

New provisions of the Small Business, Enterprise and Employment Act 2015 come into force

16 OCTOBER 2015

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CATEGORY:
ARTICLE

CLIENT TYPES:
CHARITIES AND NON-PROFIT

On 10 October 2015, several changes under the Small Business, Enterprise and Employment Act 2015 (the 'SBEEA') come into force. These changes will affect any charitable companies and their trading subsidiaries. These changes include:

- Directors and secretaries will no longer need to provide formal 'consent to act'. Instead, companies will make a statement that the appointee has consented to act and the registrar will notify newly appointed directors and secretaries of their appointment. From December 2015, people who are appointed without their consent can request to be removed from the register.
- For directors appointed after 10 October 2015, only the month and year of birth must be included on the register of directors. The day of birth will still need to be included for directors appointed before the provision comes into force.
- The process to strike off a company is now quicker – a company can be struck off after two months from the date of publication of the notice in the Gazette (previously three) and there are new time limits for when the Registrar believes that the company is not carrying on a business.

The key implementation dates for the SBEEA are anticipated to be in April and June next year when the obligation to maintain a register of persons exercising significant control over the company (a 'PSC Register') and the abolition of corporate directors are currently expected to come into force. Consultations are still ongoing on PSC registers and corporate directors. Once these have concluded and there is more clarity on the extent of the provisions, we will be writing on the effect of these provisions on charities.

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