
STATUTORY INSTRUMENTS

2014 No. 1602

COMPANIES

**The Companies (Striking Off)
(Electronic Communications) Order 2014**

<i>Made</i>	- - - -	<i>11th June 2014</i>
<i>Laid before Parliament</i>		<i>19th June 2014</i>
<i>Coming into force</i>	- -	<i>11th July 2014</i>

The Secretary of State, considering that the authorisation of the use of electronic communications by this Order for any purpose is such that the extent (if any) to which records of things done for that purpose will be available will be no less satisfactory in cases where use is made of electronic communications than in other cases, in exercise of the power conferred by section 8 of the Electronic Communications Act 2000(1), hereby makes the following Order.

Citation, commencement and interpretation

1. (1) This Order may be cited as the Companies (Striking Off) (Electronic Communications) Order 2014 and comes into force on 11 July 2014.

(2) In this Order—

“the 2006 Act” means the Companies Act 2006(2); and

“the 2009 Regulations” means the Limited Liability Partnerships (Application of Companies Act 2006) Regulations 2009(3).

Amendment to registrar’s power to strike off defunct company

2. (1) The 2006 Act is amended as follows.

(2) In section 1000 (power to strike off company not carrying on business or in operation)—

(a) in subsection (1) for “by post a letter” substitute “a communication”;

(b) in subsection (2) for “sending the letter” substitute “sending the communication” and for “by post a registered letter referring to the first letter” substitute “a second communication referring to the first communication”;

(1) 2000 c.7. The definition of “electronic communication” in section 15(1) of the Electronic Communications Act 2000 was amended by paragraph 158 of Schedule 17 to the Communications Act 2003 (c. 21).

(2) 2006 c. 46.

(3) S.I. 2009/1804.

- (c) in subsection (2)(b) for “letter” substitute “communication”;
 - (d) in subsection (3)(b) for “letter” substitute “communication”; and
 - (e) in subsection (3) in the closing words omit “by post”.
- (3) In section 1002 (supplementary provisions as to service of letter or notice)—
- (a) in the heading for “letter” substitute “communication”;
 - (b) for subsection (1) substitute—
 - “(1) If the registrar is not able to send a communication or notice under section 1000 or 1001 to a company in accordance with Schedule 4, the communication may be sent to an officer of the company at an address for that officer that has been notified to the registrar by the company.”;
 - (c) in subsection (2) for “letter” substitute “communication”;
 - (d) for subsection (3) substitute—
 - “(3) A notice to be sent to a liquidator under section 1001 may be sent to the address of the liquidator’s last known place of business or to an address specified by the liquidator to the registrar for the purpose of receiving notices, or notices of that kind.”; and
 - (e) after subsection (3) insert—
 - “(4) In this section “address” has the same meaning as in section 1148(1).”.

Amendment to registrar’s power to strike off defunct LLP

3. (1) The 2009 Regulations are amended as follows.

(2) In the section 1000 of the 2006 Act (power to strike off LLP not carrying on business or in operation) that applies to limited liability partnerships by virtue of regulation 50 of the 2009 Regulations—

- (a) in subsection (1) for “by post a letter” substitute “a communication”;
- (b) in subsection (2) for “sending the letter” substitute “sending the communication” and for “by post a registered letter referring to the first letter” substitute “a second communication referring to the first communication”;
- (c) in subsection (2)(b) for “letter” substitute “communication”;
- (d) in subsection (3)(b) for “letter” substitute “communication”; and
- (e) in subsection (3) in the closing words omit “by post”.

(3) In the section 1002 of the 2006 Act (supplementary provisions as to service of letter or notice) that applies to limited liability partnerships by virtue of regulation 50 of the 2009 Regulations—

- (a) in the heading for “letter” substitute “communication”;
- (b) for subsection (1) substitute—
 - “(1) If the registrar is not able to send a communication or notice under section 1000 or 1001 to an LLP, the communication may be sent to a member of the LLP at an address for that member that has been notified to the registrar by the LLP.”;
- (c) in subsection 2 for “letter” substitute “communication”;
- (d) for subsection (3) substitute—
 - “(3) A notice to be sent to a liquidator under section 1001 may be sent to the address of the liquidator’s last known place of business or to an address specified by the liquidator to the registrar for the purpose of receiving notices, or notices of that kind.”; and

(e) after subsection (3) insert—

“(4) In this section “address” includes a number or address used for the purposes of sending or receiving documents or information by electronic means.

(5) For the purposes of subsection (4) a document or information is sent or received by electronic means if it is—

(a) sent initially and received at its destination by means of electronic equipment for the processing (which expression includes digital compression) or storage of data, and

(b) entirely transmitted, conveyed and received by wire, by radio, by optical means or by other electromagnetic means.

References to electronic means have a corresponding meaning.”

11th June 2014

Jenny Willott
Parliamentary Under Secretary of State for
Employment Relations and Consumer Affairs
Department for Business, Innovation and Skills

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Companies Act 2006. Under section 8(1)(a) of the Electronic Communications Act 2000, the appropriate Minister has the power to modify by order any enactment or subordinate legislation for the purpose of authorising or facilitating the use of electronic communications for certain purposes mentioned in section 8(2). The Order enables the registrar of companies to send certain communications electronically, where previously these communications were required to be sent as letters by post.

Article 2 of the Order enables communications in relation to the striking off of a company to be sent to the company, its officers, liquidator or the subscribers to its memorandum in electronic as well as in hard copy form.

Article 3 introduces analogous changes in relation to limited liability partnerships. These changes are made to the Limited Liability Partnerships (Application of Companies Act 2006) Regulations 2009, which apply the striking off provisions in the Companies Act 2006 in modified form in relation to limited liability partnerships.

No impact assessment has been prepared for this Order as it has no impact on the costs of business, charities or voluntary bodies.