Changes to Legislation: as of 17 June 2025, this Act is up to date with all changes known to be in force.

Number 12 *of* 2005

INVESTMENT FUNDS, COMPANIES AND MISCELLANEOUS PROVISIONS ACT 2005

REVISED

Updated to 1 March 2021

This Revised Act is an administrative consolidation of the *Investment Funds, Companies and Miscellaneous Provisions Act 2005*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including the *Health (Amendment) Act 2021* (1/2021), enacted 7 March 2021, and all statutory instruments up to and including the *Appointment of Special Adviser (Minister of State at the Department of Foreign Affairs) Order 2021* (S.I. No. 97 of 2021), made 2 March 2021, were considered in the preparation of this Revised Act.

Disclaimer: While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to revisedacts@lawreform.ie.

Number 12 *of* 2005

INVESTMENT FUNDS, COMPANIES AND MISCELLANEOUS PROVISIONS ACT 2005

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PART 1

Preliminary and General

Section

1. Short title, collective citation and construction.
2. Commencement.
3. Interpretation generally.
4. Orders and regulations.
5. Expenses.

PART 2

Common Contractual Funds

6. Interpretation (*Part 2*).
7. Non-application of this Part to certain undertakings.
8. Authorisation of non-UCITS common contractual funds.
9. Public information and reporting on authorisation of common contractual funds.
10. Powers of Bank.
11. Refusal of authorisation.
12. Alteration in deed of constitution of, or change in name of, common contractual fund.
13. Replacement of management company or custodian.
14. Obligation on management companies under common contractual funds to purchase units.
15. Prohibition of certain transactions and making of certain profits by management companies, etc.
16. Assets of common contractual funds.
17. Liability of custodians of common contractual funds.
18. Application of certain provisions of UCITS Regulations.

18A. Requirement to hold information on beneficial ownership of common contractual fund.

18B. Duty to give particular notice to individuals believed to be beneficial owners of common contractual fund.

18C. Other particular steps that may be taken to establish identity of beneficial owners.

18D. Duty to keep information in register up-to-date.

18E. Duty of beneficial owner (in certain circumstances) to notify his or her status as such.

18F. Duty of individual (in certain circumstances) to notify relevant change.

18G. Offence for failure to comply with notice under *section 18B*, *18C* or *18D*.

18H. Duty to keep and maintain a beneficial ownership register.

18I. Discharge of initial central filing obligation - construction of references to that expression in *sections 18J* to *18P*.

18J. Delivery of information under *sections 18M* to *18P*: delivery may be effected by persons external to management company (as well as by officers or employees of it).

18K. Registrar of Beneficial Ownership of Common Contractual Funds.

18L. Establishment and maintenance of central register.

18M. Obligation of management company to deliver beneficial ownership information to Registrar and related obligations of designated person where certain discrepancies discovered.

18N. Information which shall be delivered to Registrar.

18O. Information to be provided by presenter.

18P. Duty to keep information in beneficial ownership register and central register aligned and up-to-date.

18Q. Unrestricted access to beneficial ownership information in central register.

18R. Restricted access to beneficial ownership information in central register.

18S. Obligations of competent authorities to report certain discrepancies to Registrar.

18T. Fees may be charged for access to central register.

18U. Offence for failure to comply with *section 18M*, *18N*, *18O* or *18P* and supplemental provisions.

19. Offences in relation to certain bodies.

20. Offences under provisions of this Part.

21. Penalties.

PART 3 *(Repealed)*

AMENDMENTS TO PART XIII OF ACT OF 1990

22. Amendment of section 252 of Act of 1990. *(Repealed)*

23. Amendment of section 254 of Act of 1990. *(Repealed)*

24. Amendment of section 255 of Act of 1990. *(Repealed)*

25. Segregated liability of sub-funds — insertion of new sections in Part XIII of Act of 1990. *(Repealed)*

26. Amendment of section 257 of Act of 1990. *(Repealed)*

27. Amendment of section 260 of Act of 1990. *(Repealed)*

28. Insertion of new section 260A in Act of 1990. *(Repealed)*

PART 4 *(Repealed)*

MARKET ABUSE

29. Interpretation (*Part 4*). *(Repealed)*

30. Regulations (*Part 4*). *(Repealed)*

31. Repeal of Part V of Act of 1990 and Companies (Amendment) Act 1999. *(Repealed)*

32. Conviction on indictment of offences under Irish market abuse law: penalties. *(Repealed)*

33. Civil liability for certain breaches of Irish market abuse law. *(Repealed)*

34. Supplementary rules, etc., by competent authority. *(Repealed)*

35. Amendment of section 33AJ of Central Bank Act 1942. *(Repealed)*

36. Amendment of section 33AK of Central Bank Act 1942. *(Repealed)*

37. Application of Irish market abuse law to certain markets. *(Repealed)*

PART 5 *(Repealed)*

PUBLIC OFFERS OF SECURITIES

38. Interpretation (*Part 5*). *(Repealed)*

39. Construction of certain terms in Act of 1963. *(Repealed)*

40. Repeal of certain provisions of Act of 1963 and revocation. *(Repealed)*

41. Civil liability for misstatements in prospectus. *(Repealed)*

42. *Section 41*: exceptions and exemptions. *(Repealed)*

43. Restriction of liability where non-equity securities solely involved. *(Repealed)*

44. Indemnification of certain persons. *(Repealed)*

45. Expert's consent to issue of prospectus containing statement by him or her. *(Repealed)*

46. Regulations (*Part 5*). *(Repealed)*

47. Penalties on conviction on indictment and defences in respect of certain offences. *(repealed)*

48. Untrue statements and omissions in prospectus: criminal liability. *(Repealed)*

49. Local offers. *(Repealed)*

50. Exclusion of Investment Intermediaries Act 1995. *(Repealed)*

51. Power to make certain rules and issue guidelines. *(Repealed)*

52. Avoidance of certain agreements. *(Repealed)*

53. Amendment of section 53 of Act of 1963. *(Repealed)*

54. Amendment of section 55 of Act of 1963. *(Repealed)*
55. Amendment of section 57 of Act of 1963. *(Repealed)*

PART 6 *(Repealed)*

MISCELLANEOUS COMPANY LAW AMENDMENTS

56. Amendment of section 60 of Act of 1963. *(Repealed)*
57. Electronic filing agents. *(Repealed)*
58. *Section 57*: supplemental provisions. *(Repealed)*
59. Reservation of company name. *(Repealed)*
60. *Section 59*: supplemental provisions. *(Repealed)*
61. Amendment of section 128 of Act of 1963. *(Repealed)*
62. Amendment of section 195 of Act of 1963. *(Repealed)*
63. Amendment of section 302(1) of Act of 1963. *(Repealed)*
64. Amendment of section 371(1) of Act of 1963. *(Repealed)*
65. Amendment of section 12B of Companies (Amendment) Act 1982. *(Repealed)*
66. Amendment of section 22 of Companies (Amendment) Act 1986. *(Repealed)*
67. Amendment of section 19 of Act of 1990. *(Repealed)*
68. Amendment of section 20 of Act of 1990. *(Repealed)*
69. Amendment of section 21 of Act of 1990. *(Repealed)*
70. Amendment of section 166 of Act of 1990. *(Repealed)*
71. Amendment of section 242 of Act of 1990. *(Repealed)*
72. Replacement of references to Companies Registration Office Gazette for references to *Iris Oifigiúil*. *(Repealed)*
73. Miscellaneous amendments of Companies Acts related to penalties. *(Repealed)*
74. Amendment of section 110A of Company Law Enforcement Act 2001. *(Repealed)*

PART 7

MISCELLANEOUS AMENDMENTS

75. Amendment of Irish Takeover Panel Act 1997.
76. Amendment of section 45 of Competition Act 2002.
77. Amendment of UCITS Regulations.
78. Amendment of section 26 of Prices Act 1958.
79. Amendment of section 23 of Restrictive Practices Act 1972.
80. Amendment of section 17 of Consumer Information Act 1978.
81. Amendment of section 6 of Sale of Goods and Supply of Services Act 1980.
82. Amendment of section 13 of Consumer Credit Act 1995.
83. Amendment of sections 6 and 7 of Package Holidays and Travel Trade Act 1995.

84. Amendment of section 31 of National Standards Authority of Ireland Act 1996.

85. Amendment of Industrial and Provident Societies Act 1893.

86. Validation.

87. Amendment of section 33AN of, and Schedule 2 to, Central Bank Act 1942.

SCHEDULE

AMENDMENT OF EUROPEAN COMMUNITIES (UNDERTAKINGS FOR COLLECTIVE INVESTMENT IN TRANSFERABLE SECURITIES) REGULATIONS 2003 (S.I. NO. 211 OF 2003) AS AMENDED

ACTS REFERRED TO

Assets Covered Securities Act 2001	2001, No. 47
Central Bank Act 1942	1942, No. 22
Central Bank and Financial Services Authority of Ireland Act 2003	2003, No. 12
Central Bank and Financial Services Authority of Ireland Act 2004	2004, No. 21
Companies Act 1963	1963, No. 33
Companies Act 1990	1990, No. 33
Companies (Amendment) Act 1982	1982, No. 10
Companies (Amendment) Act 1983	1983, No. 13
Companies (Amendment) Act 1986	1986, No. 25
Companies (Amendment) Act 1990	1990, No. 27
Companies (Amendment) Act 1999	1999, No. 8
Companies (Amendment) (No. 2) Act 1999	1999, No. 30
Companies (Auditing and Accounting) Act 2003	2003, No. 44
Companies Acts 1963 to 2003	
Company Law Enforcement Act 2001	2001, No. 28
Competition Act 2002	2002, No. 14
Consumer Credit Act 1995	1995, No. 24
Consumer Information Act 1978	1978, No. 1
Credit Union Act 1966	1966, No. 19
Credit Union Act 1997	1997, No. 15
Dormant Accounts Act 2001	2001, No. 32
Electronic Commerce Act 2000	2000, No. 27
European Communities Act 1972	1972, No. 27
Industrial and Provident Societies Act 1893	56 & 57 Vict., c. 39
Industrial and Provident Societies (Amendment) Act 1913	3 & 4 Geo. 5. c. 31
Investment Intermediaries Act 1995	1995, No. 11
Investment Limited Partnerships Act 1994	1994, No. 24
Irish Takeover Panel Act 1997	1997, No. 5

Limited Partnerships Act 1907	7 Edw. 7 c. 24
National Standards Authority of Ireland Act 1996	1996, No. 28
Package Holidays and Travel Trade Act 1995	1995, No. 17
Partnership Act 1890	53 & 54 Vict., c. 93
Petty Sessions (Ireland) Act 1851	14 & 15 Vict., c. 93
Postal and Telecommunications Services Act 1983	1983, No. 24
Prices Act 1958	1958, No. 4
Prices (Amendment) Act 1972	1972, No. 20
Restrictive Practices Act 1972	1972, No. 11
Restrictive Practices (Amendment) Act 1987	1987, No. 31
Sale of Goods and Supply of Services Act 1980	1980, No. 16
Taxes Consolidation Act 1997	1997, No. 39
Unclaimed Life Assurance Policies Act 2003	2003 No. 2
Unit Trusts Act 1990	1990, No. 37

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REVISED

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AN ACT TO MAKE PROVISION IN RELATION TO COLLECTIVE INVESTMENT UNDERTAKINGS OF THE KIND KNOWN AS "COMMON CONTRACTUAL FUNDS"; TO AMEND PART XIII OF THE COMPANIES ACT 1990 AND THE EUROPEAN COMMUNITIES (UNDERTAKINGS FOR COLLECTIVE INVESTMENT IN TRANSFERABLE SECURITIES) REGULATIONS 2003 (S.I. NO. 211 OF 2003); TO MAKE PROVISION IN RELATION TO CERTAIN OF THE MATTERS DEALT WITH BY ACTS ADOPTED BY INSTITUTIONS OF THE EUROPEAN COMMUNITIES IN THE FIELDS OF INSIDER TRADING AND MANIPULATION AND OTHER ABUSES OF FINANCIAL MARKETS AND IN THE FIELD OF OFFERS TO THE PUBLIC OF SECURITIES OR THE ADMITTANCE OF SECURITIES TO TRADING; TO EFFECT CERTAIN MISCELLANEOUS AMENDMENTS TO THE COMPANIES ACTS 1963 TO 2003; TO AMEND THE IRISH TAKEOVER PANEL ACT 1997 AND THE COMPETITION ACT 2002; TO INCREASE THE PENALTIES FOR OFFENCES UNDER THE PRICES ACT 1958, THE RESTRICTIVE PRACTICES ACT 1972 AND CERTAIN ENACTMENTS THAT RELATE TO PROTECTION OF THE CONSUMER; TO AMEND THE INDUSTRIAL AND PROVIDENT SOCIETIES ACT 1893 AND TO PROVIDE FOR RELATED MATTERS.

[29*th June*, 2005]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Annotations

Editorial Notes:

E1 Offences under Act excluded from application of *Criminal Justice (Forensic Evidence and DNA Database System) Act 2014* (11/2014), s. 11(1) (20.11.2015) by *Criminal Justice (Forensic Evidence and DNA Database System) Act 2014 (Section 11) Order 2015* (S.I. No. 527 of 2015), arts. 3, 4 and sch., in effect as per art. 1(2).

E2 Power to serve notices or other documents under Act electronically prescribed (17.07.2013) by *Central Bank Act 1942 (Service of Notices and Other Documents) Regulations 2013* (S.I. No. 300 of 2013), regs. 2 and 3, in effect as per reg. 1(2).

E3 Act included in definition of "designated enactments" for purposes of *Central Bank Act 1942* (22/1942) by *Central Bank Act 1942* (22/1942), s. 2(1) and sch. 2 part 1 item 31, as substituted (1.10.2010) by *Central Bank Reform Act 2010* (23/2010), s. 14(1) and sch. part 1 items 6 and 82, S.I. No. 469 of 2010.

E4 Previous affecting provision: offences under collectively cited *Companies Acts 1963 to 2005* excluded from application of *Criminal Justice (Forensic Evidence and DNA Database System) Act 2014* (11/2014), s. 11(1) (20.11.2015) by *Criminal Justice (Forensic Evidence and DNA Database System) Act 2014 (Section 11) Order 2015* (S.I. No. 527 of 2015), arts. 3 and 4 and sch., in effect as per art. 1(2); spent on repeal of provisions of Act forming part of collective citation (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E5 Previous affecting provision: Office of Director of Corporate Enforcement excluded from definition of public bodies in *Freedom of Information Act 2014* (30/2014) in relation to records held or created under collectively defined *Companies Acts* (14.10.2014) by *Freedom of Information Act 2014* (30/2014), s. 6 and sch. 1 part 1, commenced on enactment; spent on repeal of provisions of Act forming part of collectively defined term (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E6 Previous affecting provision: application of collectively defined *Companies Acts* restricted (28.07.2014) by *Strategic Banking Corporation of Ireland Act 2014* (22/2014), s. 7(1), S.I. No. 359 of 2014; spent on repeal of provisions of Act forming part of collectively defined term (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E7 Previous affecting provision: application of collectively defined *Companies Acts* restricted (27.07.2014) by *State Airports (Shannon Group) Act 2014* (27/2014), ss. 15(5) and 20(2) and (3), commenced on enactment; spent on repeal of provisions of Act forming part of collectively defined term (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E8 Previous affecting provision: application of collectively defined *Companies Acts* restricted (21.03.2014 and 3.06.2014) by *Gas Regulation Act 2013* (39/2013), s. 6(4) and 22(4), S.I. Nos. 145 and 229 of 2014; spent on repeal of provisions of Act forming part of collectively defined term (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E9 Previous affecting provision: application of collectively defined *Companies Acts* restricted (27.02.2014) by *National Lottery Act 2013* (13/2013), s. 31(2), S.I. No. 102 of 2014; spent on repeal of provisions of Act forming part of collectively defined term (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E10 Previous affecting provision: application of collectively defined *Companies Acts* restricted (1.01.2014) by *Water Services (No. 2) Act 2013* (50/2013), s. 25(2), S.I. No. 575 of 2013; spent on repeal of provisions of Act forming part of collectively defined term (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E11 Previous affecting provision: fee prescribed for filing or registering of documents in relation to winding up of a Society under collectively defined *Companies Acts* (1.10.2012) by *Industrial and Provident Societies and the European Cooperative Society (Fees) Regulations 2012* (S.I. No. 363 of 2012), reg. 3(1) and sch. part 1 ref. no. 16, in force as per reg. 2; spent on repeal of provisions of Act forming part of collectively defined term (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E12 Previous affecting provision: application of collectively defined *Companies Acts* restricted (30.08.2012) by *Microenterprise Loan Fund Act 2012* (31/2012), s. 13(3), S.I. No. 383 of 2012; spent on repeal of provisions of Act forming part of collectively defined term (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E13 Previous affecting provision: application of collectively defined *Companies Acts* restricted (1.01.2012) by *Housing (Miscellaneous Provisions) Act 2009* (22/2009), s. 66(1), S.I. No. 680 of 2011; spent on repeal of provisions of Act forming part of collectively defined term (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E14 Previous affecting provision: collectively defined *Companies Acts* applied with modifications (1.12.2011) by *European Communities (Internal Market in Natural Gas and Electricity) Regulations 2011* (S.I. No. 630 of 2011), reg. 7(10); revoked (19.01.2015) by *European Communities (Internal Market in Natural Gas and Electricity) (Amendment) Regulations 2015* (S.I. No. 16 of 2015), reg. 29(1)(d).

