STATUTORY INSTRUMENTS

1977 No. 530

COMPANIES

The Companies (Forms) (Amendment No. 5) Order 1977

Made - - - -	*22nd March* 1977
Coming into Operation	*18th April* 1977

The Secretary of State, in exercise of the powers conferred by sections 455(1) and 52(2) of the Companies Act 1948**(a)** and section 15(2) of the Companies Act 1948 as amended by sections 34 and 42(1) of and Schedules 1 and 2 to the Companies Act 1976**(b)**, and now vested in him **(c)**, and of all other powers enabling him in that behalf, hereby makes the following Order:—

1.—(1) This Order may be cited as the Companies (Forms) (Amendment No. 5) Order 1977 and shall come into operation on 18th April 1977.

(2) The Interpretation Act 1889**(d)** shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

2.—(1) The Companies (Forms) Order 1949**(e)**, as amended **(f)**, shall have effect as if for form No. 41 set out in the Schedule thereto there were substituted the form set out in Schedule 1 to this Order.

(2) Paragraph 1 of this article shall not apply in relation to a statutory declaration in a case where the memorandum of a company has been delivered for registration under section 12 of the Companies Act 1948 before 18th April 1977.

(3) The Companies (Forms) Order 1949, as amended, shall have effect as if for Form No. 52 set out in the Schedule thereto there were substituted the form set out in Schedule 2 to this Order.

Derek Eagers,
An Under-Secretary,
Department of Trade.

22nd March 1977.

(a) 1948 c. 38.
(b) 1976 c. 69.
(c) S.I. 1970/1537 (1970 III, p. 5293).
(d) 1889 c. 63.
(e) S.I. 1949/382 (1949 I, p. 714).
(f) S.I. 1957/606, 1962/1302, 1972/1636, (1957 I, p. 462; 1962 II, p. 1394; 1972 III, p. 4786).

Article 2(1)
Form No. 41

SCHEDULE 1

G **41**

Please do not write in this binding margin ↓

THE COMPANIES ACTS 1948 TO 1976
Declaration of compliance with the requirements of the Companies Acts 1948 to 1976 on application for registration of a company

Please complete legibly, preferably in black type, or bold black lettering

Pursuant to section 15(2) of the Companies Act 1948 as amended by the Companies Act 1976

For official use

Name of Company

*delete if inappropriate

_____ Limited*

I, _____

of _____

_____

_____

‡Please indicate whether you are a Solicitor of the Supreme Court (or in Scotland "a Solicitor") engaged in the formation of the company, or a person named in the statement delivered under section 21 of the Companies Act 1976 as a director or secretary of the company

do solemnly and sincerely declare that I am‡ _____

_____

of _____

_____ Limited*

and that all the requirements of the Companies Acts 1948 to 1976 in respect of matters precedent to the registration of the said company and incidental thereto have been complied with. And I make this solemn Declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1835.

Declared at _____

_____

_____

the _____ day of _____

One thousand nine hundred and _____

before me _____

A Commissioner for Oaths†

†or Notary Public or Justice of the Peace or Solicitor having the powers conferred on a Commissioner for Oaths

Presentor's name, address and reference (if any)	For official use General section	Post room

SCHEDULE 2

Article 2(3)
Form No. 52

THE COMPANIES ACTS 1948 TO 1976

Please do not write in this binding margin ↓

G

52

Company number

For official use

Please do not write in the space below. For Inland Revenue use only ↓

Please complete legibly, preferably in black type or black lettering

Particulars of a contract relating to shares allotted as fully or partly paid up otherwise than in cash

Pursuant to Section 52(2) of the Companies Act 1948

Note: This form is only for use where the contract has not been reduced to writing

The particulars must be stamped with the same stamp duty as would have been payable if the contract had been reduced to writing. A reduced rate of ad valorem duty may be available if this form is properly certified at the appropriate amount pursuant to Section 34, Finance Act 1958, as amended by Section 55, Finance Act 1963 and Section 49 and para 4, Schedule 11, Finance Act 1974 (see space on page 3)

Name of Company

Limited*

*delete if inappropriate

Presentor's name, address and reference (if any).

For official use
Capital section | Post room

1	The number of shares allotted as fully or partly paid up otherwise than in cash		Please do not write in this binding margin ↓

2	The nominal value of each such share	£	

3(a)	The amount of such nominal value to be considered as paid up on each share otherwise than in cash	£	
(b)	The value of each share allotted, i.e., nominal value plus premium	£	
(c)	The amount to be considered as paid up in respect of (*b*)	£	

4	If the consideration for the allotment of such shares is services, or any consideration other than that mentioned below in 8, state the nature and amount of such consideration, and the number of shares allotted	

5	If the allotment is made in consideration of the release of a debt, e.g., a director's loan account, state the amount released thereby	£	

6	If the allotment is a bonus issue, state the amount of reserves capitalised in respect of this issue	£	

7	If the allotment is made in connection with the conversion of loan stock, state the amount of stock converted in respect of this issue	£	

8	If the allotment is made in satisfaction or part satisfaction of the purchase price of property, give below (*a*) a brief description of such property, and (*b*) full particulars of the manner in which the purchase price is to be satisfied		
(a)	Brief description of the property:		
(b)	Particulars of the purchase price:	£	p
	Amount of consideration payable in cash or bills		
	Amount of consideration payable in debentures, etc.....		
	Amount of consideration payable in shares.....		
	Liabilities of the vendor assumed by the purchaser:		
	Amounts due on mortgages of freeholds and/or leaseholds including interest to date of sale...		
	Hire purchase debts in respect of goods acquired		
	Other liabilities of the vendor, viz.....		
	Any other consideration.....		

Please do not write in this binding margin ↓

9	Give full particulars, in the form of the following table, of the property which is the subject of the sale, showing in detail how the total purchase price is apportioned between the respective heads:	£
	Legal estates in freehold property and fixed plant and machinery and other fixtures thereon (*a*).....	
	Legal estates in leasehold property (*a*).....	
	Fixed plant and machinery on leasehold property (including tenants', trade and other fixtures).....	
	Equitable interests in freehold or leasehold property (*a*)...	
	Loose plant and machinery, stock-in-trade and other chattels (no plant and machinery which was not in actual state of severence on the date of the sale should be included under this head).....	
	Goods, wares and merchandise subject to hire purchase agreements (written down value).....	
	Goodwill and benefit of contracts.....	
	Patents, designs, trademarks, licences, copyrights, etc....	
	Book and other debts	
	Cash in hand and at bank on current account, bills, notes, etc.	
	Cash on deposit at bank or elsewhere.....	
	Shares, debentures and other investments.....	
	Other property, viz.....	
	(*a*) Where such properties are sold subject to mortgage, the gross value should be shown	

*delete as appropriate

Signed [Director][Secretary]* Date

Space for any appropriate certificate pursuant to Section 34, Finance Act 1958, as amended by Section 55, Finance Act 1963 and Section 49 and para 4, Schedule 11, Finance Act 1974.

If such a certificate is given, this form must be signed below the certificate by the persons to whom the shares have been allotted, as well as by an officer of the Company.

Signed Date

Signed Date

EXPLANATORY NOTE

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

This Order amends the Companies (Forms) Order 1949, as amended. It prescribes a new form 41 for the purpose of section 15(2) of the Companies Act 1948, as amended by the Companies Act 1976, and a new form 52 for the purpose of section 52(2) of the Companies Act 1948. Form 41 as prescribed in the Companies (Forms) Order 1949 is retained for a transitional period.

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