EXPLANATORY MEMORANDUM TO

THE COMPANIES AND LIMITED LIABILITY PARTNERSHIPS (FORMS, ETC.) AMENDMENT REGULATIONS 2013

2013 No. 1947

1. This explanatory memorandum has been prepared by the Department for Business, Innovation and Skills and is laid before Parliament by command of Her Majesty.

2. Purpose of the instrument

2.1 This instrument repeals a number of statutory instruments relating to the forms which companies and Limited Liability Partnerships are required to complete when returning information to Companies House. These forms relate to the Companies Act 1985 (the "1985 Act"), and therefore have been superseded by filing requirements under the Companies Act 2006 (the "2006 Act").

2.2 Two Regulations that are being repealed relate to the information required by the Office of National Statistics (ONS). Once again these requirements have been overtaken by more recent regulations and are, therefore, out of date.

2.3 One instrument being repealed relates to a DEFRA measure dealing with statutory water companies which is no longer required.

2.4 Finally there is one instrument being repealed relating to subsidiary definitions in 1990 which is no longer required.

3. Matters of special interest to the Joint Committee on Statutory Instruments

None.

4. Legislative context

The instrument is being made to revoke 35 redundant Regulations that were made under the 1985 Act. The instrument is made using a large number of vires, most of which were repealed by the 2006 Act but were saved to keep these Regulations and the forms contained within them in force.

5. Territorial Extent and Application

This instrument applies to all of the United Kingdom. The UK Government is responsible for company law in England and Wales and in Scotland. The Northern Ireland administration has agreed that, while company law remains a transferred matter within the legislative competence of the Northern Ireland Assembly, the 2006 Act and associated legislation on companies and partnerships should apply to the whole of the United Kingdom.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 As part of the Company and Commercial Law Red Tape Challenge the department considered whether statutory instruments were still necessary and should remain on the statute book. The aim of the Red Tape Challenge is to remove unnecessary regulation.

7.2 The 1985 Act prescribed a number of forms which companies and Limited Liability Partnerships had to complete when returning certain information to Companies House. The policy introduced by the 2006 Act was to move away from prescribed forms and allow Companies House to determine the form and manner companies or LLPs should follow. When making appropriate changes to the 1985 Act the department did not remove the prescribed forms. Primarily this was to allow retrospective filing on the appropriate form.

7.3 There are very few companies or LLPs that need to file retrospectively and therefore it is appropriate to remove the prescribed forms from the statute book. Should there be a requirement to file under the 1985 Act, Companies House will put appropriate measures in place.

7.4 This instrument also revokes Regulations relating to Standard Industry Classification (SIC) Codes. The ONS requires SIC codes information to report company information and trends to the government. The requirements which are being removed related to out of date SIC codes which have now been replaced by new requirements.

7.5 As part of the Red Tape Challenge the Department for Business, Innovation and Skills sought views on whether it would be appropriate to remove the requirements. No one responded, either on the Red Tape Challenge website or in response to our discussion document, suggesting that there is any reason to keep these Regulations.

7.6 The Company and Commercial Law Red Tape Challenge theme was a general one and, therefore, comments could be submitted at any point during the process. The theme was also in the 'spotlight' for three weeks. During this time stakeholders were encouraged to make comments on any of the regulations which related to company and commercial law.

8. Consultation outcome

These regulations are part of the Red Tape Challenge theme on Company and Commercial Law. As such they were in the spotlight between 26 January and 16 February 2012, when all interested parties had a chance to comment on these regulations. No response suggested it was necessary to retain any of the Regulations being revoked.

9. Guidance

None.

10. Impact

A regulatory impact assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

11. Regulating small business

The legislation does not apply to small business.

12. Monitoring & review

There is no formal monitoring of instruments that revoke legislation, as resources are focused on reviewing new and existing legislation.

13. Contact

Maureen Beresford at the Department for Business Innovation and Skills (Tel: 02072153342 or email: maureen.beresford@bis.gsi.gov.uk) can answer any queries regarding the instrument.