E15 Previous affecting provision: collectively defined *Companies Acts* applied with modifications (28.10.2011) by *Central Bank and Credit Institutions (Resolution) Act 2011* (27/2011), s. 76, S.I. No. 548 of 2011; spent on repeal of provisions of Act forming part of collectively defined term (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E16 Previous affecting provision: application of collectively defined *Companies Acts* restricted (28.10.2011) by *Central Bank and Credit Institutions (Resolution) Act 2011* (27/2011), s. 69(6)(a), S.I. No. 548 of 2011; spent on repeal of provisions of Act forming part of collectively defined term (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E17 Previous affecting provision: collectively defined *Companies Acts* applied with modifications (1.07.2011) by *European Communities (Undertakings for Collective Investment in Transferable Securities) Regulations 2011* (S.I. No. 352 of 2011), reg. 39(3)(d), in force as per reg. 2; spent on repeal of provisions of Act forming part of collectively defined term (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E18 Previous affecting provision: application of collectively defined *Companies Acts* restricted (1.04.2011) by *Multi-Unit Developments Act 2011* (2/2011), s. 8(1), S.I. No. 95 of 2011; spent on repeal of provisions of Act forming part of collectively defined term (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E19 Previous affecting provision: collectively defined *Companies Acts* designated relevant applicable enactment for purposes of those regulations (4.02.2011) by *European Communities (Reorganisation and Winding-up of Credit Institutions) Regulations 2011* (S.I. No. 48 of 2011), reg. 2(4)(a); spent on repeal of provisions of Act forming part of collectively defined term (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E20 Previous affecting provision: application of collectively defined *Companies Acts* restricted (21.12.2010) by *Credit Institutions (Stabilisation) Act 2010* (36/2010), s. 53, S.I. No. 623 of 2010, and as amended (28.10.2011) by *Central Bank and Credit Institutions (Resolution) Act 2011* (No. 27 of 2011), s. 110(5) and sch. 2 part 5 item 56; spent on repeal of provisions of Act forming part of collectively defined term (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E21 Previous affecting provision: collectively defined *Companies Acts* applied with modifications (29.10.2009) by *European Communities (European Cooperative Society) Regulations 2009* (S.I. No. 433 of 2009), reg. 28(4); spent on repeal of provisions of Act forming part of collectively defined term (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E22 Previous affecting provision: functions under collectively defined *Companies Acts* specified (21.10.2009) by *Data Protection Act 1988 (Section 5(1)(D)) (Specification) Regulations 2009* (S.I. No. 421 of 2009), reg. 3 and sch., in force as per reg. 2; spent on repeal of provisions of Act forming part of collectively defined term (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E23 Previous affecting provision: application of collectively defined *Companies Acts* restricted (21.01.2009) by *Anglo Irish Bank Corporation Act 2009* (1/2009), ss. 4, 10, 14 and 17, commenced on enactment; spent on repeal of provisions of Act forming part of collectively defined term (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E24 Previous affecting provision: application of collectively defined *Companies Acts* restricted (18.07.2008) by *European Communities (Internal Market in Electricity) (Electricity Supply Board) Regulations 2008* (S.I. No. 280 of 2008), regs. 4 and 5; spent on repeal of provisions of Act forming part of collectively defined term (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E25 Previous affecting provision: collectively cited *Companies Acts 1963 to 2006* applied with modifications (27.05.2008) by *European Communities (Cross-Border Mergers) Regulations 2008* (S.I. No. 157 of 2008), reg. 11(3)(d); spent on repeal of provisions of Act forming part of collective citation (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E26 Previous affecting provision: certain persons appointed by Central Bank excluded from computation of number of members of a committee of inspection for purposes of collectively defined *Companies Acts* (1.11.2007) by *European Communities (Markets in Financial Instruments) Regulations 2007* (S.I. No. 60 of 2007), reg. 150(8)(a), in force as per reg. 1(2); spent on repeal of provisions of Act forming part of collectively defined term (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E27 Previous affecting provision: application of collectively defined *Companies Acts* restricted (1.08.2007) by *National Oil Reserves Agency Act 2007* (7/2007), ss. 7 and 13, S.I. No. 565 of 2007; spent on repeal of provisions of Act forming part of collectively defined term (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E28 Previous affecting provision: collectively defined *Companies Acts* applied with modifications (13.06.2007) by *Transparency (Directive 2004/109/EC) Regulations 2007* (S.I. No. 277 of 2007), reg. 51(2), in force as per reg. 1(2); spent on repeal of provisions of Act forming part of collectively defined term (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E29 Previous affecting provision: collectively defined *Companies Acts* applied with modifications (22.01.2007) by *European Communities (European Public Limited-Liability Company) Regulations 2007* (S.I. No. 21 of 2007), regs. 10, 12, 27 and 28; spent on repeal of provisions of Act forming part of collectively defined term (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E30 Previous affecting provision: provisions in respect of making valid statutory declarations under collectively defined *Companies Acts* prescribed (24.12.2006) by *Investment Funds, Companies and Miscellaneous Provisions Act 2006* (41/2006), s. 6, commenced on enactment; repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E31 Previous affecting provision: application of collectively defined *Companies Acts* restricted (15.07.2006) by *European Communities (Reinsurance) Regulations 2006* (S.I. No. 380 of 2006), regs. 3(1) and 40(2); reg. 40 substituted (10.06.2009) by *European Communities (Assessment of Acquisitions in the Financial Sector) Regulations 2009* (S.I. No. 206 of 2009), reg. 6(c), in force as per reg. 2.

E32 Previous affecting provision: assets of company for purposes of liquidation under collectively cited *Companies Acts 1963 to 2005* restricted (1.12.2005) by *Social Welfare Consolidation Act 2005* (26/2005), s. 19(2), S.I. No. 923 of 2005; spent on repeal of provisions of Act forming part of collective citation (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E33 Previous affecting provision: references in collectively defined *Companies Acts* construed by *Companies Act 1990* (33/1990), ss. 3(1) and 256E(9), as inserted (30.06.2005) by *Investment Funds, Companies and Miscellaneous Provisions Act 2005* (12/2005), s. 25, S.I. No. 323 of 2005; repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E34 Previous affecting provision: collectively defined *Companies Acts* applied with modifications by *Central Bank Act 1971* (24/1971), s. 21(8), as substituted (1.08.2004) by *Central Bank and Financial Services Authority of Ireland Act 2004* (21/2004), s. 10(2) and sch. 1 part 1 item 1, S.I. No. 455 of 2004; spent on repeal of provisions of Act forming part of collectively defined term (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E35 Previous affecting provision: collectively defined *Companies Acts* designated relevant applicable enactment (5.05.2004) for purposes of *European Communities (Reorganisation and Winding-Up of Credit Institutions) Regulations 2004* (S.I. No. 198 of 2004), reg. 2(1) and (2), in force as per reg. 1(2), and as amended by *Credit Institutions (Stabilisation) Act 2010* (36/2010), s. 77 and sch. 2 item 3; revoked (4.02.2011) by *European Communities (Reorganisation and Winding-up of Credit Institutions) Regulations 2011* (S.I. No. 48 of 2011), reg. 41.

E36 Previous affecting provision: collectively defined *Companies Acts* applied with modifications (29.05.2003) by *European Communities (Undertakings for Collective Investment in Transferable Securities) Regulations 2003* (S.I. No. 211 of 2003), ss. 2(1) and 27, in effect as per reg. 2; revoked (1.07.2011) by *European Communities (Undertakings for Collective Investment in Transferable Securities) Regulations 2011* (S.I. No. 352 of 2011), reg. 139(1).

E37 Previous affecting provision: collectively cited *Companies Acts 1963 to 2001* applied with modifications (29.04.2003) by *European Communities (Reorganisation and Winding-up of Insurance Undertakings) Regulations 2003* (S.I. No. 168 of 2003), regs. 2(1), 4 and 8, in effect as per reg. 1(2); spent on repeal of provisions of Act forming part of collective citation (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E38 Previous affecting provision: certain persons appointed by Central Bank excluded from computation of number of members of a committee of inspection for purposes of collectively cited *Companies Acts 1963 to 2001* (29.05.2002) by *European Communities (Electronic Money) Regulations 2002* (S.I. No. 221 of 2002), reg. 31(2)(b); revoked (30.04.2011) by *European Communities (Electronic Money) Regulations 2011* (S.I. No. 183 of 2011), reg. 82, in force as per reg. 2.

E39 Previous affecting provision: application of collectively defined *Companies Acts* restricted (22.03.2002) by *Asset Covered Securities Act 2001* (47/2001), s. 3(1) and 81, S.I. No. 94 of 2002; spent on repeal of provisions of Act forming part of collectively defined term (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E40 Previous affecting provision: application of collectively defined *Companies Acts* restricted by *Companies Act 1963* (33/1963), s. 127(7), (9) and (11), as substituted (1.03.2002) by *Company Law Enforcement Act 2001* (28/2001), s. 60, S.I. No. 263 of 2002; repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E41 Previous affecting provision: application of collectively defined *Companies Acts* restricted (1.10.2001) by *Company Law Enforcement Act 2001* (28/2001), s. 3(1) and 80, S.I. No. 438 of 2001; repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E42 Previous affecting provision: references in collectively defined *Companies Acts* construed by *Companies Act 1963* (33/1963), s. 383(1), as substituted (1.10.2001) by *Company Law Enforcement Act 2001* (28/2001), s. 100, S.I. No. 438 of 2001; repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E43 Previous affecting provision: references in collectively defined *Companies Acts* construed by *Companies Act 1990* (33/1990), ss. 3(1) and 240(7) and (8), as inserted (1.10.2001) by *Company Law Enforcement Act 2001* (28/2001), s. 104, S.I. No. 438 of 2001; repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E44 Previous affecting provision: records held or created by Office of Director of Corporate Enforcement under collectively cited *Companies Acts 1963 to 2001* exempted from application of *Freedom of Information Act 1997* (13/1997) by *Freedom of Information Act 1997* (13/1997), s. 46(1)(ba) as inserted (4.08.2001) by *Company Law Enforcement Act 2001* (28/2001), s. 112, S.I. No. 523 of 2001; repealed (14.10.2014) by *Freedom of Information Act 2014* (30/2014), s. 5 and sch. 4 part 1, commenced on enactment.

E45 Previous affecting provision: application of collectively cited *Companies Acts 1963 to 1999* restricted (20.12.2000) by *European Communities (Internal Market in Electricity) Regulations 2000* (S.I. No. 445 of 2000), reg. 39, in effect as per reg. 1(2)(a); spent on repeal of provisions of Act forming part of collective citation (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E46 Previous affecting provision: additional requirements in relation to companies forming under collectively cited *Companies Acts 1963 to 1999* prescribed (18.04.2000) by *Companies (Amendment) (No. 2) Act 1999* (30/1999), s. 42, S.I. No. 61 of 2000; repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E47 Previous affecting provision: application of collectively cited *Companies Acts 1963 to 1990* restricted (21.02.2000) by *Companies (Amendment) (No. 2) Act 1999* (30/1999), s. 32(1), S.I. No. 406 of 1999; repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E48 Previous affecting provision: collectively cited *Companies Acts 1963 to 1999* applied with modifications (21.12.1999) by *Companies (Amendment) (No. 2) Act 1999* (30/1999), s. 52, S.I. No. 406 of 1999; repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E49 Previous affecting provision: application of collectively cited *Companies Acts 1963 to 1990* restricted (1.01.1999) by *Economic and Monetary Union Act 1998* (38/1998), ss. 25(b) and 26(1), S.I. No. 527 of 1998; spent on repeal of provisions of Act forming part of collective citation (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E50 Previous affecting provision: application of collectively defined *Companies Acts* restricted (11.09.1998) by *Air Navigation and Transport (Amendment) Act 1998* (24/1998), ss. 2(1) and 22(1) and (2), S.I. No. 327 of 1998; spent on repeal of provisions of Act forming part of collectively defined term (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E51 Previous affecting provision: application of collectively defined *Companies Acts* restricted (11.09.1998) by *Air Navigation and Transport (Amendment) Act 1998* (24/1998), ss. 2(1) and 28(1) and (2), S.I. No. 327 of 1998, and as last substituted (27.07.2014) by *State Airports (Shannon Group) Act 2014* (27/2014), s. 52(1), commenced on enactment; spent on repeal of provisions of Act forming part of collectively defined term (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E52 Previous affecting provision: application of collectively cited *Companies Acts 1963 to 1990* restricted (1.08.1998) by *Investor Compensation Act 1998* (37/1998), s. 11, S.I. No. 266 of 1998; spent on repeal of provisions of Act forming part of collective citation (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E53 Previous affecting provision: application of collectively cited *Companies Acts 1963 to 1990* restricted (7.07.1998) by *Turf Development Act 1998* (26/1998), ss. 2(1), 11 and 40, commenced on enactment; spent on repeal of provisions of Act forming part of collective citation (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E54 Previous affecting provision: collectively cited *Companies Acts 1963 to 1990* applied with modifications (1.10.1997) by *Credit Union Act 1997* (15/1997), s. 134, S.I. No. 403 of 1997; spent on repeal of provisions of Act forming part of collective citation (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E55 Previous affecting provision: fees for applications under collectively defined *Companies Acts* prescribed by *Companies Act 1963* (33/1963), s. 369 and sch. 8 part 1, as substituted (15.09.1997) by *Companies (Fees) Order 1997* (S.I. No. 358 of 1997), art. 3, in force as per art. 2 and as last substituted (1.09.2009) by *Companies Act 1963 (Alteration of Eighth Schedule) Order 2009* (S.I. No. 302 of 2009), art. 2 and sch., in force as per art. 1(2); repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E56 Previous affecting provision: application of collectively cited *Companies Acts 1963 to 1990* restricted (14.04.1997) by *Irish Take-Over Panel Act 1997* (5/1997), ss. 3(3) and 4, S.I. No. 158 of 1997; spent on repeal of provisions of Act forming part of collective citation (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E57 Previous affecting provision: application of collectively defined *Companies Acts* restricted (3.03.1997) by *Harbours Act 1996* (11/1996), ss. 2(1) and 18, S.I. No. 95 of 1997; spent on repeal of provisions of Act forming part of collectively defined term (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E58 Previous affecting provision: references in collectively cited *Companies Acts 1963 to 1990* construed (5.02.1996) by *European Communities (Insurance Undertakings: Accounts) Regulations 1996* (S.I. No. 23 of 1996), reg. 5, and as amended (1.01.2005) by *European Communities (International Financial Reporting Standards and Miscellaneous Amendments Regulations 2005* (S.I. No. 116 of 2005), reg. 310 and sch. 3 item 2, in effect as per reg. 2; spent on repeal of provisions of Act forming part of collective citation (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E59 Previous affecting provision: certain persons appointed by Central Bank excluded from computation of number of members of a committee of inspection for purposes of collectively cited *Companies Acts 1963 to 1990* (29.09.1995) by *Stock Exchange Act 1995* (9/1995), ss. 3(1) and 30(6A), as substituted (1.05.2003) by *Central Bank and Financial Services Authority of Ireland Act 2003* (12/2003), s. 35(1) and sch. 1 part 19 item 4, S.I. No. 160 of 2003; repealed (1.11.2007) by *Markets in Financial Instruments and Miscellaneous Provisions Act 2007* (37/2007), s. 8, commenced as per section.

E60 Previous affecting provision: certain persons appointed by Central Bank excluded from computation of number of members of a committee of inspection for purposes of collectively cited *Companies Acts 1963 to 1990* (1.08.1995 and 1.04.1996) by *Investment Intermediaries Act 1995* (9/1995), ss. 2(1) and 22, S.I. Nos. 207 of 1995 and 28 of 1996, and as substituted (1.05.2003) by *Central Bank and Financial Services Authority of Ireland Act 2003* (12/2003), s. 35(1) and sch. 1 part 20 item 4, S.I. No. 160 of 2003; spent on repeal of provisions of Act forming part of collective citation (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E61 Previous affecting provision: application of collectively defined *Companies Acts* restricted (1.08.1995) by *Netting of Financial Contracts Act 1995* (25/1995), ss. 1 and 4(1), commenced on enactment; spent on repeal of provisions of Act forming part of collectively defined term (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E62 Previous affecting provision: application of collectively cited *Companies Acts 1963 to 1990* restricted (8.12.1994) by *European Communities (Non-Life Insurance) Framework Regulations 1994* (S.I. No. 359 of 1994), reg. 20, in effect as per reg. 1(1), and as substituted by *European Communities (Non-Life Insurance) Framework (Amendment) Regulations 2004* (S.I. No. 728 of 2004), reg. 5, in effect as per reg. 1(2); reg. 20 substituted (10.06.2009) by *European Communities (Assessment of Acquisitions in the Financial Sector) Regulations 2009* (S.I. No. 206 of 2009), reg. 4(d), in effect as per reg. 2.

E63 Previous affecting provision: application of collectively cited *Companies Acts 1963 to 1990* restricted (8.12.1994) by *European Communities (Life Assurance) Framework Regulations 1994* (S.I. No. 360 of 1994), reg. 40, in effect as per reg. 1(1), and as substituted (1.01.2005) by *European Communities (Life Assurance) Framework (Amendment No. 2) Regulations 2004* (S.I. No. 729 of 2004), reg. 4, in effect as per reg. 1(2); regulation substituted (10.06.2009) by *European Communities (Assessment of Acquisitions in the Financial Sector) Regulations 2009* (S.I. No. 206 of 2009), reg. 5(d), in effect as per reg. 2.

E64 Previous affecting provision: collectively defined *Companies Acts* applied with modifications (1.10.1994) by *European Communities (Single-Member Private Limited Companies) Regulations 1994* (S.I. No. 275 of 1994), regs. 3(3), 8(6) and 9(3), in effect as per reg. 1(2); revoked (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(2) and sch. 2 part 2, S.I. No. 169 of 2015.

E65 Previous affecting provision: application of collectively cited *Companies Acts 1963 to 1990* restricted (25.07.1994) by *Investment Limited Partnerships Act 1994* (24/1994), s. 14(2), S.I. No. 213 of 1994; spent on repeal of provisions of Act forming part of collective citation (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E66 Previous affecting provision: application of collectively cited *Companies Acts 1963 to 1990* restricted (22.12.1993) by *Air Companies (Amendment) Act 1993* (38/1993), ss. 1, 3, 8 and 9, commenced on enactment; spent on repeal of provisions of Act forming part of collective citation (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E67 Previous affecting provision: application of collectively cited *Companies Acts 1963 to 1990* restricted (8.12.1993) by *Irish Aviation Authority Act 1993* (29/1993), s. 18, S.I. No. 355 of 1993; spent on repeal of provisions of Act forming part of collective citation (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E68 Previous affecting provision: assets of company for purposes of liquidation under collectively cited *Companies Acts 1963 to 1990* restricted (16.11.1993) by *Social Welfare (Consolidation) Act 1993* (27/1993), s. 16(2), S.I. No. 335 of 1993; repealed (1.12.2005) by *Social Welfare Consolidation Act 2005* (26/2005), s. 360 and sch. 7, S.I. No. 923 of 2005.

E69 Previous affecting provision: functions under collectively cited *Companies Acts 1963 to 1990* specified (7.04.1993) by *Data Protection Act, 1988 (Section 5 (1) (d) (Specification) Regulations 1993* (S.I. No. 95 of 1993), reg. 3 and sch., in effect as per reg. 2; spent on repeal of provisions of Act forming part of collective citation (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E70 Previous affecting provision: references in collectively cited *Companies Acts 1963 to 1990* construed (2.10.1992) by *European Communities (Credit Institutions: Accounts) Regulations 1992* (S.I. No. 294 of 1992), reg. 5, and as amended (1.01.2005) by *European Communities (International Financial Reporting Standards and Miscellaneous Amendments Regulations 2005* (S.I. No. 116 of 2005), reg. 310 and sch. 2 item 2, in effect as per reg. 2; spent on repeal of provisions of Act forming part of collective citation (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015; revoked (24.06.2015) by *European Union (Credit Institutions: Financial Statements) Regulations 2015* (S.I. No. 266 of 2015), reg. 10, in effect as per reg. 1(2).

