

Accounting documents to be filed by non-EEA company

1305. (1) Subject to subsection (10), for so long as a branch of it stands established in the State, a non-EEA company shall in each year deliver to the Registrar, in the prescribed manner, the following documents.

(2) Those documents are a copy of the accounting documents, for the financial year concerned, that the non-EEA company is required to cause to be prepared, and, if such be the case, to be made public, in accordance with the laws of the state in which it is incorporated, but this is subject to subsections (3) and (4).

(3) If there is no requirement, under the laws of the state in which it is incorporated, that accounting documents be caused to be prepared by it, the non-EEA company shall, subject to subsection (10), for each year in which a branch of it stands established as mentioned in subsection (1)—

(a) cause to be prepared in accordance with—

(i) Council Directive 78/660/EEC and, where appropriate, Council Directive 83/349/EEC, or

(ii) international financial reporting standards,

accounts and a directors' annual report on them, and

(b) unless the circumstances are such that auditing of those accounts is not required by the relevant Community act, cause those accounts and that annual report to be audited in accordance with Directive 2006/43/EC.

(4) If a non-EEA company to which subsection (2) applies so opts, there may, instead of the accounting documents referred to in that subsection, be delivered by it, in the prescribed manner, to the Registrar—

(a) a copy of the accounts, and a directors' annual report on them, prepared as mentioned in subsection (3) (being accounts and such a report that have been audited as mentioned in paragraph (b) of that subsection unless the exception in that paragraph applies), and

(b) a copy of the auditor's report on those accounts and that annual report unless the foregoing exception applies.

(5) A copy of the accounting documents or accounts and other documents referred to in subsection (2) or (4), as the case may be, shall be delivered to the Registrar not later than 30 days after—

(a) subject to paragraph (b)—

(i) in the case of those accounting documents, the last date on which, in accordance with the laws of

the state in which it is incorporated, the non-EEA company was required to make public such accounting documents, or

(ii) in the case of the accounts and other documents referred to in subsection (4), the last date on which, in accordance with those laws, the non-EEA company would have been required to make those accounts and other documents public were they accounting documents referred to in subsection (2),

and

(b) if there is no requirement, under the laws of the state in which it is incorporated, that the non-EEA company cause to be published accounting documents that have been prepared by it, the date on which the preparation of those accounting documents or accounts and other documents is completed.

(6) In the case of a non-EEA company to which subsection (3) applies, a copy of the accounts and the directors' annual report referred to in that subsection and the auditor's report, if any, thereon, shall be delivered to the Registrar not later than 30 days after the date on which their preparation is completed.

(7) Section 1303 (4) applies for the purposes of the construction of references in this section to a copy of accounting documents or accounts and other documents as it applies for the purpose of the construction of the reference to a copy of accounting documents in section 1303 (2).

(8) If this section is not complied with by a non-EEA company, the company and any officer of it who is in default shall be guilty of a category 3 offence.

(9) Without prejudice to the generality of subsections (1) and (2) of section 865, summary proceedings in relation to an offence under this section may be brought and prosecuted by the Registrar.

(10) This section shall not apply to a company that is a credit or financial institution.