 5) Order 1977.

2.—(1) Subject to paragraph (2) below and to the limitations mentioned in the first column of the Schedule hereto, the provisions of the Companies Act 1976 specified in that Schedule shall come into operation on 1 October 1977.

(2) Paragraph (1) of this article shall not apply to sections 1(9), 1(10), 8, 12(12), 42(1) and 42(2) of, and Schedules 2 and 3 to, the Companies Act 1976 insofar as they relate to the repeal or amendment of any provision of the Companies Acts as that provision is applied to unregistered companies by virtue of section 435 of the Companies Act 1948(**b**).

Stanley Clinton Davis,

Parliamentary Under-Secretary of State,
Department of Trade.

2nd August, 1977.

(a) 1976 c. 69.

(b) 1948 c. 38.

Article 2(1) SCHEDULE

PROVISIONS COMING INTO OPERATION ON 1 OCTOBER 1977

Provisions of the Act	Subject matter of provisions
Section 1.	Duty to prepare, lay and deliver accounts by reference to accounting reference periods.
Section 2, so far as it is not already in operation.	Accounting reference period of a company.
Section 3.	Alteration of accounting reference period.
Section 4(1), (2) and (5).	Penalties for not complying with section 1 within the period allowed for laying and delivering accounts.
Section 5.	Default order in case of continued failure to comply with section 1(7) after the end of the period allowed for laying and delivering accounts.
Section 6.	The period allowed for laying and delivering accounts.
Section 7(1) to (6).	Transitional provisions and savings.
Section 7(7), except in relation to proceedings for an offence under section 148 of the Companies Act 1948 against an unregistered company to which the said section 148 is applied by virtue of section 435 of that Act.	
Section 7(8).	
Section 8.	Group accounts.
Section 9.	Duty to prepare and deliver accounts in the case of oversea companies.
Section 10, so far as it is not already in operation.	Accounting reference period of oversea company.
Section 11.	Penalty for not complying with section 9 within the period allowed for delivering accounts.
Section 12.	Accounting records.

Provisions of the Act	Subject matter of provisions
Section 34(1), except insofar as it amends section 52(1)(*a*) of the Companies Act 1948.	Use of prescribed forms for notices under the Companies Act 1967(**a**).
Section 42(1), insofar as it relates to the amendment of the statutory provisions mentioned below in relation to Schedule 2.	Minor and consequential amendments.
Section 42(2), insofar as it relates to the repeal of, or of words in, the statutory provisions mentioned below in relation to Schedule 3.	Repeals.
Schedule 1, except insofar as it relates to the amendment of section 52(1)(*a*) of the Companies Act 1948.	Prescribed forms for the Companies Act 1967.
Schedule 2, insofar as it amends— (*a*) the following provisions of the Companies Act 1948, namely—sections 149(6), 151(1), 152(1), 155, 156(1), 157(1), 158(1), 415 and 436; in Schedule 1, regulation 123 in Part I of Table A and article 60 of Table C, regulation 124 in Part I of Table A and article 61 of Table C, regulation 126 in Part I of Table A and article 63 of Table C and regulation 127 in Part I of Table A and article 64 of Table C; (*b*) paragraph 24(1) of Schedule 2 to the Betting, Gaming and Lotteries Act 1963(**b**), except in relation to unregistered companies to which section 148 of the Companies Act 1948 is applied by virtue of section 435 of that Act;	Minor and consequential amendments.

(a) 1967 c.81. (b) 1963 c. 2.

Provisions of the Act	Subject matter of provisions
(*c*) the following provisions of the Protection of Depositors Act 1963(**a**) namely— section 13(4), except in relation to unregistered companies to which any provision in Part IV of the Companies Act 1948 is applied by virtue of section 435 of that Act; and section 16(1)(*d*), except in relation to unregistered companies to which section 147 of the Companies Act 1948 is applied by virtue of section 435 of that Act.	
(*d*) the following provisions of the Companies Act 1967, namely—sections 14, 15(1) and 23 and Schedule 3;	
(*e*) section 46(1)(c) of the Insurance Companies Act 1974(**b**), except in relation to unregistered companies to which section 147 of the Companies Act 1948 is applied by virtue of section 435 of that Act.	
Schedule 3 insofar as it provides for the repeal of, or of words in, the following provisions:—	Repeals.
(*d*) sections 127, 147, 148, 153(2), 331 and 410 of the Companies Act 1948 and in Schedule 15 to that Act the entry relating to section 410;	
(*b*) section 13(7) of the Protection of Depositors Act 1963, except in relation to unregistered companies to which section 127 of the Companies Act 1948 is applied by virtue of section 435 of that Act;	

(a) 1963 c.16. (b) 1974 c. 49.

Provisions of the Act	Subject matter of provisions
(*c*) in section 21 of the Companies Act 1967, the words "laid before it in general meeting"; section 47 of that Act; in section 56(2) of that Act, the words from "and in subsection (3)" to "that subsection"; in Schedule 4 to that Act, the entry relating to section 410.	
(*d*) in section 24(5) of the Iron and Steel Act 1975(**a**), at the end, the words "laid before it in general meeting", except insofar as that subsection relates to the report of the directors of unregistered companies to which section 157 of the Companies Act 1948 is applied by virtue of section 435 of that Act.	

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order brings into force on 1 October 1977 the provisions of the Companies Act 1976 specified in the Schedule to the Order. These provisions relate to the duty to prepare, lay and deliver accounts by reference to accounting reference periods and to keep and preserve proper accounting records. The Order also brings into operation on the same date certain minor and consequential amendments and repeals, except in relation to unregistered companies within the meaning of section 435 of the Companies Act 1948.

(a) 1975 c. 64.

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