STATUTORY RULES OF NORTHERN IRELAND

1993 No. 65

COMPANIES

Companies (1986 Order) (Disclosure of Remuneration for Non-Audit Work) Regulations (Northern Ireland) 1993

Made - - - -	*18th February 1993*
Coming into operation	*29th March 1993*

The Department of Economic Development, in exercise of the powers conferred on it by Article 398B of the Companies (Northern Ireland) Order 1986(**1**) and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Companies (1986 Order) (Disclosure of Remuneration for Non-Audit Work) Regulations (Northern Ireland) 1993 and shall come into operation on 29th March 1993.

Interpretation

2. In these Regulations:

"annual accounts" has the meaning given in Article 270(1) of the 1986 Order(**2**);

"associate" in relation to a company's auditors, means a person who is to be regarded as an associate of those auditors by virtue of regulation 3;

"associated undertaking" in relation to a company means any undertaking which, in accordance with Article 266 of the 1986 Order(**3**), is a subsidiary undertaking of the company other than a subsidiary undertaking formed under the law of a country or territory outside the United Kingdom;

"director" and "group" have the respective meanings given in Article 55(1) of the Companies (Northern Ireland) Order 1990;

"the 1986 Order" means the Companies (Northern Ireland) Order 1986; and

"remuneration" includes sums paid in respect of expenses.

(**1**) S.I. 1986/1032 (N.I.6); Article 398B was inserted into the 1986 Order by Article 56 of the Companies (No. 2) (Northern Ireland) Order 1990 (S.I. 1990/1504 (N.I. 10))

(**2**) Article 270 was inserted into the 1986 Order by Articles 3 and 24 of the Companies (Northern Ireland) Order 1990 (S.I. 1990/593 (N.I. 5))

(**3**) Article 266 was inserted into the 1986 Order by Articles 3 and 23 of the Companies (Northern Ireland) Order 1990

Persons who are to be regarded as associates of a company's auditors

3.—(1) This regulation applies in order to determine whether a person is to be regarded as an associate of a company's auditors in any financial year of a company in relation to which disclosure must be made in the annual accounts of that company relating to that year by virtue of regulation 5.

(2) Where a company's auditors are a body corporate, each of the following shall be regarded as an associate of theirs in a relevant financial year—

(a) any partnership in which the auditors were, at any time in the financial year, a partner;

(b) any partnership in which a director of the auditors was, at any time in the financial year, a partner;

(c) any body corporate which was, at any time in the financial year, in the same group as the auditors;

(d) any body corporate which was an associated undertaking of the auditors or of a body corporate in the same group as the auditors at any time in the financial year;

(e) any body corporate in which any director of the auditors either alone or with any associate of the auditors was, at any time in the financial year, entitled to exercise, or control the exercise of, 20% or more of the voting rights at any general meeting and any body corporate which was, at any time in the financial year, in the same group as any such body corporate; and

(f) any director of the auditors.

(3) Where a company's auditors are a partnership, each of the following shall be regarded as an associate of theirs in a relevant financial year—

(a) any other partnership which had, at any time in the financial year, a partner in common with the auditors;

(b) any body corporate which was, at any time in the financial year, a partner in the auditors;

(c) any body corporate in which, whether alone or with any associate of the auditors, the auditors or any partner in the auditors was, at any time in the financial year, entitled to exercise, or control the exercise of, 20% or more of the voting rights at any general meeting;

(d) any body corporate which was, at any time in the financial year, in the same group as any such body corporate as is mentioned in sub-paragraph (b) or (c); and

(e) any partner in the auditors.

(4) Where a company's auditor is an individual, each of the following shall be regarded as an associate of his in a relevant financial year—

(a) any partnership in which the auditor was, at any time in the financial year, a partner; and

(b) any body corporate in which the auditor or any associate of his was, at any time in the financial year, entitled to exercise, or control the exercise of, 20% or more of the voting rights at any general meeting and any body corporate which was, at any time in that year, in the same group as any such body corporate.

(5) Each of the following shall be regarded as an associate of a company's auditors in a relevant financial year whether the auditors are a body corporate, a partnership or an individual, that is to say, any person who was, at any time in that financial year, entitled to receive 20% or more of the auditors' profits and any person of whose profits the auditors were, in that financial year entitled to receive 20% or more.