E71 Previous affecting provision: winding up of company deemed to be creditors' voluntary winding up for purposes of collectively defined *Companies Acts* by *Companies Act 1963* (33/1963), s. 261(3), as substituted (1.08.1991) by *Companies Act 1990* (33/1990), s. 129, S.I. No. 117 of 1990; repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E72 Previous affecting provision: relief for certain contraventions of collectively defined *Companies Acts* prescribed (1.08.1991) by *Companies Act 1990* (33/1990), ss. 3(1) and 157, S.I. No. 117 of 1991; repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E73 Previous affecting provision: application of collectively cited *Companies Acts 1963 to 1990* restricted (15.07.1991) by *Temple Bar Area Renewal and Development Act 1991* (19/1991), ss. 3, 7 and 10, commenced on enactment; s. 10 as substituted (1.01.2002) by *Local Government Act 2001* (37/2001), s. 240, S.I. No. 458 of 2001; spent on repeal of provisions of Act forming part of collective citation (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E74 Previous affecting provision: re-issue of treasury shares deemed to be issue of shares for purposes of collectively defined *Companies Acts* (1.07.1991) by *Companies Act 1990* (33/1990), ss. 3(1) and 209(5), S.I. No. 117 of 1991; repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E75 Previous affecting provision: application of collectively defined *Companies Acts* restricted and references construed (1.02.1991) by *Companies Act 1990* (33/1990), ss. 3 and 253(1) and (5), S.I. No. 10 of 1991; repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E76 Previous affecting provision: provisions prescribed in respect of prosecution of offences under collectively defined *Companies Acts* (27.12.1990) by *Companies Act 1990* (33/1990), ss. 3(1) and 240, S.I. No. 336 of 1990; repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E77 Previous affecting provision: offence prescribed for furnishing false information in purported compliance with collectively defined *Companies Acts* (27.12.1990) by *Companies Act 1990* (33/1990), ss. 3(1) and 242(1), S.I. No. 336 of 1990, and as last amended by *Company Law Enforcement Act 2001* (28/2001), ss. 14, 106 and sch. part 2; repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E78 Previous affecting provision: references in collectively defined *Companies Acts* construed (27.12.1990) by *Companies Act 1990* (33/1990), s. 3(1), (2), S.I. No. 336 of 1990, and as substituted (23.12.2009) by *Companies (Miscellaneous Provisions) Act 2009* (45/2009), s. 3(a), commenced on enactment; repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E79 Previous affecting provision: application of collectively defined *Companies Acts* restricted and modified (29.08.1990) by *Companies (Amendment) Act 1990* (27/1990), ss. 7(1), (2), 18(2) and 24(7), commenced on enactment; repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E80 Previous affecting provision: application of collectively defined *Companies Acts* restricted (1.02.1990) by *Trustee Savings Banks Act 1989* (21/1989), ss. 3(1) and 57, S.I. No. 21 of 1990, and as substituted (28.03.2001) by *Trustee Savings Banks (Amendment) Act 2001* (6/2001), s. 1, commenced on enactment; spent on repeal of provisions of Act forming part of collectively defined term (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E81 Previous affecting provision: procedure for registration of building societies under collectively defined *Companies Acts* prescribed (1.09.1989) by *Building Societies Act 1989* (17/1989), ss. 2 and 106, S.I. No. 182 of 1989; spent on repeal of provisions of Act forming part of collectively defined term (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E82 Previous affecting provision: certain persons appointed by Central Bank excluded from computation of number of members of a committee of inspection for purposes of collectively cited *Companies Acts 1963 to 1986* (12.07.1989) by *Central Bank Act 1989* (16/1989), s. 50, S.I. No. 176 of 1989, and as substituted (1.05.2003) by *Central Bank and Financial Services Authority of Ireland Act 2003* (12/2003), s. 35(1) and sch. 1 part 9 item 5, S.I. No. 160 of 2003; spent on repeal of provisions of Act forming part of collective citation (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E83 Previous affecting provision: application of collectively defined *Companies Acts* restricted (13.07.1988) by *Forestry Act 1988* (26/1988), ss. 2(1) and 16, commenced on enactment; spent on repeal of provisions of Act forming part of collectively defined term (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E84 Previous affecting provision: collectively defined *Companies Acts* applied with modifications (1.06.1987) by *European Communities (Mergers and Divisions of Companies) Regulations 1987* (S.I. No. 137 of 1987), regs. 2(1), 9(5) and 29(5), in effect as per reg. 1(3); revoked (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(2) and sch. 2 part 2, S.I. No. 169 of 2015.

E85 Previous affecting provision: application of collectively defined *Companies Acts* restricted (11.12.1986) by *Transport (Re-Organisation of Córas Iompair Éireann) Act 1986* (31/1986), s. 12, commenced on enactment; spent on repeal of provisions of Act forming part of collectively defined term (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E86 Previous affecting provision: application of collectively cited *Companies Acts 1963 to 1985* modified (15.07.1986) by *National Lottery Act 1986* (28/1986), ss. 13 and 30(3)(f), commenced on enactment; repealed (27.02.2014) by *National Lottery Act 2013* (13/2013), s. 3, S.I. No. 102 of 2014.

E87 Previous affecting provision: references in collectively cited *Companies Acts 1963 to 1982* construed (1.08.1986) by *Companies (Amendment) Act 1986* (25/1986), s. 3(1), S.I. No. 257 of 1986; repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E88 Previous affecting provision: application of collectively cited *Companies Acts 1963 to 1983* restricted (16.07.1985) by *Designated Investment Funds Act 1985* (16/1985), s. 6, commenced on enactment; spent on repeal of provisions of Act forming part of collective citation (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E89 Previous affecting provision: application of collectively cited *Companies Acts 1963 to 1983* restricted (8.04.1985) by *Insurance (Miscellaneous Provisions) Act 1985* (8/1985), s. 7, commenced on enactment; spent on repeal of provisions of Act forming part of collective citation (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E90 Previous affecting provision: collectively cited *Companies Acts 1963 to 1983* applied with modifications (19.10.1983) by *Insurance (No. 2) Act 1983* (29/1983), s. 3, commenced on enactment; spent on repeal of provisions of Act forming part of collective citation (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E91 Previous affecting provision: application of collectively cited *Companies Acts 1963 to 1983* restricted by *Companies Act 1963* (33/1963), s. 10(6B), as inserted (13.10.1983) by *Companies (Amendment) Act 1983* (13/1983), s. 3 and sch. para. 3, S.I. No. 288 of 1983; repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E92 Previous affecting provision: application of collectively defined *Companies Acts* restricted (13.07.1983) by *Postal and Telecommunications Services Act 1983* (24/1983), ss. 2(1) and 17, commenced on enactment; spent on repeal of provisions of Act forming part of collectively defined term (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E93 Previous affecting provision: application of collectively cited *Companies Acts 1963 to 1982* restricted (27.12.1982) by *Kilkenny Design Workshops Limited Act 1982* (26/1982), ss. 1, 2 and 8, commenced on enactment; spent on repeal of provisions of Act forming part of collective citation (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E94 Previous affecting provision: collectively cited *Companies Acts 1963 to 1982* applied with modifications (21.07.1982) by *Gas Regulation Act 1982* (16/1982), s. 3(1), commenced on enactment; spent on repeal of provisions of Act forming part of collective citation (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E95 Previous affecting provision: application of collectively cited *Companies Acts 1963 and 1977* restricted (27.12.1981) by *Housing Finance Agency Act 1981* (37/1981), ss. 1, 3(2) and 4(5), commenced on enactment; spent on repeal of provisions of Act forming part of collective citation (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

E96 Previous affecting provision: application of collectively cited *Companies Acts 1963 and 1977* restricted (17.12.1980) by *National Film Studios of Ireland Limited Act 1980* (37/1980), ss. 2 and 12, commenced on enactment; spent on repeal of provisions of Act forming part of collective citation (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015.

PART 1

Preliminary and General

Short title, collective citation and construction.

1.—(1) This Act may be cited as the Investment Funds, Companies and Miscellaneous Provisions Act 2005.

(2) *Parts 3* to *6* and the Companies Acts 1963 to 2003 may be cited together as the Companies Acts 1963 to 2005 and shall be construed together as one.

Commencement.

2.—(1) This Act (other than *sections 85* and *86*) shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.

(2) Without prejudice to the generality of *subsection (1)*, an order or orders under that subsection may appoint different days for the coming into operation of *section 31* so as to effect the repeal provided by that section of an enactment specified in it on different days for different purposes.

Annotations

Editorial Notes:

E97 Power pursuant to section exercised (19.11.2012) by *Investment Funds, Companies and Miscellaneous Provisions Act 2005 (Section 72) (Commencement) Order 2012* (S.I. No. 449 of 2012).

2. In this Order—

"Act of 1963" means the *Companies Act 1963* (No. 33 of 1963);

"Act of 1982" means the *Companies (Amendment) Act 1982* (No. 10 of 1982);

"Act of 2005" means the *Investment Funds, Companies and Miscellaneous Provisions Act 2005* (No. 12 of 2005).

3. The 19th day of November 2012 is appointed as the day on which section 72 of the Act of 2005, insofar as it relates to—

(a) Subsections (1), (2), (3), (5) and (8) of section 311 of the Act of 1963 (including those subsections as they have effect by virtue of section 43 (15) of the Companies (Amendment) (No.2) Act 1999 (No. 30 of 1999)) and section 311A(1) of the Act of 1963,

(b) Subsections (1), (2) and (3) of section 12 of the Act of 1982; Subsections (1), (2) and (3) of section 12A of the Act of 1982; Subsections (3) and (7) of section 12B of the Act of 1982 and section 12C(1) of the Act of 1982, and

(c) Sections 8 (1) and 55 (1) of the *Companies (Amendment) Act 1983* (No. 13 of 1983),

shall come into operation.

E98 Power pursuant to section exercised (1.09.2009) by *Investment Funds, Companies and Miscellaneous Provisions Act 2005 (Commencement) Order 2009* (S.I. No. 303 of 2009).

2. The 1st day of September 2009 is appointed as the day on which sections 59 and 60 of the *Investment Funds, Companies and Miscellaneous Provisions Act 2005* (No. 12 of 2005) shall come into operation.

E99 Power pursuant to section exercised (23.08.2009) by *Investment Funds, Companies and Miscellaneous Provisions Act 2005 (Commencement) Order 2009* (S.I. No. 335 of 2009).

2. The 23rd day of August 2009 is appointed as the day upon which section 69 of the *Investment Funds, Companies and Miscellaneous Provisions Act 2005* (No. 12 of 2005) comes into operation.

E100 Power pursuant to section exercised (1.12.2005) by *Investment Funds, Companies and Miscellaneous Provisions Act 2005 (Commencement) (No. 2) Order 2005* (S.I. No. 695 of 2005).

3. The 1st day of December, 2005 is appointed as the day on which sections 57 58, 61 and 71 of the Act come into operation.

E101 Power pursuant to section exercised (30.06.2005, 1.07.2005, 6.07.2005 and 1.09.2005) by *Investment Funds, Companies and Miscellaneous Provisions Act 2005 (Commencement) Order 2005* (S.I. No. 323 of 2005).

3. The 30th day of June 2005 is appointed as the day on which the following provisions of the Act come into operation, namely —

(a) Parts 1, 2 and 3,

and

(b) sections 29, 30, 38, 46, 56, 63 to 68, 70, 73(1), 73(2)(a),(b) and (c) 73(4), 75 to 84 and 87.

4. The 1st day of July 2005 is appointed as the day on which the following provisions of the Act come into operation, namely sections 39 to 45, 47 to 55 and 74.

5. The 6th day of July 2005 is appointed as the day on which the following provisions of the Act come into operation, namely —

(a) section 31 (but only for the purpose of repealing the enactments specified in that section in so far as they relate to a regulated market (within the meaning of Directive 2003/71/EC of the European Parliament and of the Council of 4 November 2003) operated by a recognised stock exchange within the meaning Part V of the *Companies Act 1990* (No. 33 of 1990)),

and

(b) sections 32 to 37.

6. The 1st day of September 2005 is appointed as the day on which the following provisions of the Act come into operation, namely, sections 73(2)(d) and 73(3).

Interpretation generally.

3.—(1) In this Act—

"Act of 1963" means the Companies Act 1963;

"Act of 1990" means the Companies Act 1990;

"contravention" includes, in relation to any provision, a failure to comply with that provision and "contravene" shall be construed accordingly;

"enactment" includes an instrument made under an enactment;

"Member State", where used without qualification, means Member State of the European Union;

"Minister" means the Minister for Enterprise, Trade and Employment.

(2) In this Act—

(*a*) a reference to a section or Part is a reference to a section or Part of this Act unless it is indicated that reference to some other enactment is intended,

(*b*) a reference to a subsection, paragraph or subparagraph is a reference to the subsection, paragraph or subparagraph of the provision in which the reference occurs, unless it is indicated that reference to some other provision is intended, and

(*c*) a reference to any other enactment shall, unless the context otherwise requires, be construed as a reference to that enactment as amended or adapted by or under any other enactment.

Orders and regulations.

4.—(1) Every order or regulation made under this Act (other than an order made under *section 2* or *37*) shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order or regulation is passed by either such House within the next 21 days on which that House has sat after the order or regulation is laid before it, the order or regulation shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.

(2) The Minister may by order amend or revoke an order made under this Act (other than an order made under *section 2* or *37* but including an order made under this subsection).

Expenses.

5.—F1**[**(1)**]** The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

F1**[**(2) The Bank shall not provide any funds from its own resources, other than from those resources provided to it under *subsection (3)*, to defray expenses of the Bank incurred by it in the performance of the functions under *sections 18O* to *18T* (in *subsections (3)* and *(4)* referred to as 'expenses of the Bank associated with its functions under *sections 18O* to *18T*').

(3) The Central Bank Commission shall make regulations under section 32D of the Central Bank Act 1942 prescribing levies (in *subsection (4)* referred to as the "dedicated levies") to be paid by common contractual funds, and the moneys received by the Bank by way of such levies shall be used by it to defray expenses of the Bank associated with its functions under *sections 18O* to *18T*.

(4) Where—

(*a*) in any year, the Bank reasonably apprehends that it will be unable to defray all of the expenses of the Bank, arising in that year, associated with its functions under *sections 18O* to *18T* from moneys received by it by way of the dedicated levies, or

(*b*) notwithstanding the existence of the dedicated levies and, apart from the circumstance referred to in *paragraph (a)*, for any reason there is an insufficiency in any year of moneys available to the Bank to defray all of its expenses, arising in that year, associated with the foregoing functions,

the Minister shall, on the written request of the Bank, advance to the Bank such sums as he or she thinks proper to enable the Bank to defray all of its expenses, arising in that year, associated with the foregoing functions.

(5) The payments of sums referred to in *subsection (4)* shall be made on such terms as to repayment, interest and other matters as may be determined by the Minister after consulting the Bank.

(6) All moneys from time to time required by the Minister to meet sums which may become payable by him or her under *subsection (4)* shall be advanced out of the Central Fund or the growing produce thereof.**]**

Annotations

Amendments:

F1 Inserted (1.03.2021) by *Investment Limited Partnerships (Amendment) Act 2020* (31/2020), s. 61, S.I. No. 19 of 2021.

PART 2

Common Contractual Funds

Interpretation (*Part 2*).

6.—(1) In this Part, unless the context otherwise requires—

F2**[**"Act of 2010" means the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010;**]**

"Bank" means the F3**[**Central Bank of Ireland**]**

F2**[**"beneficial owner", in relation to a common contractual fund, means any individual who—

(*a*) ultimately is entitled to or controls, whether the entitlement or control is direct or indirect, more than a 25 per cent share of the capital or profits of the common contractual fund or more than 25 per cent of the voting rights in the common contractual fund, or

(*b*) otherwise controls the common contractual fund;**]**

F2**[**"beneficial ownership register" shall be construed in accordance with *section 21B*;**]**

"common contractual fund" means a collective investment undertaking, being an unincorporated body established by a management company, under which the participants by contractual arrangement participate and share in the property of the collective investment undertaking as co-owners, provided—

(*a*) it is expressly stated in its deed of constitution to be established pursuant to this Act,

(*b*) it holds an authorisation issued in accordance with this Act, and

(*c*) it is not established pursuant to Council Directive No. 85/611/EEC of 20 December 1985[1], as amended from time to time.

F2**[**"competent authority" means a competent authority as that expression, by virtue of sections 60 and 61 of the Act of 2010, is to be construed for the purposes of Part 4 of that Act;**]**

"debentures" means any debentures, debenture stock or bonds of any body corporate, incorporated in or outside the State, whether constituting a charge on the assets of the body or not;

"deed of constitution" or "deed" means the deed under which the common contractual fund is constituted, and references to the deed of constitution of a common contractual fund shall be construed accordingly;

F2**[**"designated person" has the meaning assigned to it by section 25 of the Act of 2010;**]**

F2**[**"Higher Executive Officer" means the position of Higher Executive Officer, or a position equivalent to it, in the public body concerned;**]**

"holding company" has the same meaning as in the Act of 1963;

F2**[**"Member State", in addition to the meaning assigned to it by *section 3(1)*, includes, where relevant, a contracting party to the Agreement on the European Economic Area signed at Oporto on 2 May 1992 (as adjusted by the Protocol signed at Brussels on 17 March 1993);**]**

F2**[**"PPS number", in relation to an individual, means the person's Personal Public Service Number within the meaning of section 262 of the Social Welfare Consolidation Act 2005;**]**

F2**[**"presenter" shall be construed in accordance with *section 18O(1)*;**]**

F2**[**"Principal Officer" means the position of Principal Officer, or a position equivalent to it, in the public body concerned;**]**

F2**[**"senior managing official" includes a director and a chief executive officer;**]**

"sub-fund" means a separate portfolio of assets maintained by a common contractual fund in accordance with its deed of constitution;

"subsidiary" has the same meaning as in the Act of 1963;

"UCITS Regulations" means the European Communities (Undertakings for Collective Investment in Transferable Securities) Regulations 2003 (S.I. No. 211 of 2003) as amended;

[1] OJ L375, 31.12.1985, p. 3

"unit-holder" means the holder of one or more units of a common contractual fund and references to a unit-holder in such a common contractual fund shall be construed accordingly;

"units" means instruments granting an entitlement to share in the investments and relevant income of a common contractual fund;

"umbrella fund" means a common contractual fund which is divided into a number of sub-funds.

(2) Any reference in this Part to a management company of a common contractual fund or to a custodian of such a common contractual fund shall be construed as a reference to the person in whom are vested the powers of management relating to property of the fund for the time being or, as the case may be, to the person in whom such property is entrusted for safe-keeping.

(3) Any reference in this Part to an authorisation, in relation to a common contractual fund, standing revoked under this Act shall be construed as a reference to an authorisation standing revoked under Regulation 102 of the UCITS Regulations as applied by *section 18*.

(4) For the purposes of the application by *section 18* of certain provisions of the UCITS Regulations to common contractual funds, the said provisions shall be construed as one with this Part.

Annotations

Amendments:

F2 Inserted (1.02.2021) by *Investment Limited Partnerships (Amendment) Act 2020* (31/2020), s. 62, S.I. No. 19 of 2021.

F3 Substituted (1.10.2010) by *Central Bank Reform Act 2010* (23/2010), s. 15(14) and sch. 2 part 14 para. 20, S.I. No. 469 of 2010.

Non-application of this Part to certain undertakings.

7.—(1) The provisions of this Part shall not apply to an undertaking for collective investment in transferable securities (within the meaning of the UCITS Regulations) that is authorised—

(*a*) under the UCITS Regulations, or

(*b*) by a competent authority in another Member State of the European Communities in accordance with Council Directive No. 85/611/EEC of 20 December 1985, as amended from time to time.

(2) A common contractual fund shall not be subject to the provisions respecting—

(*a*) a partnership under the Partnership Act 1890, the Limited Partnerships Act 1907 or the Investment Limited Partnerships Act 1994, or

(*b*) a unit trust scheme under the Unit Trusts Act 1990.

Authorisation of non-UCITS common contractual funds.

