Draft Order laid before the House of Commons under section 6(2) of the Government Trading Funds Act 1973, for approval by resolution of that House.

DRAFT STATUTORY INSTRUMENTS

2009 No. 0000

GOVERNMENT TRADING FUNDS

The Companies House Trading Fund (Amendment) Order 2009

Made - - - - ***

Coming into force immediately after it is made

It appears to the Secretary of State for Business, Enterprise and Regulatory Reform ("the Secretary of State") that—

(a) the operations covered by this Order (being operations of a Department of the Government for which the Secretary of State is responsible) are suitable to be financed by means of the fund established by the Companies House Trading Fund Order 1991(**1**) ("the 1991 Order") and, in particular, to be so managed that the revenue of the fund would consist principally of receipts in respect of goods and services provided in the course of those operations and the existing funded operations described in Schedule 1 to the 1991 Order; and

(b) the financing of the operations covered by this Order by means of that fund would be in the interests of improved efficiency and effectiveness of the management of those operations.

In accordance with sections 1(3) and 6(4) of the Government Trading Funds Act 1973(**2**) ("the Act of 1973"), the Secretary of State has taken such steps as appear to him to be appropriate to give an opportunity to such persons as appear to him to be appropriate to make representations to him and has laid before Parliament a report about the representations received and his conclusions.

In accordance with section 2 of the Act of 1973, the Secretary of State has determined with Treasury concurrence that the assets and liabilities inserted into article 5 of the 1991 Order by article 2(4) of this Order are properly attributable to the operations covered by this Order and are suitable to be appropriated to the fund established by the 1991 Order.

In accordance with section 6(2) of the Act of 1973, a draft of this Order has been laid before the House of Commons and has been approved by a resolution of that House.

The Secretary of State makes the following Order in exercise of the powers conferred by sections 1, 2 and 6(1) of the Act of 1973, and with the concurrence of the Treasury.

(**1**) S.I. 1991/1795.

(**2**) 1973 c.63, as amended by the Government Trading Act 1990 (c.30). That Act, as so amended, is set out in Schedule 1 to the Act of 1990. Section 2 of the Act, as so amended, was further amended by section 119 of the Finance Act 1991 (c.31). There are further amendments to the Government Trading Funds Act 1973 which are not relevant to this Order.

1. This Order may be cited as the Companies House Trading Fund (Amendment) Order 2009 and comes into force immediately after it is made.

2.—(1) The Companies House Trading Fund Order 1991 is amended as follows.

(2) In article 2—

(a) after the definition of "the Act of 1973" insert—

""the additional funded operations" means—

(a) the operations described in paragraphs 1, 2 and 4 of Schedule 1 to this Order when carried on in exercise of the functions of the registrar of companies for Northern Ireland in accordance with the Companies Act 2006, and

(b) without prejudice to paragraph (a), the performance by the registrar of companies for Northern Ireland of any function imposed upon him by law as at 1st October 2009 and the performance of any functions performed as at that date by any officer employed within Companies House which immediately before it had been entrusted to that officer had been functions of the Department of Enterprise, Trade and Investment for Northern Ireland;";

(b) in the definition of "the registrar of companies", for "the Companies Act 1985" substitute "the Companies Act 2006".

(3) At the end of article 3 insert "and as from the time of the coming into force of the Companies House Trading Fund (Amendment) Order 2009 those operations are extended to include the additional funded operations".

(4) After article 5(1) insert—

"(1A) As from the time of the coming into force of the Companies House Trading Fund (Amendment) Order 2009 there shall be additionally appropriated—

(a) as assets of the fund the following Crown assets, namely—

(i) the register of companies for Northern Ireland;

(ii) current assets as at that time used or allocated for use in, or arising from, the additional funded operations; and

(b) as liabilities of the fund the following Crown liabilities, namely creditors as at that time arising from the additional funded operations.".

Name
Economic and Business Minister,
Department for Business, Enterprise and
Regulatory Reform

Date