

COMPANIES ACT 2006

Change to Implementation Timetable

Stephen Timms, Minister of State for Competitiveness, made a Written Statement to Parliament on Wednesday 7 November 2007 detailing changes to the Companies Act Implementation timetable.

The Statement explains that the commencement date for most of the provisions due to be commenced in **October 2008** will be put back to **1 October 2009**.

Those provisions due to be commenced in April 2008 will not be affected and will go ahead as planned.

There may be a limited number of provisions that may still be commenced on 1 October 2008. The Government will make a further Statement in December setting out the final commencement timetable in light of these discussions.

Consultation on secondary legislation

A Written Statement outlining the Government's position on the main areas covered by the consultation document on implementation of the Act was made on 26 June 2007.

The consultative document is available to view on the Consultation section of the Department for Business Enterprise & Regulatory Reform website – www.berr.gov.uk

COMPANIES ACT 2006 TABLE OF COMMENCEMENT DATES

The attached table is intended to provide guidance on the commencement timetable for the Companies Act 2006. It cannot however provide a definitive guide: you may therefore also wish to refer to the relevant commencement order. (The first four commencement orders are published on the OPSI website, with links from this website.)

The colour shading reflects the main commencement date for each part.

The Government announced by Written Statement on 7 November 2007 that the commencement date for most of the provisions due to be commenced on 1 October 2008 would be put back to 1 October 2009. It will make a further Statement in December setting out the final commencement timetable for the Act.

Provisions relating to accounts and reports will be commenced for financial years beginning on or after the relevant date (e.g. Schedule 3 to the Third Commencement Order provides that "Section 417 of the Companies Act 2006 (contents of directors' report: business review) applies to directors' reports beginning on or after 1st October 2007").

The commencement of powers to make orders or regulations by statutory instrument does not necessarily mean that the Government intends to use the powers as part of its implementation of the Act.

Some provisions (e.g. definitions) may initially be brought into force only so far as necessary for the purposes of provisions which are being commenced before October 2009.

1	General introductory provisions (1-6) Section 2: 6 April 2007	1 October 2009
2	Company formation (7-16)	1 October 2009
3	A company's constitution (17-38) Sections 29 & 30: 1 October 2007	1 October 2009
4	A company's capacity and related matters (39-52) Section 44: 6 April 2008	1 October 2009
5	A company's name (53-85) Sections 69 to 74: to be announced Sections 82 to 85: to be announced	1 October 2009
6	A company's registered office (86-88)	1 October 2009
7	Re-registration as a means of altering a company's status (89-111)	1 October 2009
8	A company's members (112-144) Sections 116 to 119: 1 October 2007	1 October 2009
9	Exercise of members' rights (145-153)	1 October 2007
10	A company's directors (154-259) Sections 155 to 159: to be announced	1 October 2007

	Sections 162 to 167: 1 October 2009 Sections 175 to 177: to be announced Sections 180(1), (2)(in part), & (4)(b), and 181(2) & (3): to be announced Sections 182 to 187: to be announced Sections 240 to 247: 1 October 2009	
11	Derivative claims and proceedings by members (260-269)	1 October 2007
12	Company secretaries (270-280) Sections 275 to 279: 1 October 2009	6 April 2008
13	Resolutions and meetings (281-361) Sections 308 & 309: 20 January 2007 Section 333: 20 January 2007 Sections 327(2)(c) & 330(6)(c) are not being commenced for the time being.	1 October 2007
14	Control of political donations and expenditure (362-379) Provisions relating to independent election candidates: 1 October 2008 Part 14 comes into force in Northern Ireland on 1 November 2007, except for provisions relating to independent election candidates.	1 October 2007
15	Accounts and reports (380-474) Section 417: 1 October 2007 Section 463: 20 January 2007	6 April 2008
16	Audit (475-539) Sections 485 to 488: 1 October 2007	6 April 2008
17	A company's share capital (540-657)	1 October 2009
18	Acquisition by limited company of its own shares (658-737)	1 October 2009
19	Debentures (738-754)	6 April 2008
20	Private and public companies (755-767)	6 April 2008
21	Certification and transfer of securities (768-790)	6 April 2008
22	Information about interests in a company's shares (791-828) Sections 811(4), 812, 814: to be announced	20 January 2007
23	Distributions (829-853)	6 April 2008
24	A company's annual return (854-859)	1 October 2009
25	Company charges (860-894)	1 October 2009
26	Arrangements and reconstructions (895-901)	6 April 2008
27	Mergers and divisions of public companies (902-941)	6 April 2008
28	Takeovers etc (942-992)	6 April 2007
29	Fraudulent trading (993)	1 October 2007
30	Protection of members against unfair prejudice (994-999)	1 October 2007

31	Dissolution and restoration to the register (1000-1034)	1 October 2009
32	Company investigations: amendments (1035-1039)	1 October 2007
33	UK companies not formed under the Companies Acts (1040-1043)	1 October 2009
	Section 1043: 6 April 2007	
34	Overseas companies (1044-1059)	1 October 2009
35	The registrar of companies (1060-1120)	1 October 2009
	Section 1063 (in respect of England, Wales and Scotland): 6 April 2007	
	Section 1068(5): 1 January 2007	
	Sections 1077 to 1080: 1 January 2007	
	Sections 1085 to 1092: 1 January 2007	
	Sections 1102 to 1107: 1 January 2007	
	Section 1111: 1 January 2007	
36	Offences under the Companies Acts (1121-1133)	With relevant provisions
	Section 1124: 1 October 2007	
37	Companies: supplementary provisions (1134-1157)	With relevant provisions
	Section 1137(1), (4), (5)(b) and (6): 30 September 2007	
	Sections 1143 to 1148: 20 January 2007	
	Section 1157: 1 October 2008	
38	Companies: interpretation (1158-1174)	With relevant provisions
	Section 1170: 6 April 2007	
39	Companies: minor amendments (1175-1181)	6 April 2007
	Section 1175: March 2008	
	Sections 1180: 1 October 2009	
	Section 1181: 1 October 2009	
40	Company directors: foreign disqualification etc (1182-1191)	1 October 2009
41	Business names (1192-1208)	1 October 2009
42	Statutory auditors (1209-1264)	6 April 2008
43	Transparency obligations and related matters (1265-1273)	Royal Assent
44	Miscellaneous provisions (1274-1283)	
	Sections 1274 and 1276: Royal Assent	
	Sections 1277 to 1280: 1 October 2008	
	Section 1281: 6 April 2007	
	Section 1282: 6 April 2008	
	Section 1283: 1 October 2009	
45	Northern Ireland (1284-1287)	With relevant provisions
46	General supplementary provisions (1288-1297)	Royal Assent
	Section 1295: With relevant provisions	
47	Final provisions (1298-1300)	Royal Assent

Department for Business, Enterprise and Regulatory Reform. www.berr.gov.uk
© Crown Copyright. Published November 2007. URN 07/1583