8.—(1) The Bank shall authorise a common contractual fund if, but only if—

F4**[**(*a*) either—

(i) the management company is authorised by the Bank under Part 2 of the European Union (Alternative Investment Fund Managers) Regulations 2013 or by the competent authority in its home Member State in accordance with Chapter II of Directive 2011/61/EC of the European Parliament and of the Council of 8 June 2011 or in its Member State of reference in accordance with that Chapter II, or

(ii) the Bank is satisfied that the competence of the management company in respect of matters of the kind with which it would be concerned in relation to a common contractual fund and its probity are such as to render it suitable to act as management company under the common contractual fund,

(*b*) save where it is authorised as mentioned in paragraph (*a*)(i), the management company of the common contractual fund is a body corporate that has its registered office and head office in the State, and has, in the opinion of the Bank, sufficient financial resources at its disposal to enable it to conduct its business effectively and meet its liabilities,

(*c*) the custodian of the common contractual fund is a depositary as specified in Regulation 22(3) of the European Union (Alternative Investment Fund Managers) Regulations 2013,

(*d*) the Bank is satisfied that the common contractual fund is organised such that the effective control over the affairs of the management company and of the custodian of the common contractual fund will be exercised independently of one another,**]**

(*e*) the Bank has approved the deed of constitution and the deed of constitution contains a covenant providing that the common contractual fund will be carried on in compliance with the provisions of this Act,

(*f*) a copy of the deed of constitution is deposited with the Bank, and

(*g*) the name of the common contractual fund is not, in the opinion of the Bank, undesirable.

(2) An application for authorisation of a common contractual fund shall be made in writing jointly by the proposed management company and custodian of the proposed common contractual fund and shall contain such information as the Bank may specify for the purpose of determining the application (including such additional information as the Bank may specify in the course of determining the application).

(3) The authorisation of a common contractual fund by the Bank shall not constitute a warranty by the Bank as to the performance of the common contractual fund and the Bank shall not be liable for the performance or default of the common contractual fund.

Annotations

Amendments:

F4 Substituted (16.07.2013) by *European Union (Alternative Investment Fund Managers) Regulations 2013* (S.I. No. 257 of 2013), reg. 66(2).

Public information and reporting on authorisation of common contractual funds.

9.—(1) The Bank shall establish and maintain a register of common contractual funds.

(2) The Bank shall ensure that the register is kept at a specified office of the Bank and is made available for inspection by members of the public during the ordinary business hours of that office.

(3) If the register is kept in a form that is not immediately legible, the Bank shall make available a version of it that is in legible form.

(4) A person who, during the ordinary business hours of the Bank, attends the office at which the Bank keeps the register is entitled—

(*a*) to inspect the register without charge, and

(*b*) on payment of a fee (if any) prescribed under section 33K (inserted by the Central Bank and Financial Services Authority of Ireland Act 2003) of the Central Bank Act 1942, for the purposes of this subsection, to obtain a copy of any entry in the register.

(5) The Bank shall, within 21 days after the date of the authorisation by it under *section 8* of a common contractual fund, publish a notice to that effect in *Iris Oifigiúil*.

(6) The Bank shall publish from time to time, but not less frequently than once a year, in such manner as it thinks fit, the names of all common contractual funds which have been authorised by it under *section 8* and whose authorisation has not been revoked under this Part.

(7) The Bank shall include in its annual report to the Minister for Finance a report on the performance of its functions under this Part.

(8) The Bank shall give to the Minister a copy of the report on the performance of its functions under this Part referred to in *subsection (7)*.

Powers of Bank.

10.—(1) Notwithstanding any other powers which may be available to the Bank under any other enactment, the Bank may impose such conditions for the authorisation of a common contractual fund under *section 8* as it considers appropriate and prudent for the purposes of the orderly and proper regulation of the business of common contractual funds.

(2) The power to impose conditions referred to in *subsection (1)* shall include power to impose such conditions from time to time in respect of the manner in which the business of a common contractual fund authorised under *section 8* shall be operated as the Bank considers appropriate and prudent for the purposes referred to in *subsection (1)*.

(3) Conditions imposed under this section may be imposed generally or on a particular common contractual fund, or by reference to a particular class or classes of common contractual fund, or by reference to any other matter the Bank considers appropriate and prudent for the purposes referred to in *subsection (1)*.

(4) Without prejudice to the generality of *subsections (1), (2)* and *(3)*, conditions imposed by the Bank on a common contractual fund may make provision for any or all of the following matters—

(*a*) the prudential requirements of the investment policies of the common contractual fund,

(*b*) borrowing policies of the common contractual fund,

(*c*) prospectuses and other information disseminated in relation to the common contractual fund,

(*d*) the safe-keeping of the assets of the common contractual fund,

(*e*) such other supervisory and reporting requirements and conditions relating to its business as the Bank considers appropriate and prudent.

(5) The Bank may amend or revoke a condition imposed by it under this section.

(6) The management company and custodian of a common contractual fund shall comply with any conditions imposed by the Bank in relation to that common contractual fund.

Refusal of authorisation.

11.—(1) Where the Bank decides to refuse authorisation of a common contractual fund, it shall notify the management company and the custodian of the common contractual fund of its decision and of the reasons therefor.

(2) The management company may apply to the High Court for a review of the decision in accordance with Regulation 105 of the UCITS Regulations (as applied by *section 18*).

(3) The management company shall have the same right to apply to the High Court as in *subsection (2)* if a decision on authorisation under *section 8* has not been taken by the Bank within 6 months of the submission of an application for authorisation which includes the information (other than any additional information sought by the Bank) specified by the Bank under *section 8(2)*.

Alteration in deed of constitution of, or change in name of, common contractual fund.

12.—(1) No alteration in the deed of constitution of a common contractual fund or change in the name of such a common contractual fund shall be made without the approval of the Bank and—

(*a*) any person who makes such an alteration or change without such approval shall be guilty of an offence, and

(*b*) any such alteration made without the approval of the Bank is void.

(2) Within 21 days after the making of an alteration in the deed of constitution of a common contractual fund or a change in the name of a common contractual fund, the management company of the common contractual fund shall deposit with the Bank a copy of the deed of constitution as so altered or containing the alterations or (as the case may be) particulars of the change in name.

(3) Where the management company of a common contractual fund fails to comply with *subsection (2)*, it shall be guilty of an offence.

Replacement of management company or custodian.

13.—(1) The deed of constitution shall specify the conditions for the replacement of the management company or custodian of the common contractual fund with another management company or custodian and shall contain provisions to ensure the protection of unit-holders in the event of any such replacement.

(2) Neither the management company nor the custodian may be replaced without the approval of the Bank.

Obligation on management companies under common contractual funds to purchase units.

14.—(1) Subject to Regulation 63 of the UCITS Regulations, as applied by *section 18*, whenever the unit-holder in a common contractual fund, or the unit-holder in a common contractual fund the authorisation of which stands revoked under this Part, so requests, the management company of the common contractual fund shall, in accordance with the provisions of the deed of constitution of the fund and any relevant conditions imposed by the Bank, redeem out of the assets of the common contractual fund such number of the units of the common contractual fund held by the unit-holder as that person may specify at the price for the time being at which the management company redeems units of the common contractual fund.

(2) *Subsection (1)* shall not apply to the extent the Bank may specify in a condition imposed by it under *section 10*.

(3) A management company which contravenes *subsection (1)* shall be guilty of an offence.

Annotations

Editorial Notes:

E102 Offence under subs. (3) prescribed an arrestable offence (9.08.2011) for purposes of *Criminal Justice Act 2011* (22/2011), s. 3 and sch. 1 para. 9, S.I. No. 411 of 2011.

Prohibition of certain transactions and making of certain profits by management companies, etc.

15.—(1) Neither a management company of a common contractual fund (the "corporate body") nor a subsidiary or a holding company of that corporate body or a subsidiary of the holding company of that corporate body or a director or person engaged in the management of such corporate body or company shall carry out transactions for it, him or herself, or make a profit for it, him or herself from transactions, in any assets held under the scheme save in accordance with the deed of constitution and any conditions imposed by the Bank.

(2) A person who contravenes this section shall be guilty of an offence.

Annotations

Editorial Notes:

E103 Offence under subs. (2) prescribed an arrestable offence (9.08.2011) for purposes of *Criminal Justice Act 2011* (22/2011), s. 3 and sch. 1 para. 9, S.I. No. 411 of 2011.

Assets of common contractual funds.

16.—(1) The assets of a common contractual fund shall belong exclusively to the common contractual fund and the assets shall be entrusted to a custodian for safe-keeping in accordance with conditions imposed by the Bank under *section 10* F5**[**and, subject to such transitional arrangements as may be specified by the Bank, in accordance with the provisions of Regulation 22(8) of the European Union (Alternative Investment Fund Managers) Regulations 2013**]**.

(2) Where a common contractual fund is established as an umbrella fund, the assets shall belong exclusively to the relevant sub-fund and shall not be used to discharge directly or indirectly the liabilities of, or claims against, any other sub-fund and shall not be available for any such purpose.

(3) The liabilities of a unit-holder, as such a holder, shall be limited to the amount agreed to be contributed by him or her for the subscription of units.

(4) The provisions of the deed of constitution shall be binding on the unit-holder and all persons claiming through the unit-holder as if such persons had been party to the deed.

Annotations

Amendments:

F5 Inserted (16.07.2013) by *European Union (Alternative Investment Fund Managers) Regulations 2013* (S.I. No. 257 of 2013), reg. 66(3).

Liability of custodians of common contractual funds.

17.—(1) F6**[**Where a common contractual fund does not have an alternative investment fund manager which is authorised in accordance with Chapter II of Directive 2011/61/EC of the European Parliament and of the Council of 8 June 2011 or is not otherwise subject to Articles 21(12) to (15) of that Directive, the custodian shall exercise due care and diligence**]** in the discharge of its duties and shall be liable to the unit-holders and management company for any loss arising from the negligence, fraud, bad faith, wilful default or recklessness in the performance of those duties.

(2) Unit-holders may enforce this liability either directly or indirectly through the management company.

Annotations

Amendments:

F6 Substituted (16.07.2013) by *European Union (Alternative Investment Fund Managers) Regulations 2013* (S.I. No. 257 of 2013), reg. 66(4).

Application of certain provisions of UCITS Regulations.

18.—(1) Regulations 63, 77 to 85 and 98 to 105 of the UCITS Regulations shall apply to a common contractual fund as they apply to the bodies to which those Regulations relate subject to the following modifications and any other necessary modifications—

(*a*) a reference in those Regulations to a term or expression specified in the second column of the Table to this section at any reference number shall be construed, where the context admits, as a reference to the term or expression specified in the third column of the said Table at that reference number, and

(*b*) references to cognate terms or expressions in those Regulations shall be construed accordingly,

(*c*) references to "the articles" and "the Directive" in those Regulations shall be disregarded,

(*d*) the words "and the other information provided for in Schedule 2 to these Regulations" in Regulation 79 and the first sentence of Regulation 80 of those Regulations shall be disregarded and Regulation 80 shall have effect as if there were inserted the words "in the half-yearly report" after the words "the figures",

(*e*) paragraph (4)(d) of Regulation 102 shall be disregarded,

(*f*) references to "simplified prospectus" in Regulations 82 and 83 shall be disregarded.

(2) In *subsection (1)* "common contractual fund" includes a common contractual fund the authorisation of which stands revoked under Regulation 102 of the UCITS Regulations as applied and adapted by this section.

TABLE

Ref. No.	Term or expression referred to in UCITS Regulations	Construction of term or expression for purposes of this section
(1)	(2)	(3)
1.	"Regulation 14"	"*section 11* of the *Investment Funds, Compan- ies and Miscellaneous Provisions Act 2005*"
2.	"Regulation 59"	"*section 14* of the *Investment Funds, Compan- ies and Miscellaneous Provisions Act 2005*"
3.	"these Regulations"	"*Part 2* of the *Investment Funds, Companies and Miscellaneous Provisions Act 2005*"
4.	"repurchase"	"purchase"
5.	"UCITS"	"common contractual fund"
6.	"section 8 of the Unit Trusts Act 1990"	"*section 13* of the *Investment Funds, Compan- ies and Miscellaneous Provisions Act 2005*"

F7[Requirement to hold information on beneficial ownership of common contractual fund

18A. (1) A management company of a common contractual fund shall take all reasonable steps to obtain and hold adequate, accurate and current information in respect of the common contractual fund's beneficial owners, that is to say—

(*a*) the name, date of birth, nationality, and residential address of each beneficial owner of it,

(*b*) a statement of the nature and extent of the interest held, or the nature and extent of control exercised, by each such beneficial owner, and

(*c*) the PPS number of each such beneficial owner to whom such a number has been issued,

and any PPS number so obtained shall not be disclosed by the management company for any purpose of this section or of any of *sections 18B* to *18H*.

(2) The management company shall enter the information referred to in *subsection (1)(a)* and *(b)* in the common contractual fund's beneficial ownership register, and the following information shall also be entered by it in that register:

(*a*) the date on which the name of each individual was entered into the register as a beneficial owner of the common contractual fund;

(*b*) the date on which each individual who has ceased to be a beneficial owner of the common contractual fund ceased to be such an owner.

(3) If, either—

(*a*) after exhausting all possible means, and provided there are no grounds for suspicion by the management company, no individual is identified as a beneficial owner of the common contractual fund, or

(*b*) there is any doubt that individual so identified is a beneficial owner of the common contractual fund,

there shall be entered, in the common contractual fund's beneficial ownership register as its beneficial owners (stating the nature and extent of the control exercised by them), the names of the one or more individuals who are the senior managing officials of the management company of the common contractual fund (including their date of birth, nationality and residential addresses) and—

(i) the requirement of *subsection (1)* with regard to not disclosing a PPS number shall apply in the case of this subsection as that requirement applies in the case of that subsection,

(ii) *subsection (2)* shall apply in the case of this subsection as it applies in the case of *subsection (1)*, and

(iii) references in any subsequent section of this Part to the particulars referred to in *subsection (1)(a)* and *(b)* of this section shall be deemed to include, where the context admits, references to the particulars referred to in this subsection.

(4) In a case falling within *subsection (3)(a)* or *(b)*, the management company of the common contractual fund shall keep records of the actions taken in order to identify the beneficial ownership of the common contractual fund.

(5) A management company of a common contractual fund shall provide any member of the Garda Síochána, the Revenue Commissioners, a competent authority or the Criminal Assets Bureau with timely access, on request, to the common contractual fund's beneficial ownership register.

(6) Each of the following:

(*a*) the Garda Síochána;

(*b*) the Revenue Commissioners;

(*c*) a competent authority;

(*d*) the Criminal Assets Bureau,

may disclose the information in a beneficial ownership register to any corresponding competent authority of another Member State (a "corresponding authority"); in the event of there being a request made of a body or other person referred to in any of *paragraphs (a)* to *(d)* by a corresponding authority for disclosure of such information, the request shall be complied with in a timely manner.

(7) Where a management company of a common contractual fund, acting as a management company, enters into an occasional transaction with a designated person within the meaning of section 25 of the Act of 2010, or forms a business relationship with such a designated person, the management company shall—

(*a*) inform the designated person in writing that it is acting as a management company of a common contractual fund;

(*b*) provide information on the common contractual fund's beneficial ownership to the designated person when the designated person is taking customer due diligence measures in accordance with Part 4 of the Act of 2010;

(*c*) on request from the designated person, provide the designated person without delay with information identifying all the beneficial owners of the common contractual fund;

(*d*) notify the designated person of any change to the common contractual fund's beneficial ownership register that occurs which is relevant to the occasional transaction or that occurs during the course of the business relationship formed, and the date on which it occurred within 14 days from the date on which the management company became aware of the change.

(8) For the purposes of *subsection (7)*, "occasional transaction" means a transaction in relation to which the designated person is required to apply customer due diligence measures under Part 4 of the Act of 2010.

(9) A management company that fails to comply with *subsection (1)*, *(2)*, *(3)*, *(4)*, *(5)* or *(7)* shall be guilty of an offence.**]**

Annotations

Amendments:

F7 Inserted (1.03.2021) by *Investment Limited Partnerships (Amendment) Act 2020* (31/2020), s. 63, S.I. No. 19 of 2021.

F8**[**Duty to give particular notice to individuals believed to be beneficial owners of common contractual fund

18B. (1) Without prejudice to the generality of *section 18A(1)*, a management company of a common contractual fund shall give to any individual whom it has reasonable cause to believe to be a beneficial owner of the common contractual fund the notice referred to in *subsection (2)*, but this is subject to *subsection (5)*.

(2) The notice referred to in *subsection (1)* is a notice, addressed to the individual concerned, that requires the addressee—

(*a*) to state whether or not he or she is a beneficial owner of the common contractual fund, and

(*b*) if so, to confirm or correct any particulars of his or hers that are included in the notice, and supply any that are missing,

and such a notice is referred to subsequently in this section as a notice under this section.

(3) A notice under this section shall—

(*a*) state that it is given under 'section 18B of the Investment Funds, Companies and Miscellaneous Provisions Act 2005 ', and

(*b*) as respects each of the particulars referred to in *section 18A (1)(a)*, *(b)* and *(c)* —

(i) set out that which—

(I) to the knowledge of the management company is, or

(II) with reasonable cause is believed by it to be,

the relevant particular, or

(ii) in the absence of such knowledge or belief (on its part as respects a relevant particular) indicate, by leaving a space in the appropriate place, that that particular is not given in the notice.

(4) A notice under this section shall also state that the addressee is to comply with the notice by no later than the end of the period of one month beginning with the date of the notice.

(5) A management company is not required to give a notice under this section if—

(*a*) the management company has already been informed of the status of the individual referred to in *subsection (1)* as a beneficial owner of the common contractual fund, and been supplied with all the particulars referred to in *section 18A(1)(a)*, *(b)* and *(c)*, and

(*b*) the information and particulars were provided either by that individual or with his or her knowledge.

(6) A management company that fails to comply with *subsection (1)* or any other provision of this section shall be guilty of an offence.**]**

Annotations

Amendments:

F8 Inserted (1.03.2021) by *Investment Limited Partnerships (Amendment) Act 2020* (31/2020), s. 63, S.I. No. 19 of 2021.

F9**[**Other particular steps that may be taken to establish identity of beneficial owners

18C. (1) This section—

(*a*) is without prejudice to the generality of *section 18A(1)*, and

(*b*) does not derogate from the duty, where it arises, under *section 18B*.

(2) A management company of a common contractual fund may give to any person (whether an individual or not) the notice referred to in *subsection (3)* if it has reasonable cause to believe that the person has the knowledge referred to in *paragraph (a)* or *(b)* of that subsection.

(3) The notice referred to in *subsection (2)* is a notice, addressed to the person referred to in that subsection, that requires the addressee—

(*a*) to state whether or not the addressee knows the identity of—

(i) any individual who is a beneficial owner of the common contractual fund, or

(ii) any person (whether an individual or not) likely to have that knowledge,

and

(*b*) if so, to supply any particulars of any such person that are within the addressee's knowledge, and state whether or not the particulars are being supplied with the knowledge of each of the persons concerned,

and such a notice is referred to subsequently in this section as a notice under this section.

(4) For the purposes of *subsection (3)* —

(*a*) a reference to knowing the identity of a person includes a reference to knowing information from which that person can be identified, and

(*b*) a reference in *paragraph (b)* of it to particulars is a reference—

(i) in the case of the individual referred to in *paragraph (a)(i)* of it - to the particulars referred to in *section 18A(1)(a)* and *(b)*, and

(ii) in the case of the person referred to in *paragraph (a)(ii)* of it - to any particulars that will allow the person to be contacted by the management company.

(5) A notice under this section shall state—

(*a*) that it is given under "section 18C of the Investment Funds, Companies and Miscellaneous Provisions Act 2005", and

(*b*) that the addressee is to comply with the notice by no later than the end of the period of one month beginning with the date of the notice.

(6) Nothing in this section shall be construed as requiring a person to whom a notice under it is given to disclose any information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.**]**

Annotations

Amendments:

F9 Inserted (1.03.2021) by *Investment Limited Partnerships (Amendment) Act 2020* (31/2020), s. 63, S.I. No. 19 of 2021.

