

Draft Regulations laid before Parliament under section 17(4) of the Limited Liability Partnerships Act 2000, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2007 No.

PARTNERSHIPS

The Limited Liability Partnerships
(Amendment) Regulations 2007

Made - - - - 2007
Coming into force - - 1 October 2007

These Regulations are made in exercise of the powers conferred by sections 15 of the Limited Liability Partnerships Act 2000(1).

In accordance with section 17(4) of that Act, a draft of these Regulations has been laid before, and approved by a resolution of, each House of Parliament.

Accordingly, the Secretary of State makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Limited Liability Partnerships (Amendment) Regulations 2007 and come into force on the 1st October 2007.

(2) In these Regulations “the principal regulations” means the Limited Liability Partnerships Regulations 2001(2).

Amendments of Schedule 2 to the principal regulations

2.—(1) The first column of Part I of Schedule 2 to the principal regulations (provisions of the 1985 Act applied to limited liability partnerships) is amended as follows.

(2) After the entry relating to section 447 insert—

“447A (information provided: evidence)(3)

(3) After the entry relating to section 448 insert—

“448A (protection in relation to certain disclosures: information provided to Secretary of State)(4)

(1) 2000 c.12.

(2) S.I. 2001/1090.

(3) Section 447A was inserted by section 25 and paragraph 17 of Schedule 2 to the Companies (Audit, Investigations and Community Enterprise) Act 2004 (c.27) (‘the 2004 Act’).

(4) Section 448A was inserted by section 25 and paragraph 18 of Schedule 2 to the 2004 Act.

(4) After the entry relating to section 452 insert—
“453A (power to enter and remain on premises),
453B (power to enter and remain on premises: procedural),
453C (failure to comply with certain requirements)(5)

(5) After the entry relating to section 744A insert—
“Schedule 15C (security of information obtained: specified persons),
Schedule 15D (security of information obtained: specified disclosures)(6)

3. In the second column of Part 1 of Schedule 2 to the principal regulations (modifications of provisions applied), opposite the entry for section 453A (inserted by regulation 2(4) above) insert—
“In subsection (7), for the words “section 431, 432 or 442” substitute “section 431 or 432.”.

Amendment of Schedule 6 to the principal regulations

4. In Part I of Schedule 6 to the principal regulations (application of subordinate legislation) after paragraph 6 insert—

“7. The Companies Act 1985 (Power to Enter and Remain on Premises: Procedural) Regulations 2005(7).”.

Date

Minister of State for Industry and the Regions
Department of Trade and industry

(5) Sections 453A to 453C were inserted by sections 23 and 24 of the 2004 Act.

(6) Schedules 15C and 15D were inserted by section 25 and paragraph 25 of Schedule 2 of the 2004 Act.

(7) [S.I. 2005/684](#).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend Schedules 2 and 6 to the Limited Liability Partnerships Regulations 2001 (S.I. 2001/1090) (“the principal regulations”). The principal regulations apply certain provisions of the Companies Act 1985 (c.6) (“the 1985 Act”), and certain subordinate legislation made under that Act, to limited liability partnerships (“LLPs”).

The provisions of the 1985 Act applied to LLPs have been amended by the Companies (Audit, Investigations and Community Enterprise) Act 2004 (c.27) (“the 2004 Act”). Amendments affecting provisions of the 1985 Act already applied to LLPs apply to LLPs by virtue of section 20(2) of the Interpretation Act 1978. These regulations apply certain new provisions inserted by the 2004 Act.

Regulations 2 and 3 amend the principal regulations to add references to the new sections and Schedules inserted by the 2004 Act in Part 14 of the 1985 Act (company investigations): sections 447A, 448A, 453A to 453C and Schedules 15C and 15D.

Regulation 4 amends the principal regulations to add a reference to the Companies Act 1985 (Power to Enter and Remain on Premises: Procedural) Regulations 2005 (S.I. 2005/684) made under section 453B of the 1985 Act.

An Impact assessment has not been prepared for these Regulations. The Regulatory Impact Assessment for the 2004 Act (‘the 2004 RIA’) covers the impact on companies of the amendments to the investigation regime. There is no additional or different impact on LLPs. The 2004 RIA is available from: <http://www.dti.gov.uk/files/file23027.pdf>.