STATUTORY RULES OF NORTHERN IRELAND

2006 No. 438

COMPANIES

The Companies (1986 Order) (Small Companies' Accounts and Audit) Regulations (Northern Ireland) 2006

Made - - - -	*7th November 2006*
Coming into operation-	*1st December 2006*

The Department of Enterprise, Trade and Investment(**1**), in exercise of the powers conferred by Article 265 of the Companies (Northern Ireland) Order 1986(**2**), makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Companies (1986 Order) (Small Companies' Accounts and Audit) Regulations (Northern Ireland) 2006.

(2) These Regulations come into operation on 1st December 2006 and apply to annual accounts and reports in respect of financial years ending on or after 31st December 2006.

(3) In these Regulations, the "1986 Order" means the Companies (Northern Ireland) Order 1986.

Disapplication of special accounting provisions for small companies

2.—(1) Article 255A of the 1986 Order (cases in which special accounting provisions for small and medium-sized companies do not apply)(**3**) is amended as follows.

(2) For paragraph (1B) substitute—

"(1B) A company that qualifies as small in relation to the financial year to which the accounts relate is ineligible if—

(a) it is a public company,

(b) it is an authorised insurance company, a banking company, an e-money issuer, an ISD investment firm or a UCITS management company, or

(c) it carries on an insurance market activity.

(**1**) Formerly the Department of Economic Development: *see* S.I. 1999/283 (N.I. 1), Article 3(5)

(**2**) S.I. 1986/1032 (N.I.6); Article 265 was inserted by Article 22 of the Companies (Northern Ireland) Order 1990 (N.I. 5) S.I. 1990/593

(**3**) Article 255A was inserted by regulation 4 of S.R. 1997 No. 436, amended by article 51 of S.I. 2001/3649, regulation 6 of S.R. 2005 No. 61and regulation 13 of S.R. 2006 No. 137

(1C) A company that qualifies as medium-sized in relation to the financial year to which the accounts relate is ineligible if—

(a) it is a public company,

(b) it has permission under Part 4 of the Financial Services and Markets Act 2000 to carry on a regulated activity, or

(c) it carries on an insurance market activity.".

(3) In paragraph (2)—

(a) in sub-paragraph (b), after "a person" insert "(other than a small company)", and

(b) for "or" at the end of that sub-paragraph substitute—

"(ba) a small company that is an authorised insurance company, a banking company, an e-money issuer, an ISD investment firm or a UCITS management company, or".

(4) After that paragraph insert—

"(2A) A company is a small company for the purposes of paragraph (2) if it qualified as small in relation to its last financial year ending on or before the end of the financial year to which the accounts relate.".

Exemption for small groups

3.—(1) Article 256 of the 1986 Order (exemption for small and medium-sized groups)(**4**) is amended as follows.

(2) In paragraph (2)—

(a) in sub-paragraph (b), after "a person" insert "(other than a small company)", and

(b) for "or" at the end of that sub-paragraph substitute—

"(ba) a small company that is an authorised insurance company, a banking company, an e-money issuer, an ISD investment firm or a UCITS management company, or".

(3) After that paragraph insert—

"(2A) A company is a small company for the purposes of paragraph (2) if it qualified as small in relation to its last financial year ending on or before the end of the financial year to which the group accounts relate.".

Dormant companies

4.—(1) Article 257AA of the 1986 Order (dormant companies)(**5**) is amended as follows.

(2) In paragraph (2)(a), for "of Article 255A(1)(a)(i) or (b)" substitute "to it of paragraph (1A), (1B)(a) or (1C)(a) of Article 255A".

(3) In paragraph (3), for sub-paragraph (a) substitute—

"(a) an authorised insurance company, a banking company, an e-money issuer, an ISD investment firm or a UCITS management company;".

(**4**) Article 256 was inserted by Article 15 of S.I. 1990/593 (N.I. 5), amended by regulation 8 of S.R. 1997 No. 314 and article 52 of S.I. 2001/3649

(**5**) Article 257AA was inserted by regulation 3 of S.R. 2001 No. 153, amended by article 53 of S.I. 2001/3649 and regulation 14 of S.R. 2006 No. 137