F10**[**Duty to keep information in register up-to-date

18D. (1) This section applies where particulars of an individual, as being a beneficial owner of a common contractual fund, are entered in the common contractual fund's beneficial ownership register.

(2) For the purposes of this section, a relevant change occurs if—

(*a*) the individual referred to in *subsection (1)* ceases to be a beneficial owner of the common contractual fund, or

(*b*) any other change occurs as a result of which the particulars (stated in the foregoing register) in relation to the natural person are incorrect or incomplete.

(3) Where this section applies, the management company shall, in accordance with *subsection (4)*, give the notice referred to in *subsection (5)* to the individual if it knows

or has reasonable cause to believe that a relevant change has occurred, but this is subject to *subsection (8)*.

(4) The foregoing notice shall be given by the management company as soon as reasonably practicable after it learns of the change concerned or first has reasonable cause to believe that the change concerned has occurred.

(5) The notice referred to in *subsection (3)* is a notice, addressed to the individual concerned, that requires the addressee—

(*a*) to confirm whether or not the change concerned has occurred, and

(*b*) if so—

(i) to state the date of the change, and

(ii) to confirm or correct the particulars included in the notice, and supply any that are missing from the notice,

and such a notice is referred to subsequently in this section as a notice under this section.

(6) A notice under this section shall—

(*a*) state that it is given under "section 18D of the Investment Funds, Companies and Miscellaneous Provisions Act 2005", and

(*b*) as respects such of the particulars referred to in *section 18A(1)(a)* and *(b)* as are known by the management company (or with reasonable cause believed by it) to have been the subject of the change concerned—

(i) set out that which—

(I) to the knowledge of the management company are, or

(II) with reasonable cause are believed by it to be,

the relevant particulars as they now stand in consequence of that change, or

(ii) in the absence of such knowledge or belief (on its part as respects a relevant particular) indicate, by leaving a space in the appropriate place, that that particular is not given in the notice.

(7) A notice under this section shall also state that the addressee is to comply with the notice by no later than the end of the period of one month beginning with the date of the notice.

(8) A management company is not required to give a notice under this section if—

(*a*) the management company has already been informed of the change concerned, and

(*b*) that information (including, as the case may be, the relevant particulars referred to in *subsection (2)(b)*) were provided either by the individual concerned or with his or her knowledge.

(9) A management company that fails to comply with *subsection (3)* or any other provision of this section shall be guilty of an offence.**]**

Annotations

Amendments:

F10 Inserted (1.03.2021) by *Investment Limited Partnerships (Amendment) Act 2020* (31/2020), s. 63, S.I. No. 19 of 2021.

F11**[**Duty of beneficial owner (in certain circumstances) to notify his or her status as such

18E. (1) This section applies to an individual if—

(*a*) the individual is a beneficial owner of a common contractual fund,

(*b*) the individual knows that to be the case or ought reasonably to do so,

(*c*) in relation to the individual, the particulars referred to in *section 18A(1)(a)* and *(b)* are not stated in the common contractual fund's beneficial ownership register,

(*d*) the individual has not been given a notice by the management company under *section 18B*, and

(*e*) the circumstances specified in *paragraphs (a)* to *(d)* have continued for a period of at least one month.

(2) An individual to whom this section applies shall notify, in writing, the management company of the common contractual fund referred to in *subsection (1)* of the individual's status (as a beneficial owner) of the common contractual fund, and that notification shall state—

(*a*) the date, to the best of the person's knowledge, on which the person acquired that status, and

(*b*) the particulars referred to in section *18A(1)(a)*, *(b)* and *(c)*.

(3) *Subsection (2)* shall be complied with by the individual not later than the end of the period of one month beginning with the day on which all the conditions specified in *subsection (1)(a)* to *(e)* were first met with respect to the person.

(4) An individual who—

(*a*) fails to comply with this section, or

(*b*) in purported compliance with this section, makes a statement that is false in a material particular, knowing it to be so false or being reckless as to whether it is so false,

shall be guilty of an offence.**]**

Annotations

Amendments:

F11 Inserted (1.03.2021) by *Investment Limited Partnerships (Amendment) Act 2020* (31/2020), s. 63, S.I. No. 19 of 2021.

F12**[**Duty of individual (in certain circumstances) to notify relevant change

18F.(1) This section applies to an individual if—

(*a*) in relation to the individual (as a beneficial owner of the common contractual fund), the particulars referred to in *section 18A(1)(a)* and *(b)* are stated in a common contractual fund's beneficial ownership register,

(*b*) a relevant change occurs,

(*c*) the individual knows of the change or ought reasonably to do so,

(*d*) the common contractual fund's beneficial ownership register has not been altered to reflect the change, and

(*e*) the individual has not been given a notice by the management company under *section 18D* by the end of the period of one month beginning with the day on which the change occurred.

(2) For the purposes of this section, a relevant change occurs if—

(*a*) the individual referred to in *subsection (1)* ceases to be a beneficial owner of the common contractual fund referred to in that subsection, or

(*b*) any other change occurs as a result of which the particulars (stated in the common contractual fund's beneficial ownership register) in relation to the individual are incorrect or incomplete.

(3) An individual to whom this section applies shall notify, in writing, the management company referred to in *subsection (1)(a)* of the relevant change, and that notification shall—

(*a*) state the date on which the change occurred, and

(*b*) give to the management company any necessary information so that it can alter the common contractual fund's beneficial ownership register to reflect that change.

(4) *Subsection (3)* shall be complied with by the individual not later than whichever of the following periods is the last to expire—

(*a*) the period of 2 months beginning with the day on which the relevant change occurred,

(*b*) the period of one month beginning with the day on which facts have come to the notice of the individual from which he or she could reasonably conclude that the relevant change has occurred.

(5) An individual who—

(*a*) fails to comply with this section, or

(*b*) in purported compliance with this section, makes a statement that is false in a material particular, knowing it to be so false or being reckless as to whether it is so false,

shall be guilty of an offence.**]**

Annotations

Amendments:

F12 Inserted (1.03.2021) by *Investment Limited Partnerships (Amendment) Act 2020* (31/2020), s. 63, S.I. No. 19 of 2021.

F13**[**Offence for failure to comply with notice under *section 18B, 18C* or *18D*

18G. (1) A person to whom a notice under *section 18B*, *18C* or *18D* is given shall be guilty of an offence if the person—

(*a*) fails to comply with the notice, or

(*b*) in purported compliance with the notice, makes a statement that is false in a material particular, knowing it to be so false or being reckless as to whether it is so false.

(2) In proceedings for an offence under this section it shall be a defence to prove that the requirement (in the notice concerned) to give information was frivolous or vexatious.**]**

Annotations

Amendments:

F13 Inserted (1.03.2021) by *Investment Limited Partnerships (Amendment) Act 2020* (31/2020), s. 63, S.I. No. 19 of 2021.

F14**[**Duty to keep and maintain a beneficial ownership register

18H.(1) The management company of a common contractual fund shall keep and maintain a register (which shall be known, and is in this Part referred to, as a "beneficial ownership register") in which there shall be entered by it the information referred to in *section 18A(1)(a)* and *(b)* and *(2)*.

(2) A management company that fails to comply with *subsection (1)* shall be guilty of an offence.

(3) If—

(*a*) the name of any individual is, without sufficient cause, entered in or omitted from a common contractual fund's beneficial ownership register, or

(*b*) default is made or unnecessary delay takes place in entering in a common contractual fund's beneficial ownership register the fact that an individual has ceased to be a beneficial owner of it,

the individual aggrieved or any other interested party may apply to the High Court for rectification of the register.

(4) Where an application is made under *subsection (3)*, the High Court may either refuse the application or may order rectification of the beneficial ownership register and payment by the common contractual fund of compensation for any loss sustained by any party aggrieved.

(5) On such an application, the High Court may—

(*a*) decide any question as to whether the name of any person who is a party to the application should or should not be entered in or omitted from the beneficial ownership register, and

(*b*) more generally, decide any question necessary or expedient to be decided for rectification of the beneficial ownership register.

(6) The reference in this section to "any other interested party" is a reference to any other person who is a beneficial owner of the common contractual fund.**]**

Annotations

Amendments:

F14 Inserted (1.03.2021) by *Investment Limited Partnerships (Amendment) Act 2020* (31/2020), s. 63, S.I. No. 19 of 2021.

F15[Discharge of initial central filing obligation - construction of references to that expression in *sections 18J* to *18P*

18I. A reference in *sections 18J* to *18P* to the discharge by a management company of its initial central filing obligation is a reference to the delivery by the management company of information to the Registrar in compliance with *section 18M(1)* or *(2)*.**]**

Annotations

Amendments:

F15 Inserted (1.03.2021) by *Investment Limited Partnerships (Amendment) Act 2020* (31/2020), s. 63, S.I. No. 19 of 2021.

F16[Delivery of information under *sections 18M* to *18P*: delivery may be effected by persons external to management company (as well as by officers or employees of it)

18J. (1) The provision made by *subsection (2)* is in addition to the general law whereby a management company acting through an officer or employee of the management company may discharge an obligation referred to in this section.

(2) An obligation imposed on a management company of a common contractual fund by any of *sections 18M* to *18P* to deliver information to the Registrar may be discharged by a person, who is not an officer or employee of the management company, acting on the management company's behalf.

(3) *Section 18O* makes provision as respects certain information to be delivered to the Registrar where the obligation concerned is discharged on behalf of the management company by a person acting as mentioned in *subsection (2)*.

(4) *Section 18M(6)* applies to the delivery by a management company of a common contractual fund of information irrespective of whether the person who delivers the information is an officer or employee of the management company or a person acting as mentioned in *subsection (2)*.**]**

Annotations

Amendments:

F16 Inserted (1.03.2021) by *Investment Limited Partnerships (Amendment) Act 2020* (31/2020), s. 63, S.I. No. 19 of 2021.

F17[Registrar of Beneficial Ownership of Common Contractual Funds

18K. (1) There shall, for the purposes of this Part, be a registrar to be known as the "Registrar of Beneficial Ownership of Common Contractual Funds", and in this Part referred to as the "Registrar".

(2) The Bank shall be the Registrar.**]**

Annotations

Amendments:

F17 Inserted (1.03.2021) by *Investment Limited Partnerships (Amendment) Act 2020* (31/2020), s. 63, S.I. No. 19 of 2021.

F18[Establishment and maintenance of central register

18L. (1) There is, by virtue of this section, established a register which shall be known as the "Central Register of Beneficial Ownership of Common Contractual Funds" and is in this Part referred to as the "central register".

(2) The central register shall be maintained by the Registrar; the information required by *sections 18M* to *18P* to be delivered or submitted to the Registrar shall be entered in that register by the Registrar and that register shall be kept in such form as the Registrar considers appropriate.

(3) The provision made by *subsection (2)* as respects entry of information in the central register is subject to *subsection (5)* of *section 18N* (which prohibits disclosure of a PPS number).**]**

Annotations

Amendments:

F18 Inserted (1.03.2021) by *Investment Limited Partnerships (Amendment) Act 2020* (31/2020), s. 63, S.I. No. 19 of 2021.

F19**[**Obligation of management company to deliver beneficial ownership information to Registrar and related obligations of designated person where certain discrepancies discovered

18M. (1) A management company of a common contractual fund, being a fund that is in existence before the commencement of section 63 of the Investment Limited Partnerships (Amendment) Act 2020, shall deliver the information specified in *section 18N* to the Registrar within 6 months from such commencement.

(2) A management company of a common contractual fund, being a fund that comes into existence on or after the commencement of section 63 of the Investment Limited Partnerships (Amendment) Act 2020, shall, within 6 months from the date of its coming into existence, deliver the information specified in *section 18N* to the Registrar in such manner as the Registrar determines.

(3) Where the following conditions are satisfied (and whether in the circumstances of the designated person taking the measures referred to in *section 18A(7)* or otherwise)—

(*a*) any of the particulars, as referred to in *section 18A(1)(a)* and *(b)*, contained in the beneficial ownership register of a common contractual fund come to the knowledge of a designated person, and

(*b*) the designated person forms the opinion that there is a discrepancy between the particulars referred to in *paragraph (a)* and the information in the central register (on referring himself or herself to the information in the central register as it relates to that common contractual fund),

then the designated person shall deliver, in a timely manner, to the Registrar, in such manner as the Registrar determines, notice of that opinion, specifying the particulars as respects which the foregoing discrepancy exists.

(4) On receipt of a foregoing notice, the Registrar shall—

(*a*) if the Registrar considers it appropriate to do so, make an entry in the relevant place in the central register which states that the notice has been received and specifies the particulars as respects which the foregoing discrepancy exists, and

(*b*) serve a notice on the management company of the common contractual fund concerned which—

(i) states that the foregoing notice has been received, and

(ii) specifies the particulars as respects which the foregoing discrepancy exists, and requests the management company of the common contractual fund to deliver to the Registrar, within a period specified in the notice and in such manner as the Registrar determines—

(I) a submission as to why the management company of the common contractual fund considers the opinion of the designated person concerned not to be well founded, or

(II) if the management company of the common contractual fund considers the opinion of the designated person concerned to be well founded, such amended particulars (for entry in the central register) as are required where the management company is satisfied that the delivery of such is the appropriate means by which the discrepancy can be resolved,

and such a request shall be complied with by the management company of the common contractual fund accordingly.

(5) None of the following—

(*a*) an opinion stated in a notice delivered under *subsection (3)* by a designated person to the Registrar (nor the specification in such a notice of the particulars as respects which the discrepancy concerned exists),

(*b*) any act done by the Registrar, as mentioned in *subsection (4)*, on foot of the receipt by the Registrar of a notice delivered under *subsection (3)* and, in particular, any entry made in the central register by the Registrar on foot of such receipt,

(*c*) a submission delivered under *subsection (4)(b)(ii)(I)* to the Registrar by a management company,

shall, of itself, be regarded as constituting defamatory matter.

(6) The means specified in *subsection (7)*, and no other means, shall be used by a management company of a common contractual fund to deliver, under this section or any of *sections 18N* to *18P*, information to the Registrar. If such means are not used to deliver the information concerned, the fact of the receipt by the Registrar of the particular information shall not constitute compliance with the requirement concerned of the section in question.

(7) The means referred to in *subsection (6)* are those that are provided for under the Electronic Commerce Act 2000.

(8) The reference in this section to the use of the means provided for under the Electronic Commerce Act 2000 is a reference to their use in a manner that complies with any requirements of the Registrar of the kind referred to in sections 12(2)(b) and 13(2)(a) of that Act.**]**

Annotations

Amendments:

F19 Inserted (1.03.2021) by *Investment Limited Partnerships (Amendment) Act 2020* (31/2020), s. 63, S.I. No. 19 of 2021.

F20**[**Information which shall be delivered to Registrar

18N. (1) The following is the information referred to in *section 18M(1)* or *(2)* that shall be delivered by a management company of a common contractual fund to the Registrar:

(*a*) the name, date of birth, nationality and residential address of each beneficial owner of the common contractual fund;

(*b*) a statement of the nature and extent of the interest held, or the nature and extent of control exercised by, each such beneficial owner,

and *section 18P* makes provision for occasions, subsequent to the discharge by the management company of its initial central filing obligation, on which information shall be delivered by it to the Registrar.

(2) In addition to what is provided in *subsection (1)*, there shall be delivered to the Registrar by the management company of the common contractual fund—

(*a*) for the purpose of verification of the information delivered under *section 18M(1)* or *(2)* and without prejudice to *paragraph (b)*, the PPS number of each beneficial owner to whom such a number has been assigned, or

(*b*) such information as stands determined by the Registrar for the purposes of this section.

(3) In addition to what is provided in *subsections (1)* and *(2)*, where the obligation imposed on a management company of a common contractual fund by *section 18M(1)* or *(2)* is discharged by its acting through an officer or employee of the management company, there shall be delivered to the Registrar—

(*a*) the name, address, phone number and e-mail address of the officer or employee for correspondence purposes, and

(*b*) particulars as to the capacity in which the officer or employee is acting.

(4) The Registrar shall delete from the central register information entered in it in relation to a common contractual fund if 10 years have elapsed from the date on which the final distribution is made under the common contractual fund (should such occur) and, as soon as may be after that deletion, the Registrar shall destroy that information.

(5) As respects a PPS number of a beneficial owner that has been delivered under *subsection (2)* to the Registrar—

(*a*) the Registrar shall not disclose that number, and

(*b*) that number shall be stored securely by the Registrar.

(6) The Registrar shall, as respects any information that has been received under *subsection (3)* and recorded by the Registrar, destroy the information as soon as may be after 10 years have elapsed from the date on which the final distribution is made (should such occur) under the common contractual fund to which it relates.

(7) *Subsections (2)* to *(6)* shall, with any necessary modifications, apply to amended particulars that are to be, or have been delivered, under *section 18M(4)(b)(ii)(II)* as they apply to information that is to be, or has been, delivered under *section 18M(1)* or *(2)*.**]**

Annotations

Amendments:

F20 Inserted (1.03.2021) by *Investment Limited Partnerships (Amendment) Act 2020* (31/2020), s. 63, S.I. No. 19 of 2021.

F21**[**Information to be provided by presenter

18O. (1) This section applies where the information specified in *section 18M(1)* or *(2)* is delivered to the Registrar by a person (in this section referred to as the "presenter") acting on behalf of the management company concerned as mentioned in *section 18J(2)*.

(2) Where this section applies, the following information shall also be delivered by the presenter to the Registrar:

(*a*) the presenter's name, address, phone number and e-mail address;

(*b*) particulars as to the capacity in which the presenter is acting;

(*c*) if the presenter is not an individual, the name, address, phone number and e-mail address of an individual for correspondence purposes.

(3) The Registrar shall, as respects any information that has been received under *subsection (2)* and recorded by the Registrar, destroy the information as soon as may be after 10 years have elapsed from the date on which the final distribution is made (should such occur) under the common contractual fund to which it relates.**]**

Annotations

Amendments:

F21 Inserted (1.03.2021) by *Investment Limited Partnerships (Amendment) Act 2020* (31/2020), s. 63, S.I. No. 19 of 2021.

F22**[**Duty to keep information in beneficial ownership register and central register aligned and up-to-date

18P. (1) The purpose of this section is to require that any changes that occur in the information contained in a common contractual fund's beneficial ownership register be reflected by a corresponding change being made in the central register; accordingly there is imposed on the management company of a common contractual fund by this section an obligation, referred to in this section as the "follow up obligation", to deliver information to the Registrar so as to allow any such change to be reflected in the central register.

(2) The provisions of this section shall have effect in relation to a common contractual fund following the discharge by the management company of the common contractual fund of its initial central filing obligation (and in *subsection (3)* the time on which that obligation is so discharged is referred to as the "relevant time").

(3) Where at any time, subsequent to the relevant time, the obligation referred to in *subsection (4)* falls to be discharged by a management company of the common contractual fund, then there is also imposed on the management company, by this section, the follow up obligation specified in *subsection (5)*.

(4) The first-mentioned obligation in *subsection (3)* of the management company is the obligation to—

(*a*) enter any information in the common contractual fund's beneficial ownership register, or

(*b*) amend or delete any information in that register,

whether by virtue of its duty under *section 18A(1)* to hold accurate and current information regarding the common contractual fund's beneficial ownership or any provision of *section 18B*, *18C*, *18D*, *18E* or *18F*.

