Draft Regulations laid before Parliament under section 257(2)(d) of the Companies Act 1985, sections 17(4) and (5)(b) of the Limited Liability Partnerships Act 2000 and sections 453(5) and 1290 of the Companies Act 2006 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2008 No. 0000

COMPANIES

The Companies (Late Filing Penalties) and Limited Liability Partnerships (Filing Periods and Late Filing Penalties) Regulations 2008

Made - - - -	***
Coming into force - -	*6th April 2008*

The Secretary of State makes the following Regulations in exercise of the powers conferred on him by section 257(1) and (4)(a) and (d) of the Companies Act 1985(**1**), section 15(a) of the Limited Liability Partnerships Act 2000(**2**) and sections 453 and 1292(1)(a) and (c) of the Companies Act 2006(**3**).

In accordance with section 257(2)(d) of the Companies Act 1985, sections 17(4) and (5)(b) of the Limited Liability Partnerships Act 2000 and sections 453(5) and 1290 of the Companies Act 2006, a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament.

Citation, coming into force and interpretation

1.—(1) These Regulations may be cited as the Companies (Late Filing Penalties) and Limited Liability Partnerships (Filing Periods and Late Filing Penalties) Regulations 2008.

(2) These Regulations come into force on 6th April 2008.

(3) References in these Regulations to late filing, or to a failure to comply with filing requirements, are to a failure to comply with the requirements of section 441 of the Companies Act 2006 (which apply in relation to financial years beginning on or after 6th April 2008) in relation to a company's accounts and reports before the end of the period for filing those accounts and reports.

(4) For the purposes of regulations 2 and 4, whether a company is a public company or a private company depends upon its status at the end of the financial year in question.

(**1**) 1985 c.6: section 257 was inserted by the Companies Act 1989 (c.40), section 20.
(**2**) 2000 c.12.
(**3**) 2006 c.46.

Late filing penalties under the Companies Act 2006 as from 6th April 2008

2.—(1) This regulation applies where the requirements of section 441 of the Companies Act 2006 are complied with before 1st February 2009.

(2) The amount of the civil penalty to which a company is liable under section 453 of the Companies Act 2006 in a case of late filing is that shown in the following table:

Length of period	*Public company*	*Private company*
Not more than 3 months.	£500	£100
More than 3 months but not more than 6 months.	£1,000	£250
More than 6 months.	£2,000	£500

(3) The first column of the table ("length of period") refers to the length of the period between the end of the period for filing the accounts and reports in question and the day on which the requirements of section 441 are complied with.

Late filing penalties under the Companies Act 1985 as from 6th April 2008

3.—(1) This regulation applies where the requirements of section 242(1) of the Companies Act 1985 are complied with on or after 6th April 2008.

(2) In section 242A of that Act(**4**), after subsection (2) insert—

"(2A) For the purposes of subsection (2), whether a company is a public company or a private company depends upon its status at the end of the financial year in question.".

Late filing penalties under the Companies Act 2006 as from 1st February 2009

4.—(1) This regulation applies where the requirements of section 441 of the Companies Act 2006 are complied with on or after 1st February 2009.

(2) The amount of the civil penalty to which a company is liable under section 453 of the Companies Act 2006 in a case of late filing is that shown in the following table or, if there was a failure to comply with filing requirements in relation to the previous financial year of the company and that previous financial year had begun on or after 6th April 2008, double that shown in the table:

Length of period	*Public company*	*Private company*
Not more than 1 month.	£750	£150
More than 1 month but not more than 3 months.	£1,500	£375
More than 3 months but not more than 6 months.	£3,000	£750
More than 6 months.	£7,500	£1,500

(3) The first column of the table ("length of period") refers to the length of the period between the end of the period for filing the accounts and reports in question and the day on which the requirements of section 441 are complied with.

Late filing penalties under the Companies Act 1985 as from 1st February 2009

5.—(1) This regulation applies where the requirements of section 242(1) of the Companies Act 1985 (which continue to apply in relation to financial years beginning before 6th April 2008 and, in

(**4**) Section 242A was inserted by the Companies Act 1989, section 11.