

Delivery of revised financial statements or a revised report

376. (1) This section has effect where the directors of a company have prepared revised financial statements or a revised directors' report under section 366 and a copy of the original statutory financial statements or directors' report, as annexed to the company's annual return, has been delivered to the Registrar under section 343.

(2) The directors of the company shall, within 28 days after the date of revision, deliver to the Registrar—

(a) in the case of a revision effected by replacement, a copy of the revised financial statements or (as the case may be) the revised directors' report, together with a copy of the statutory auditors' report on those financial statements or (as the case may be) on that report, or

(b) in the case of a revision effected by supplementary note, a copy of that note, together with a copy of the statutory auditors' report on the revised financial statements or (as the case may be) on the revised report.

(3) If a director fails to comply with subsection (2), he or she shall be guilty of a category 3 offence.

(4) Without limiting the obligations of the directors of a company under this section or subsection (3), it shall be the duty of a person who is a shadow director or de facto director of a company to ensure that the requirements of subsection (2) are complied with in relation to the company.

(5) If a person fails to comply with his or her duty under subsection (4), the person shall be guilty of a category 3 offence.

(6) If the original statutory financial statements or directors' report in respect of the company have been registered by the Registrar prior to the date of receipt by the Registrar of the revised financial statements or (as the case may be) the revised directors' report, then, despite anything in section 373 (2), this section shall operate so as to require—

(a) that the revised financial statements or (as the case may be) the revised directors' report be placed on the register, and

(b) notwithstanding the taking of such action, that the original statutory financial statements or directors' report continue to remain on the register.

(7) Section 347 (2) applies for the purposes of the construction of references to a copy of a document in subsection (2) of this section as it applies for the purpose of the construction of the reference to a copy of a document in section 347 (1).

(8) In this section “date of revision” means the date of revision of the original statutory financial statements.