(5) The management company's follow up obligation is to deliver to the Registrar, as appropriate—

(*a*) the same information as that which (as mentioned in *subsection (4)(a)*) the management company is required to enter in the common contractual fund's beneficial ownership register, or

(*b*) the appropriate information that will enable the Registrar to make the same amendment or deletion of information in the central register as that which (as mentioned in *subsection (4)(b)*) the management company is required to make in the common contractual fund's beneficial ownership register,

and the follow-up obligation shall be discharged within 14 days from the date on which the first-mentioned obligation in *subsection (3)* falls to be discharged by the management company.

(6) *Section 18N(2)* to *(7)* and, as the case may be, *section 18O* shall apply in a case where information is delivered to the Registrar under *subsection (5)* as they apply in a case where information is delivered to the Registrar under *section 18M(1)*, *(2)* or *(3)*.**]**

Annotations

Amendments:

F22 Inserted (1.03.2021) by *Investment Limited Partnerships (Amendment) Act 2020* (31/2020), s. 63, S.I. No. 19 of 2021.

F23**[**Unrestricted access to beneficial ownership information in central register

18Q. (1) Subject to *subsection (2)*, the following shall have the right to inspect the central register—

(*a*) a member of the Garda Síochána, not below the rank of inspector, who is engaged in the prevention, detection, investigation or analysis of possible money laundering or terrorist financing,

(*b*) a member of FIU Ireland within the meaning of Part 4 of the Act of 2010,

(*c*) an officer of the Revenue Commissioners, holding a position not below that of Higher Executive Officer,

(*d*) an officer of the Criminal Assets Bureau, holding a rank not below the rank of inspector in the Garda Síochána, or holding a position not below that of Higher Executive Officer.

(2) The right referred to in *subsection (1)* shall not be exercised—

(*a*) by a member of the Garda Síochána referred to in *paragraph (a)* of that subsection, unless he or she has been authorised to exercise the right by a member of the Garda Síochána, not below the rank of superintendent,

(*b*) by a member of FIU Ireland, unless he or she has been authorised to exercise the right by a member of the Garda Síochána, not below the rank of superintendent,

(*c*) by an officer of the Revenue Commissioners referred to in *paragraph (c)* of that subsection, unless he or she has been authorised to exercise the right by an officer of the Revenue Commissioners, holding a position not below that of Principal Officer, or

(*d*) by an officer of the Criminal Assets Bureau referred to in *paragraph (d)* of that subsection, unless he or she has been authorised to exercise the right by a member of the Garda Síochána, not below the rank of superintendent.

(3) Subject to *subsection (4)*, a member, a member of staff or an officer of a competent authority who is engaged in the prevention, detection or investigation of possible money laundering or terrorist financing shall have the right to inspect the central register.

(4) The right referred to in *subsection (3)* shall not be exercised—

(*a*) by—

(i) a member of staff of the Bank,

(ii) an officer of the Minister for Justice and Equality,

(iii) a member or member of staff of the Property Services Regulatory Authority, or

(iv) a member or member of staff of the Legal Services Regulatory Authority,

(each of which or whom is referred to in this subparagraph as a "relevant competent authority") unless he or she holds a position not below that of Higher Executive Officer and has been authorised to exercise the right by a member or member of staff or, as the case may be, an officer of the relevant competent authority concerned, holding a position not below that of Principal Officer, or

(*b*) by a member or member of staff of—

(i) the Law Society of Ireland,

(ii) the General Council of the Bar of Ireland, or

(iii) a designated accountancy body (within the meaning of Part 4 of the Act of 2010),

unless he or she is a person designated by the President of the Law Society of Ireland, the chairperson of the General Council of the Bar of Ireland or the chief executive of (or a person holding an equivalent position in) the designated accountancy body, as the case may be, to be a person authorised for the purposes of *subparagraph (i)*, *(ii)* or *(iii)*, as appropriate, to exercise the right.

(5) On there being made of the Registrar a request for inspection, under any of *subsections (1)* to *(4)*, of the central register, the Registrar shall afford the maker of the request access, in a timely manner, to the register.

(6) The Registrar shall, neither during the taking of the steps to afford the maker the access referred to in *subsection (5)*, nor afterwards, alert the beneficial owners of any common contractual fund concerned to the fact of such access having been afforded.

(7) In *subsection (6)*, "any common contractual fund concerned" means any common contractual fund to which the information in the central register, the subject of the inspection concerned, relates.

(8) Each of the following:

(*a*) the Garda Síochána;

(*b*) the Revenue Commissioners;

(*c*) a competent authority;

(*d*) the Criminal Assets Bureau,

may disclose the information in the central register to any corresponding competent authority of another Member State (a "corresponding authority"); in the event of there being a request made of a body or other person referred to in any of *paragraphs (a) to (d)* by a corresponding authority for disclosure of such information, the request shall be complied with in a timely manner.

(9) No fee shall be charged to a corresponding authority for the disclosure of the information in the central register.**]**

Annotations

Amendments:

F23 Inserted (1.03.2021) by *Investment Limited Partnerships (Amendment) Act 2020* (31/2020), s. 63, S.I. No. 19 of 2021.

F24[Restricted access to beneficial ownership information in central register

18R. (1) When—

(*a*) a management company of a common contractual fund enters into an occasional transaction with a designated person, or forms a business relationship with a designated person, or

(*b*) a designated person is taking customer due diligence measures in accordance with Part 4 of the Act of 2010 in relation to a common contractual fund,

the designated person shall, subject to *subsection (6)*, have a right of access to the following information in the central register that relates to the common contractual fund:

(i) the name, the month and year of birth and the country of residence and nationality of each beneficial owner of it;

(ii) a statement of the nature and extent of the interest held, or the nature and extent of control exercised, by each such beneficial owner,

and that access shall be afforded in a timely manner.

(2) The information obtained by a designated person by means of the access to the central register afforded under *subsection (1)* shall not be relied upon exclusively by the designated person to fulfil the designated person's duty to apply customer due diligence measures under Part 4 of the Act of 2010 (which duty shall be fulfilled by using a risk-based approach).

(3) Any person may, subject to *subsection (6)*, request in writing access to the following information in the central register that relates to any common contractual fund:

(*a*) the name, the month and year of birth and the country of residence and nationality of each beneficial owner of it; and

(*b*) a statement of the nature and extent of the interest held, or the nature and extent of control exercised, by each such beneficial owner.

(4) Any person may, subject to *subsection (6)*, request in writing access to the following information in the central register that relates to any common contractual fund which holds or owns a controlling interest in any corporate or other legal entity incorporated outside the European Union, through direct or indirect ownership, including through bearer shareholdings, or through control via other means:

(*a*) the name, the month and year of birth and the country of residence and nationality of each beneficial owner of the common contractual fund;

(*b*) a statement of the nature and extent of the interest held, or the nature and extent of control exercised, by each such beneficial owner of the common contractual fund,

and that access shall be afforded in a timely manner.

(5) The Data Protection Act 2018 shall apply to the access that the Registrar affords to a designated person and any member of the public in respect of the information in the central register that relates to a common contractual fund.

(6) Where a designated person or a member of the public seeks to have access to, or to inspect, any information in the central register so far as such information relates to a minor who is a beneficial owner of a common contractual fund, the Registrar shall request the designated person or member of the public to provide, in writing, to the Registrar a summary of the grounds on which he or she considers it is in the public interest that that information be disclosed to him or her and—

(*a*) if the designated person or the member of the public refuses or fails to comply with that request, or

(*b*) unless the Registrar, having considered such a written summary provided to the Registrar, is of the opinion that there are substantial grounds for the contention of the foregoing person that it is in the public interest that the information be disclosed to him or her,

the designated person or member of the public shall not be permitted by the Registrar to have access to, or to inspect, any information in the central register so far as such information relates to the minor concerned.

(7) In *subsection (1),* "occasional transaction" has the same meaning as it has in *section 18A(7).***]**

Annotations

Amendments:

F24 Inserted (1.03.2021) by *Investment Limited Partnerships (Amendment) Act 2020* (31/2020), s. 63, S.I. No. 19 of 2021.

F25**[**Obligations of competent authorities to report certain discrepancies to Registrar

18S. (1) If—

(*a*) any of the following:

(i) the Garda Síochána;

(ii) the Revenue Commissioners;

(iii) a competent authority;

(iv) the Criminal Assets Bureau,

forms the opinion that there is a discrepancy between the information in the central register and the beneficial ownership information, as it relates to any common contractual fund, available to, as the case may be, the Garda Síochána, the Revenue Commissioners or other foregoing authority or bureau (each of which is referred to in this section as a "relevant person"), and

(*b*) to the extent that the doing of the following does not interfere unnecessarily with the performance of the relevant person's functions,

then the relevant person shall deliver, in a timely manner, to the Registrar, in such manner as the Registrar determines, notice of that opinion, specifying the particulars as respects which the foregoing discrepancy exists.

(2) On receipt of a foregoing notice, the Registrar shall—

(*a*) if the Registrar considers it appropriate to do so, make an entry in the relevant place in the central register which states that the notice has been received and specifies the particulars as respects which the foregoing discrepancy exists, and

(*b*) serve a notice on the management company of the common contractual fund concerned which—

(i) states that the foregoing notice has been received, and

(ii) specifies the particulars as respects which the foregoing discrepancy exists, and requests the management company to deliver to the Registrar, within a period specified in the notice and in such manner as the Registrar determines—

(I) a submission as to why the management company considers the opinion of the relevant person concerned not to be well founded, or

(II) if the management company considers the opinion of the relevant person concerned to be well founded, such amended particulars (for entry in the central register) as are required where the management company is satisfied that the delivery of such is the appropriate means by which the discrepancy can be resolved,

and such a request shall be complied with by the management company accordingly.

(3) None of the following—

(*a*) an opinion stated in a notice delivered under *subsection (1)* by a relevant person to the Registrar (nor the specification in such a notice of the particulars as respects which the discrepancy concerned exists),

(*b*) any act done by the Registrar, as mentioned in *subsection (2)*, on foot of the receipt by the Registrar of a notice delivered under *subsection (1)* and, in particular, any entry made in the central register by the Registrar on foot of such receipt,

(*c*) a submission delivered under *subsection (2)(b)(ii)(I)* to the Registrar by a management company,

shall, of itself, be regarded as constituting defamatory matter.

(4) *Subsections (2)* to *(7)* of *section 18N* shall, with any necessary modifications, apply to amended particulars that are to be, or have been delivered, under *subsection (2)(b)(ii)(II)* as they apply to information that is to be, or has been, delivered under *section 18M(1)* or *(2)*.**]**

Annotations

Amendments:

F25 Inserted (1.03.2021) by *Investment Limited Partnerships (Amendment) Act 2020* (31/2020), s. 63, S.I. No. 19 of 2021.

F26**[**Fees may be charged for access to central register

18T. (1) The Registrar may require any of the persons referred to in *section 18R(1)*, *(3)* or *(4)* to pay to the Registrar a fee of such an amount as the Registrar may determine in respect of the access afforded to the central register under *section 18R(1)*, *(3)* or *(4)*.

(2) The amount of a fee required to be paid under *subsection (1)* shall not exceed the administrative cost incurred in affording access to the information concerned.**]**

Annotations

Amendments:

F26 Inserted (1.03.2021) by *Investment Limited Partnerships (Amendment) Act 2020* (31/2020), s. 63, S.I. No. 19 of 2021.

F27**[**Offence for failure to comply with *section 18M, 18N, 18O* or *18P* and supplemental provisions

18U. (1) A management company that fails to comply with *section 18M*, *18N* or *18O* shall be guilty of an offence.

(2) A management company that fails, without reasonable excuse, to comply with a request, as referred to in *subparagraph (ii)* of *subsection (4)(b)* of *section 18M*, or *subparagraph (ii)* of *subsection (2)(b)* of *section 18S*, contained in a notice served on it under that *subsection (4)(b)* or *(2)(b)*, as the case may be, shall be guilty of an offence.

(3) A presenter that fails to comply with *section 18O* shall be guilty of an offence.

(4) A person who, in purported compliance with *section 18M*, *18N*, *18O* or *18P*, makes a statement that is false in a material particular, knowing it to be so false or being reckless as to whether it is so false, shall be guilty of an offence.

(5) A designated person who fails to comply with *section 18M(3)* shall be guilty of an offence.**]**

Annotations

Amendments:

F27 Inserted (1.03.2021) by *Investment Limited Partnerships (Amendment) Act 2020* (31/2020), s. 63, S.I. No. 19 of 2021.

Offences in relation to certain bodies.

19.—Where an offence under this Part is committed by a body corporate and is proved to have been so committed with the consent or approval of, or to have been facilitated by any wilful neglect on the part of any person being a director, manager, secretary, member of any committee of management or other controlling authority of such body or official of such body, that person shall also be guilty of an offence.

Offences under provisions of this Part.

20.—A person who contravenes any provision of this Part and for which contravention no offence is created by any other provision of this Part shall be guilty of an offence.

Penalties.

21.—(1) A person guilty of an offence under this Part shall be liable—

(*a*) on summary conviction to a fine not exceeding €5,000 or imprisonment for a term not exceeding 12 months or both, or

(*b*) on conviction on indictment to a fine not exceeding €15,000 or imprisonment for a term not exceeding 5 years or both,

and, if the contravention in respect of which he or she is convicted of an offence under this Part is continued after the conviction, the person shall be guilty of a further offence on every day on which the contravention continues and for each such offence the person shall be liable on summary conviction to a fine not exceeding €400 or, on conviction on indictment, to a fine not exceeding €1,900.

(2) *Subsection (1)(b)* shall not apply to a person guilty of an offence under *section 20*.

(3) Summary proceedings in relation to an offence under this Part may be brought and prosecuted by the Bank.

(4) F28**[**...**]**

Annotations

Amendments:

F28 Repealed (1.08.2013) by *Central Bank (Supervision and Enforcement) Act 2013* (26/2013), s. 4(1) and sch. 1 part 1 item 15, S.I. No. 287 of 2013.

PART 3

Amendments to Part XIII of Act of 1990

Amendment of section 252 of Act of 1990.

22.—F29**[**...**]**

Annotations

Amendments:

F29 Repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015, subject to saver and transitional provisions in s. 5 and sch. 6.

Amendment of section 254 of Act of 1990.

23.—F30**[**...**]**

Annotations

Amendments:

F30 Repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015, subject to saver and transitional provisions in s. 5 and sch. 6.

Amendment of section 255 of Act of 1990.

24.—F31**[**...**]**

Annotations

Amendments:

F31 Repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015, subject to saver and transitional provisions in s. 5 and sch. 6.

Segregated liability of sub-funds — insertion of new sections in Part XIII of Act of 1990.

25.—F32**[**...**]**

Annotations

Amendments:

F32 Repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015, subject to saver and transitional provisions in s. 5 and sch. 6.

Amendment of section 257 of Act of 1990.

26.—F33**[**...**]**

Annotations

Amendments:

F33 Repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015, subject to saver and transitional provisions in s. 5 and sch. 6.

Amendment of section 260 of Act of 1990.

27.—F34**[**...**]**

Annotations

Amendments:

F34 Repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015, subject to saver and transitional provisions in s. 5 and sch. 6.

Insertion of new section 260A in Act of 1990.

28.—F35**[**...**]**

Annotations

Amendments:

F35 Repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015, subject to saver and transitional provisions in s. 5 and sch. 6.

PART 4

Market Abuse

Interpretation (*Part 4*).

29.—F36**[**...**]**

Annotations

Amendments:

F36 Repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015, subject to saver and transitional provisions in s. 5 and sch. 6.

Regulations (*Part 4*).

30.—F37**[**...**]**

Annotations

Amendments:

F37 Repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015, subject to saver and transitional provisions in ss. 5 and 1367(1) and sch. 6.

Editorial Notes:

E104 Previous affecting provision: power pursuant to section exercised (10.08.2012) by *Market Abuse (Directive 2003/6/EC) (Amendment) Regulations 2012* (S.I. No. 315 of 2012); continued in effect (1.06.2015) by *Companies Act 2014* (38/2014), s. 1367(1), S.I. No. 169 of 2015; spent on revocation of *Market Abuse (Directive 2003/6/EC) Regulations 2005* (S.I. No. 342 of 2005) as per E-note below.

E105 Previous affecting provision: power pursuant to section exercised (6.07.2005) by *Market Abuse (Directive 2003/6/EC) Regulations 2005* (S.I. No. 342 of 2005), in effect as per reg. 1(3); continued in effect (1.06.2015) by *Companies Act 2014* (38/2014), s. 1367(1), S.I. No. 169 of 2015; revoked (3.07.2016) by *Market Abuse (Directive 2003/6/EC) Regulations 2005* (S.I. No. 349 of 2016), reg. 54, in effect as per reg. 1(2).

Repeal of Part V of Act of 1990 and Companies (Amendment) Act 1999.

31.—F38**[**...**]**

Annotations

Amendments:

F38 Repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015, subject to saver and transitional provisions in s. 5 and sch. 6.

Conviction on indictment of offences under Irish market abuse law: penalties.

32.—F39**[**...**]**

Annotations

Amendments:

F39 Repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015, subject to saver and transitional provisions in s. 5 and sch. 6.

Editorial Notes:

E106 Previous affecting provision: application of section extended (6.07.2005) by *Market Abuse (Directive 2003/6/EC Regulations 2005* (S.I. No. 342 of 2005), reg. 49(1) and (2), in effect as per reg. 1(3); revoked (3.07.2016) by *European Union (Market Abuse) Regulations 2016* (S.I. No. 349 of 2016), reg. 54, in effect as per reg. 1(2).

Civil liability for certain breaches of Irish market abuse law.

33.—F40**[**...**]**

Annotations

Amendments:

F40 Repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015, subject to saver and transitional provisions in s. 5 and sch. 6.

Supplementary rules, etc., by competent authority.

34.—F41**[**...**]**

Annotations

Amendments:

F41 Repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015, subject to saver and transitional provisions in ss. 5 and 1370(8) and sch. 6.

Amendment of section 33AJ of Central Bank Act 1942.

35.—F42**[**...**]**

Annotations

Amendments:

F42 Repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015, subject to saver and transitional provisions in s. 5 and sch. 6.

Amendment of section 33AK of Central Bank Act 1942.

36.—F43**[**...**]**

Annotations

Amendments:

F43 Repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015, subject to saver and transitional provisions in s. 5 and sch. 6.

Application of Irish market abuse law to certain markets.

37.—F44**[...]**

Annotations

Amendments:

F44 Repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015, subject to saver and transitional provisions in s. 5 and sch. 6.

PART 5

Public Offers of Securities

Interpretation (*Part 5*).

38.—F45**[...]**

Annotations

Amendments:

F45 Repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015, subject to saver and transitional provisions in s. 5 and sch. 6.

Editorial Notes:

E107 Previous affecting provision: subs. (3A) inserted (24.12.2006) by *Investment Funds, Companies and Miscellaneous Provisions Act 2006* (41/2006), s. 15(a), commenced on enactment; repealed as per F-note above.

Construction of certain terms in Act of 1963.

39.—F46**[...]**

Annotations

Amendments:

F46 Repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015, subject to saver and transitional provisions in s. 5 and sch. 6.

Repeal of certain provisions of Act of 1963 and revocation.

40.—F47**[**...**]**

Annotations

Amendments:

F47 Repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015, subject to saver and transitional provisions in s. 5 and sch. 6.

Civil liability for misstatements in prospectus.

41.—F48**[**...**]**

Annotations

Amendments:

F48 Repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015, subject to saver and transitional provisions in s. 5 and sch. 6.

Editorial Notes:

E108 Previous affecting provision: application of section restricted (26.06.2009) by *Financial Measures (Miscellaneous Provisions) Act 2009* (14/2009), s. 15(2), commenced on enactment; section repealed as per F-note above.

E109 Previous affecting provision: section amended (24.12.2006) by *Investment Funds, Companies and Miscellaneous Provisions Act 2006* (41/2006), s. 15(b), commenced on enactment; repealed as per F-note above.

Section 41: exceptions and exemptions.

42.—F49**[**...**]**

Annotations

Amendments:

F49 Repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015, subject to saver and transitional provisions in s. 5 and sch. 6.

Editorial Notes:

E110 Previous affecting provision: section amended (24.12.2006) by *Investment Funds, Companies and Miscellaneous Provisions Act 2006* (41/2006), s. 15(c), commenced on enactment; repealed as per F-note above.

Restriction of liability where non-equity securities solely involved.

43.—F50**[**...**]**

Annotations

Amendments:

F50 Repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015, subject to saver and transitional provisions in s. 5 and sch. 6.

Editorial Notes:

E111 Previous affecting provision: section substituted (24.12.2006) by *Investment Funds, Companies and Miscellaneous Provisions Act 2006* (41/2006), s. 13, commenced on enactment; repealed as per F-note above.

Indemnification of certain persons.

44.—F51**[**...**]**

Annotations

Amendments:

F51 Repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015, subject to saver and transitional provisions in s. 5 and sch. 6.

Editorial Notes:

E112 Previous affecting provision: section amended (24.12.2006) by *Investment Funds, Companies and Miscellaneous Provisions Act 2006* (41/2006), s. 15(d), commenced on enactment; repealed as per F-note above.

Expert's consent to issue of prospectus containing statement by him or her.

45.—F52**[**...**]**

Annotations

Amendments:

F52 Repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015, subject to saver and transitional provisions in s. 5 and sch. 6.

Editorial Notes:

E113 Previous affecting provision: section substituted (24.12.2006) by *Investment Funds, Companies and Miscellaneous Provisions Act 2006* (41/2006), s. 14, commenced on enactment; repealed as per F-note above.

Regulations (*Part 5*).

46.—F53**[**...**]**

Annotations

Amendments:

F53 Repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015, subject to saver and transitional provisions in ss. 5 and 1355(1) and sch. 6.

Editorial Notes:

E114 Power pursuant to section exercised (10.08.2012) by *Prospectus (Directive 2003/71/EC) (Amendment) (No. 2) Regulations 2012* (S.I. No. 317 of 2012); continued in effect (1.06.2015) by *Companies Act 2014* (38/2014), s. 1355(1), S.I. No. 169 of 2015.

E115 Power pursuant to section exercised (1.07.2012) by *Prospectus (Directive 2003/71/EC) (Amendment) Regulations 2012* (S.I. No. 239 of 2012), in effect as per reg. 1(2); continued in effect (1.06.2015) by *Companies Act 2014* (38/2014), s. 1355(1), S.I. No. 169 of 2015.

E116 Power pursuant to section exercised (1.07.2005) by *Prospectus (Directive 2003/71/EC Regulations 2005* (S.I. No. 324 of 2005), in effect as per reg. 1(2); continued in effect (1.06.2015) by *Companies Act 2014* (38/2014), s. 1355(1), S.I. No. 169 of 2015.

Penalties on conviction on indictment and defences in respect of certain offences.

47.—F54**[**...**]**

Annotations

Amendments:

F54 Repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015, subject to saver and transitional provisions in s. 5 and sch. 6.

Editorial Notes:

E117 Previous affecting provision: application of section extended (1.07.2005) by *Prospectus (Directive 2003/71/EC Regulations 2005* (S.I. No. 324 of 2005), reg. 107(4), in effect as per reg. 1(2); section repealed as per F-note above.

Untrue statements and omissions in prospectus: criminal liability.

48.—F55**[**...**]**

Annotations

Amendments:

F55 Repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015, subject to saver and transitional provisions in s. 5 and sch. 6.

Editorial Notes:

E118 Previous affecting provision: offence under section designated a relevant offence for purposes of that Act (9.08.2011) by *Criminal Justice Act 2011* (22/2011), s. 3 and sch. 1 para. 18, S.I. No. 411 of 2011; section repealed as per F-note above.

E119 Previous affecting provision: subs. (4) deleted (24.12.2006) by *Investment Funds, Companies and Miscellaneous Provisions Act 2006* (41/2006), s. 15(b), commenced on enactment; section repealed as per F-note above.

Local offers.

49.—F56**[**...**]**

Annotations

Amendments:

F56 Repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015, subject to saver and transitional provisions in s. 5 and sch. 6.

Exclusion of Investment Intermediaries Act 1995.

50.—F57**[**...**]**

Annotations

Amendments:

F57 Repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015, subject to saver and transitional provisions in s. 5 and sch. 6.

Power to make certain rules and issue guidelines.

51.—F58**[**...**]**

Annotations

Amendments:

F58 Repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015, subject to saver and transitional provisions in ss. 5 and 1363(9) and sch. 6.

Editorial Notes:

E120 Rules, as amended, issued under section by the Bank in November 2014 revoked (22.07.2019) by *Central Bank (Investment Market Conduct) Rules 2019* (S.I. No. 366 of 2019), art. 57(1)(a).

Avoidance of certain agreements.

52.—F59**[**...**]**

Annotations

Amendments:

F59 Repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015, subject to saver and transitional provisions in s. 5 and sch. 6.

Amendment of section 53 of Act of 1963.

53.—F60**[**...**]**

Annotations

Amendments:

F60 Repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015, subject to saver and transitional provisions in s. 5 and sch. 6.

Amendment of section 55 of Act of 1963.

54.—F61**[**...**]**

Annotations

Amendments:

F61 Repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015, subject to saver and transitional provisions in s. 5 and sch. 6.

Amendment of section 57 of Act of 1963.

55.—F62**[**...**]**

Annotations

Amendments:

F62 Repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015, subject to saver and transitional provisions in s. 5 and sch. 6.

PART 6

Miscellaneous Company Law Amendments

Amendment of section 60 of Act of 1963.

56.—F63**[**...**]**

Annotations

Amendments:

F63 Repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015, subject to saver and transitional provisions in s. 5 and sch. 6.

Electronic filing agents.

57.—F64**[...]**

Annotations

Amendments:

F64 Repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015, subject to saver and transitional provisions in s. 5 and sch. 6.

Editorial Notes:

E121 Previous affecting provision: form for use in connection with subs. (4)(a) prescribed (22.01.2007) by *Companies (Forms) Order 2007* (S.I. No. 6 of 2007), art. 4, in effect as per reg. 2; revoked (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and 5(7) and schs. 2 part 1 and 6 para. 2.

E122 Previous affecting provision: form for use in connection with subs. (4)(a) prescribed (1.12.2005) by *Companies (Forms) Order 2005* (S.I. No. 694 of 2005), art. 4 and sch., in effect as per reg. 2; revoked (22.01.2007) by *Companies (Forms) Order 2007* (S.I. No. 6 of 2007), reg. 5, in effect as per reg. 2.

E123 Previous affecting provision: fee in respect of notification under subs. (4)(a) prescribed by *Companies Act 1963* (33/1963), s. 369 and sch. 8, as inserted (1.12.2005) by *Companies (Fees) (No. 4) Order 2005* (S.I. No. 737 of 2005), art. 4, in effect as per art. 2; repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1.

Section 57: supplemental provisions.

58.—F65**[...]**

Annotations

Amendments:

F65 Repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015, subject to saver and transitional provisions in s. 5 and sch. 6.

Editorial Notes:

E124 Previous affecting provision: form for use in connection with subs. (2) prescribed (22.01.2007) by *Companies (Forms) Order 2007* (S.I. No. 6 of 2007), art. 4, in force as per reg. 2; revoked (1.06.2015) by *Companies Act 2014* (38/2014), ss. 4(1) and 5(7) and schs. 2 part 1 and 6 para. 2, S.I. No. 169 of 2015.

E125 Previous affecting provision: form for use in connection with subs. (2) prescribed (1.12.2005) by *Companies (Forms) Order 2005* (S.I. No. 694 of 2005), art. 4 and sch., in effect as per reg. 2; revoked (22.01.2007) by *Companies (Forms) Order 2007* (S.I. No. 6 of 2007), reg. 5, in effect as per reg. 2.

E126 Previous affecting provision: fee in respect of notification under subs. (2) prescribed by *Companies Act 1963* (33/1963), s. 369 and sch. 8, as inserted (1.12.2005) by *Companies (Fees) (No. 4) Order 2005* (S.I. No. 737 of 2005), art. 4, in effect as per art. 2; repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1.

Reservation of company name.

59.—F66**[**...**]**

Annotations

Amendments:

F66 Repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015, subject to saver and transitional provisions in s. 5 and sch. 6.

Editorial Notes:

E127 Previous affecting provision: power pursuant to section exercised (1.09.2009) by *Companies (Fees) Order 2009* (S.I. No. 304 of 2009), in effect as per reg. 1(2); revoked (1.06.2015) by *Companies Act 2014* (38/2014), s. 5(7) and sch. 6 para. 2, S.I. No. 169 of 2015.

E128 Previous affecting provision: section applied with modifications by *Building Societies Act 1989* (17/1989), s. 108A, as inserted (1.08.2006) by *Building Societies (Amendment) Act 2006* (24/2006), s. 27, S.I. 394 of 2006; repealed as per F-note above.

Section 59: supplemental provisions.

60.—F67**[**...**]**

Annotations

Amendments:

F67 Repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015, subject to saver and transitional provisions in s. 5 and sch. 6.

Modifications (not altering text):

Editorial Notes:

E129 Previous affecting provision: power pursuant to section exercised (1.09.2009) by *Companies (Fees) Order 2009* (S.I. No. 304 of 2009), in effect as per reg. 1(2); revoked (1.06.2015) by *Companies Act 2014* (38/2014), s. 5(7) and sch. 6 para. 2, S.I. No. 169 of 2015.

E130 Previous affecting provision: section applied with modifications by *Building Societies Act 1989* (17/1989), s. 108A, as inserted (1.08.2006) by *Building Societies (Amendment) Act 2006* (24/2006), s. 27, S.I. 394 of 2006; repealed as per F-note above.

Amendment of section 128 of Act of 1963.

61.—F68**[**...**]**

Annotations

Amendments:

F68 Repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015, subject to saver and transitional provisions in s. 5 and sch. 6.

Amendment of section 195 of Act of 1963.

62.—F69**[**...**]**

Annotations

Amendments:

F69 Repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015, subject to saver and transitional provisions in s. 5 and sch. 6.

Amendment of section 302(1) of Act of 1963.

63.—F70**[**...**]**

Annotations

Amendments:

F70 Repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015, subject to saver and transitional provisions in s. 5 and sch. 6.

Amendment of section 371(1) of Act of 1963.

64.—F71**[**...**]**

Annotations

Amendments:

F71 Repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015, subject to saver and transitional provisions in s. 5 and sch. 6.

Amendment of section 12B of Companies (Amendment) Act 1982.

65.—F72**[**...**]**

Annotations

Amendments:

F72 Repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015, subject to saver and transitional provisions in s. 5 and sch. 6.

Amendment of section 22 of Companies (Amendment) Act 1986.

66.—F73**[**...**]**

Annotations

Amendments:

F73 Repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015, subject to saver and transitional provisions in s. 5 and sch. 6.

Amendment of section 19 of Act of 1990.

67.—F74**[...]**

Annotations

Amendments:

F74 Repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015, subject to saver and transitional provisions in s. 5 and sch. 6.

Amendment of section 20 of Act of 1990.

68.—F75**[...]**

Annotations

Amendments:

F75 Repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015, subject to saver and transitional provisions in s. 5 and sch. 6.

Amendment of section 21 of Act of 1990.

69.—F76**[...]**

Annotations

Amendments:

F76 Repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015, subject to saver and transitional provisions in s. 5 and sch. 6.

Amendment of section 166 of Act of 1990.

70.—F77**[...]**

Annotations

Amendments:

F77 Repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015, subject to saver and transitional provisions in s. 5 and sch. 6.

Amendment of section 242 of Act of 1990.

71.—F78**[...]**

Annotations

Amendments:

F78 Repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015, subject to saver and transitional provisions in s. 5 and sch. 6.

Replacement of references to Companies Registration Office Gazette for references to *Iris Oifigiúil*.

72.—F79**[**...**]**

Annotations

Amendments:

F79 Repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015, subject to saver and transitional provisions in s. 5 and sch. 6.

Miscellaneous amendments of Companies Acts related to penalties.

73.—F80**[**...**]**

Annotations

Amendments:

F80 Repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015, subject to saver and transitional provisions in s. 5 and sch. 6.

Amendment of section 110A of Company Law Enforcement Act 2001.

74.—F81**[**...**]**

Annotations

Amendments:

F81 Repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015, subject to saver and transitional provisions in s. 5 and sch. 6.

PART 7

Miscellaneous Amendments

Amendment of Irish Takeover Panel Act 1997.

75.—The Irish Takeover Panel Act 1997 is amended—

(*a*) in section 2—

(i) in paragraph (ii), by substituting "Act of 1990," for "Act of 1990.", and

(ii) by adding the following paragraph after paragraph (ii):

"(iii) a public limited company or other body corporate incorporated in the State—

(I) the only securities of which for the time being are authorised (or during the period of 5 years referred to in paragraph (*b*) were authorised) to be traded by a recognised stock exchange

on a market regulated by that exchange are those specified in section 2A,

and

(II) which is not a company prescribed for the purposes of paragraph (*c*).”

and

(*b*) by inserting the following section after section 2:

“Securities for the purposes of section 2(iii) and application of that provision.

2A.—(1) The securities referred to in paragraph (iii) of section 2 are debentures or bonds or other securities in the nature of debentures or bonds, by whatever name called, that do not confer voting rights in the company or body corporate referred to in that paragraph or in any other body corporate.

(2) The cases to which paragraph (iii) of section 2 applies include the case where the authorisation for the trading of the securities concerned was given by the recognised stock exchange before the commencement of *section 75* of the *Investment Funds, Companies and Miscellaneous Provisions Act 2005*.”.

Amendment of section 45 of Competition Act 2002.

76.—(1) Subsection (6) of section 45 of the Competition Act 2002 is repealed.

(2) Subsection (7) of that section 45 is amended by substituting “this section” for “subsection (6)”.

(3) Notwithstanding the repeal by this section of subsection (6) of that section 45, that subsection (6) shall continue to apply to any books, documents or records seized or obtained under that section before the commencement of this section.

Amendment of UCITS Regulations.

77.—(1) The UCITS Regulations are amended in the manner provided for in the *Schedule* to this Act.

(2) In this section “UCITS Regulations” means the European Communities (Undertakings for Collective Investment in Transferable Securities) Regulations 2003 (S.I. No. 211 of 2003) as amended.

Amendment of section 26 of Prices Act 1958.

78.—The Prices Act 1958 (as amended by section 8 of the Prices (Amendment) Act 1972) is amended by substituting the following section for section 26:

“26.—(1) A person who commits or is deemed to have committed an offence under this Act shall be liable—

(*a*) on summary conviction, to a fine not exceeding €3,000 or imprisonment for a term not exceeding 6 months or both, or

(*b*) on conviction on indictment, to a fine not exceeding €50,000 or imprisonment for a term not exceeding 2 years or both.

(2) Where a person is convicted of an offence under this Act and there is a continuation of the offence by the person after his conviction, the person shall be guilty of a further offence on every day on which the contravention continues and for each such offence shall be liable—

(*a*) on summary conviction, to a fine not exceeding €300 or imprisonment for a term not exceeding 6 months or both, or

(*b*) on conviction on indictment, to a fine not exceeding €500 or imprisonment for a term not exceeding 2 years or both.".

Amendment of section 23 of Restrictive Practices Act 1972.

79.—The Restrictive Practices Act 1972 (as amended by section 21 of the Restrictive Practices (Amendment) Act 1987) is amended by substituting the following section for section 23:

"23.—(1) A person who is guilty of an offence under this Act for which no special penalty is provided shall be liable—

(*a*) on summary conviction, to a fine not exceeding €3,000 or imprisonment for a term not exceeding 6 months or both, or

(*b*) on conviction on indictment, to a fine not exceeding €60,000 or imprisonment for a term not exceeding 2 years or both.

(2) Where a person is convicted of an offence under this Act and there is a continuation of the offence by the person after his or her conviction, the person shall be guilty of a further offence on every day on which the contravention continues and for each such offence shall be liable—

(*a*) on summary conviction, to a fine not exceeding €300 for each day on which the offence is so continued or imprisonment for a term not exceeding 6 months or both, or

(*b*) on conviction on indictment, to a fine not exceeding €6,000 for each day on which the offence is so continued or imprisonment for a term not exceeding 2 years or both.

(3) Where—

(*a*) a person is convicted of an offence under this Act by reason of the person's failure, neglect or refusal to comply with a provision of an order requiring him or her to perform a specified act within a specified period or before a specified date, and

(*b*) the specified act remains unperformed by the person after the specified period or date,

the person shall be guilty of a further offence on every day on which the act continues to be unperformed after the specified period or date, and for each such offence shall be liable on summary conviction to a fine not exceeding €500 or imprisonment for a term not exceeding 6 months.".

Amendment of section 17 of Consumer Information Act 1978.

80.—Section 17(1) of the Consumer Information Act 1978 is amended—

(*a*) in paragraph (*a*) by substituting "€3,000" for "£500", and

(*b*) in paragraph (*b*) by substituting "€60,000" for "£10,000".

Amendment of section 6 of Sale of Goods and Supply of Services Act 1980.

81.—Section 6(1) of the Sale of Goods and Supply of Services Act 1980 is amended—

(*a*) in paragraph (*a*) by substituting "€3,000" for "£500", and

(*b*) in paragraph (*b*) by substituting "€60,000" for "£10,000".

Amendment of section 13 of Consumer Credit Act 1995.

82.—The Consumer Credit Act 1995 is amended by substituting the following section for section 13:

"13.—(1) A person who is guilty of an offence under this Act shall be liable—

(*a*) on summary conviction, to a fine not exceeding €3,000 or imprisonment for a term not exceeding 12 months or both, or

(*b*) on conviction on indictment, to a fine not exceeding €100,000 or imprisonment for a term not exceeding 5 years or both.

(2) Where a person is convicted of an offence under this Act and there is a continuation of the offence by the person after his or her conviction, the person shall be guilty of a further offence on every day on which the contravention continues and for each such offence shall be liable—

(*a*) on summary conviction, to a fine not exceeding €1,000, or

(*b*) on conviction on indictment, to a fine not exceeding €10,000.".

Amendment of sections 6 and 7 of Package Holidays and Travel Trade Act 1995.

83.—The Package Holidays and Travel Trade Act 1995 is amended—

(*a*) in section 6—

(i) in subsection (1) by substituting "€3,000" for "£1,500", and

(ii) in subsection (2) by substituting "€3,000" for "£1,500" and "€100,000" for "£50,000",

and

(*b*) in section 7(3) by substituting "2 years" for "12 months".

Amendment of section 31 of National Standards Authority of Ireland Act 1996.

84.—Section 31 of the National Standards Authority of Ireland Act 1996 is amended by substituting "€3,000" for "£1,500".

Amendment of Industrial and Provident Societies Act 1893.

85.—The Industrial and Provident Societies Act 1893 is amended—

(*a*) in section 4(*a*), by substituting "€150,000 or an amount equal to 1 per cent of the total assets of the society, whichever is the greater" for the amount standing specified in that section,

(*b*) in section 25 (as substituted by section 5(1) of the Industrial and Provident Societies (Amendment) Act 1913)—

(i) in subsection (1), by substituting "€15,000" for the amount standing specified in each place where that amount occurs in that subsection, and

(ii) in subsection (3), by substituting "€15,000" for the amount standing specified in that subsection,

(*c*) in section 26(1) (as substituted by section 5(2) of the Industrial and Provident Societies (Amendment) Act 1913), by substituting "the limit specified in section 4(*a*) of this Act" for the amount standing specified in that subsection,

(*d*) in section 27(1), by substituting "€10,000" for the amount standing specified in that subsection, and

(*e*) in Schedule II, in paragraph 5, by substituting "the limit specified in section 4(*a*) of this Act" for the amount standing specified in that paragraph.

Validation.

86.—(1) Notwithstanding the repeal of section 35(1)(*i*) of the Credit Union Act 1966 by the Credit Union Act 1997, the specified regulations made under that section continue, and shall be deemed always to have continued, to have full force and effect

from the coming into operation of the specified regulations until the passing of this Act.

(2) Nothing in this section shall affect any proceedings commenced in any court concerning the validity of the specified regulations where those proceedings were commenced before the passing of this Act.

(3) In this section "specified regulations" means—

(*a*) the Industrial and Provident Societies (Financial Limits) Regulations 1985 (S.I. No. 392 of 1985), and

(*b*) the Industrial and Provident Societies (Financial Limits) (Amendment) Regulations 1990 (S.I. No. 246 of 1990).

Amendment of section 33AN of, and Schedule 2 to, Central Bank Act 1942.

87.—(1) Section 33AN of the Central Bank Act 1942 (inserted by the Central Bank and Financial Services Authority of Ireland Act 2004) is amended by inserting the following definitions after the definition of "contravene":

" 'designated enactment' does not include *Part 4* or *5* of the *Investment Funds, Companies and Miscellaneous Provisions Act 2005*;

'designated statutory instrument' does not include the Market Abuse (Directive 2003/6/EC) Regulations 2005 (S.I. No. - of 2005) or the Prospectus (Directive 2003/71/EC) Regulations 2005 (S.I. No. - of 2005);".

(2) Schedule 2 to the Central Bank Act 1942 (inserted by the Central Bank and Financial Services Authority of Ireland Act 2003) is amended—

(*a*) in the item relating to the Postal and Telecommunications Services Act 1983, in column 3 of Part 1, by substituting "Sections 67 and 104" for "Section 104",

(*b*) in the item relating to the Dormant Accounts Act 2001, in column 3 of Part 1, by substituting "The whole Act" for "Part 3 and section 17",

(*c*) by inserting in Part 1 the following item after the item relating to the Assets Covered Securities Act 2001:

"

No. 28 of 2001	Company Law Enforcement Act 2001	Section 110A
No. 2 of 2003	Unclaimed Life Assurance Policies Act 2003	The whole Act
No.- of 2005	*Investment Funds, Companies and Miscellaneous Provisions Act 2005*	The whole Act

",

and

(*d*) by inserting in Part 2 the following items after the item relating to the European Communities (Cross Border Payments in Euro) Regulations 2002 (S.I. No. 335 of 2002):

"

S.I. No. 211 of 2003	European Communities (Undertakings for Collective Investments in Transferable Securities) Regulations 2003	The whole instrument
S.I. No. 198 of 2004	European Communities (Reorganisation and Winding-Up of Credit Institutions) Regulations 2004	The whole instrument
S.I. No. 727 of 2004	European Communities (Financial Conglomerates) Regulations 2004	The whole instrument
S.I. No. 853 of 2004	European Communities (Distance Marketing of Consumer Financial Services) Regulations 2004	The whole instrument
S.I. No. 13 of 2005	European Communities (Insurance Mediation) Regulations 2005	The whole instrument
S.I. No. - of 2005	Market Abuse (Directive 2003/6/EC) Regulations 2005	The whole instrument
S.I. No. - of 2005	Prospectus (Directive 2003/71/EC)Regulations2005	The whole instrument

",

Section 77.

SCHEDULE

AMENDMENT OF EUROPEAN COMMUNITIES (UNDERTAKINGS FOR COLLECTIVE INVESTMENT IN TRANSFERABLE SECURITIES) REGULATIONS 2003 (S.I. NO. 211 OF 2003) AS AMENDED

Amendment of Regulation 2(1)

1. Regulation 2(1) is amended—

(*a*) by inserting the following before "transferable securities":

" 'sub-fund' means a separate portfolio of assets maintained by a UCITS in accordance with its trust deed, deed of constitution or articles;", and

(*b*) by substituting the following for the definition of "umbrella fund":

" 'umbrella fund' means a UCITS which is divided into a number of sub-funds, and each sub-fund shall be treated as a separate UCITS for the purposes of the application of Part VII of these Regulations;".

Addition of new Regulation 32A

2. The following is inserted after Regulation 32:

"Cross investment by sub-funds of an umbrella fund.

32A.—(1) A company to which this chapter applies and which is established as an umbrella fund may acquire by way of subscription or transfer for consideration shares in one sub-fund of the company for the account of another sub-fund of the company in accordance with Regulation 51.

(2) Shares acquired under this Regulation may be held for the account of the sub-fund for which they were acquired and need not be cancelled.".

Amendment of Regulation 35

3. Regulation 35(1)(b) is amended by inserting the following after "section 41 (restriction on company acquiring its own shares);":

"section 43 (treatment of shares held by or on behalf of a public limited company);

section 43A (accounting for own shares);".

Addition of new Regulation 36F

4. The following is inserted after Regulation 36E:

"Application of segregated liability to investment companies established as UCITS.

36F.—The provisions of sections 256A to 256E of the Companies Act 1990 (inserted by *section 25* of the *Investment Funds, Companies and Miscellaneous Provisions Act 2005*) shall apply to any investment company authorised pursuant to these Regulations and for this purpose the references to umbrella fund and sub-fund shall be interpreted in accordance with the provisions of these Regulations, the references to authorisation shall be read as referring to authorisation pursuant to these Regulations and the reference to the commencement date shall be read as referring to the commencement date of *section 25* of the *Investment Funds, Companies and Miscellaneous Provisions Act 2005*.".

Addition of new Regulation 51A

5. The following is inserted after Regulation 51:

"UCITS umbrella funds. 51A.—An umbrella fund may acquire the units of one sub-fund for the account of another sub-fund within that umbrella, subject to the provisions of Regulation 51 and such conditions as may be imposed by the Bank.".

Addition of new Regulation 79A

6. The following is inserted after Regulation 79:

"79A.—(1) Notwithstanding section 148(2) of the Companies Act 1963 (inserted by the European Communities (International Financial Reporting Standards and Miscellaneous Amendments) Regulations 2005 (S.I. No. 116 of 2005)) an investment company to which chapter 1 or 2 of Part VI applies may, in respect of its individual accounts, opt to prepare those accounts in accordance with both of the following, namely—

(*a*) an alternative body of accounting standards, and

(*b*) section 149A of the Companies Act 1963,

as if the references in that section 149A to international financial reporting standards were references to that alternative body of accounting standards.

(2) In the application of subsections (4), (5) and (6) of section 148 of the Companies Act 1963 to an investment company which has opted under paragraph (1) to prepare its accounts in accordance with an alternative body of accounting standards—

(*a*) the reference in that subsection (4) to international financial reporting standards shall be read as a reference to that alternative body of accounting standards, and

(*b*) there shall be substituted for 'IFRS', in each place where it occurs in those subsections (4), (5) and (6), 'ABAS' (which shall be read as referring to that alternative body of accounting standards).

(3) For the purposes of this Regulation, accounts shall not be regarded as having been prepared in accordance with an alternative body of accounting standards unless the accounts concerned would, were they to have been prepared by a company or undertaking registered in the relevant jurisdiction, be regarded as having been prepared in accordance with those standards.

(4) In this Regulation—

'alternative body of accounting standards' means standards that accounts of companies or undertakings must comply with that are laid down by such body or bodies having authority to lay down standards of that kind in—

(*a*) United States of America,

(*b*) Canada,

(*c*) Japan, or

(*d*) any other state or territory prescribed for the purposes of the section hereafter mentioned in this paragraph,

as are prescribed under the Companies Act 1990 for the purposes of section 260A(4) (inserted by the *Investment Funds, Companies and Miscellaneous Provisions Act 2005*) of that Act;

'relevant jurisdiction' means the state or territory in which the alternative body of accounting standards concerned have effect.".

Amendment of Regulation 85

7. Regulation 85 is amended by inserting the following after paragraph (10):

"(11) The requirements of this Regulation shall apply with appropriate modifications to auditors of a management company.".

Number 12 *of* 2005

INVESTMENT FUNDS, COMPANIES AND MISCELLANEOUS PROVISIONS ACT 2005

REVISED

Updated to 1 March 2021

About this Revised Act

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

Investment Funds, Companies and Miscellaneous Provisions Acts 2005 and 2020: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Investment Limited Partnerships (Amendment) Act 2020* (31/2020), s. 2(3)). The Acts in the group are:

- *Investment Funds, Companies and Miscellaneous Provisions Act 2005* (12/2005)
- *Investment Limited Partnerships (Amendment) Act 2020* (31/2020), Part 4

Companies Acts: this Act is one of a group of Acts previously included within this generally applicable defined term (*Interpretation Act 2005* (23/2005), s. 21 and sch. part 1). The provisions of this Act included in the collectively defined term (Parts 3-6) were repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015, subject to transitional provisions in s. 5 and sch. 6.

Companies Acts 1963 to 2005: this Act is one of a group of Acts previously included in this collective citation, to be construed together as one (*Investment Funds, Companies and Miscellaneous Provisions Act 2005* (12/2005), s. 1(2)). The provisions of this Act included in the collective citation (Parts 3-6) were repealed (1.06.2015) by *Companies Act 2014* (38/2014), s. 4(1) and sch. 2 part 1, S.I. No. 169 of 2015, subject to transitional provisions in s. 5 and sch. 6.

Annotations

This Revised Act is annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions.

An explanation of how to read annotations is available at www.lawreform.ie/annotations.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this

revision but will be reflected in a revision of the amended legislation if one is available.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to if one is available.

A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.

Acts which affect or previously affected this revision

- *Investment Limited Partnerships (Amendment) Act 2020* (31/2020)
- *Companies Act 2014* (38/2014)
- *Freedom of Information Act 2014* (30/2014)
- *State Airports (Shannon Group) Act 2014* (27/2014)
- *Strategic Banking Corporation of Ireland Act 2014* (22/2014)
- *Criminal Justice (Forensic Evidence and DNA Database System) Act 2014* (11/2014)
- *Water Services (No. 2) Act 2013* (50/2013)
- *Gas Regulation Act 2013* (39/2013)
- *Central Bank (Supervision and Enforcement) Act 2013* (26/2013)
- *National Lottery Act 2013* (13/2013)
- *Microenterprise Loan Fund Act 2012* (31/2012)
- *Central Bank and Credit Institutions (Resolution) Act 2011* (27/2011)
- *Criminal Justice Act 2011* (22/2011)
- *Multi-Unit Developments Act 2011* (2/2011)
- *Credit Institutions (Stabilisation) Act 2010* (36/2010)
- *Central Bank Reform Act 2010* (23/2010)
- *Housing (Miscellaneous Provisions) Act 2009* (22/2009)
- *Financial Measures (Miscellaneous Provisions) Act 2009* (14/2009)
- *Anglo Irish Bank Corporation Act 2009* (1/2009)
- *National Oil Reserves Agency Act 2007* (7/2007)
- *Investment Funds, Companies and Miscellaneous Provisions Act 2006* (41/2006)
- *Social Welfare Consolidation Act 2005* (26/2005)
- *Asset Covered Securities Act 2001* (47/2001)
- *Company Law Enforcement Act 2001* (28/2001)
- *Companies (Amendment) (No. 2) Act 1999* (30/1999)
- *Economic and Monetary Union Act 1998* (38/1998)
- *Investor Compensation Act 1998* (37/1998)
- *Turf Development Act 1998* (26/1998)
- *Air Navigation and Transport (Amendment) Act 1998* (24/1998)
- *Credit Union Act 1997* (15/1997)
- *Freedom of Information Act 1997* (13/1997)
- *Irish Takeover Panel Act 1997* (5/1997)
- *Harbours Act 1996* (11/1996)
- *Netting of Financial Contracts Act 1995* (25/1995)
- *Stock Exchange Act 1995* (9/1995)
- *Investment Limited Partnerships Act 1994* (24/1994)
- *Air Companies (Amendment) Act 1993* (38/1993)
- *Irish Aviation Authority Act 1993* (29/1993)
- *Social Welfare (Consolidation) Act 1993* (27/1993)
- *Temple Bar Area Renewal and Development Act 1991* (19/1991)
- *Companies Act 1990* (33/1990)
- *Companies (Amendment) Act 1990* (27/1990)
- *Trustee Savings Banks Act 1989* (21/1989)
- *Building Societies Act 1989* (17/1989)
- *Central Bank Act 1989* (16/1989)
- *Forestry Act 1988* (26/1988)
- *Transport (Re-Organisation of Córas Iompair Éireann) Act 1986* (31/1986)
- *National Lottery Act 1986* (28/1986)
- *Companies (Amendment) Act 1986* (25/1986)
- *Designated Investment Funds Act 1985* (16/1985)
- *Insurance (Miscellaneous Provisions) Act 1985* (8/1985)
- *Insurance (No. 2) Act 1983* (29/1983)
- *Postal and Telecommunications Services Act 1983* (24/1983)

- *Companies (Amendment) Act 1983* (13/1983)
- *Kilkenny Design Workshops Limited Act 1982* (26/1982)
- *Gas Regulation Act 1982* (16/1982)
- *Housing Finance Agency Act 1981* (37/1981)
- *National Film Studios of Ireland Limited Act 1980* (37/1980)
- *Central Bank Act 1971* (24/1971)
- *Companies Act 1963* (33/1963)
- *Central Bank Act 1942* (22/1942)

All Acts up to and including *Health (Amendment) Act 2021* (1/2021), enacted 7 March 2021, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *Central Bank (Investment Market Conduct) Rules 2019* (S.I. No. 366 of 2019)
- *Criminal Justice (Forensic Evidence and DNA Database System) Act 2014 (Section 11) Order 2015* (S.I. No. 527 of 2015)
- *Central Bank Act 1942 (Service of Notices and Other Documents) Regulations 2013* (S.I. No. 300 of 2013)
- *European Union (Alternative Investment Fund Managers) Regulations 2013* (S.I. No. 257 of 2013)
- *Investment Funds, Companies and Miscellaneous Provisions Act 2005 (Section 72) (Commencement) Order 2012* (S.I. No. 449 of 2012)
- *Industrial and Provident Societies and the European Cooperative Society (Fees) Regulations 2012* (S.I. No. 363 of 2012)
- *Prospectus (Directive 2003/71/EC) (Amendment) (No. 2) Regulations 2012* (S.I. No. 317 of 2012)
- *Market Abuse (Directive 2003/6/EC) (Amendment) Regulations 2012* (S.I. No. 315 of 2012)
- *Prospectus (Directive 2003/71/EC) (Amendment) Regulations 2012* (S.I. No. 239 of 2012)
- *European Communities (Internal Market in Natural Gas and Electricity) Regulations 2011* (S.I. No. 630 of 2011)
- *European Communities (Undertakings for Collective Investment in Transferable Securities) Regulations 2011* (S.I. No. 352 of 2011)
- *European Communities (Reorganisation and Winding-up of Credit Institutions) Regulations 2011* (S.I. No. 48 of 2011)
- *European Communities (European Cooperative Society) Regulations 2009* (S.I. No. 433 of 2009)
- *Data Protection Act 1988 (Section 5(1)(D)) (Specification) Regulations 2009* (S.I. No. 421 of 2009)
- *Investment Funds, Companies and Miscellaneous Provisions Act 2005 (Commencement) Order 2009* (S.I. No. 335 of 2009)
- *Companies (Fees) Order 2009* (S.I. No. 304 of 2009)
- *Investment Funds, Companies and Miscellaneous Provisions Act 2005 (Commencement) Order 2009* (S.I. No. 303 of 2009)
- *European Communities (Internal Market in Electricity) (Electricity Supply Board) Regulations 2008* (S.I. No. 280 of 2008)
- *European Communities (Cross-Border Mergers) Regulations 2008* (S.I. No. 157 of 2008)
- *Transparency (Directive 2004/109/Ec) Regulations 2007* (S.I. No. 277 of 2007)
- *European Communities (Markets in Financial Instruments) Regulations 2007* (S.I. No. 60 of 2007)
- *European Communities (European Public Limited Liability Company) Regulations 2007* (S.I. No. 21 of 2007)
- *Companies (Forms) Order 2007* (S.I. No. 6 of 2007)
- *European Communities (Reinsurance) Regulations 2006* (S.I. No. 380 of 2006)
- *Investment Funds, Companies and Miscellaneous Provisions Act 2005 (Commencement) (No. 2) Order 2005* (S.I. No. 695 of 2005)
- *Companies (Forms) Order 2005* (S.I. No. 694 of 2005)
- *Market Abuse (Directive 2003/6/EC Regulations 2005* (S.I. No. 342 of 2005)
- *Prospectus (Directive 2003/71/EC Regulations 2005* (S.I. No. 324 of 2005)
- *Investment Funds, Companies and Miscellaneous Provisions Act 2005 (Commencement) Order 2005* (S.I. No. 323 of 2005)

- *European Communities (Reorganisation and Winding-Up of Credit Institutions) Regulations 2004* (S.I. No. 198 of 2004)
- *European Communities (Undertakings For Collective Investment in Transferable Securities) Regulations 2003* (S.I. No. 211 of 2003)
- *European Communities (Reorganisation and Winding-Up of Insurance Undertakings) Regulations 2003* (S.I. No. 168 of 2003)
- *European Communities (Electronic Money) Regulations 2002* (S.I. No. 221 of 2002)
- *European Communities (Internal Market in Electricity) Regulations 2000* (S.I. No. 445 of 2000)
- *European Communities (Insurance Undertakings: Accounts) Regulations 1996* (S.I. No. 23 of 1996)
- *European Communities (Life Assurance) Framework Regulations 1994* (S.I. No. 360 of 1994)
- *European Communities (Non-Life Insurance) Framework Regulations 1994* (S.I. No. 359 of 1994)
- *European Communities (Single-Member Private Limited Companies) Regulations 1994* (S.I. No. 275 of 1994)
- *Data Protection Act, 1988 (Section 5 (1) (D)) (Specification) Regulations 1993* (S.I. No. 95 of 1993)
- *European Communities (Credit Institutions: Accounts) Regulations 1992* (S.I. No. 294 of 1992)
- *European Communities (Mergers and Divisions of Companies) Regulations 1987* (S.I. No. 137 of 1987)

All statutory instruments up to and including *Appointment of Special Adviser (Minister of State at the Department of Foreign Affairs) Order 2021* (S.I. No. 97 of 2021), made 2 March 2021, were considered in the preparation of this revision.