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STATUTORY INSTRUMENTS

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**2017 No. 694**

**The Scottish Partnerships (Register of People  
with Significant Control) Regulations 2017**

**PART 5**

**Duties to deliver information to the registrar**

**Duty to deliver information to the registrar**

**19.**—(1) An eligible Scottish partnership must deliver to the registrar the required particulars of any registrable person in relation to the eligible Scottish partnership within the period of 14 days beginning with the later of—

- (a) 24th July 2017, and
- (b) the day on which all the required particulars of the registrable person are first confirmed.

(2) The eligible Scottish partnership must not deliver any of the registrable person’s particulars to the registrar until they have all been confirmed.

(3) Particulars of any individual with significant control over the eligible Scottish partnership who is non-registrable in relation to the eligible Scottish partnership must not be delivered to the registrar.

(4) An eligible Scottish partnership must deliver to the registrar the required particulars of any registrable relevant legal entity in relation to the eligible Scottish partnership within the period of 14 days beginning with the later of—

- (a) 24th July 2017, and
- (b) the day on which the eligible Scottish partnership has first obtained all the required particulars of the entity.

**Duty to deliver information about a relevant change**

**20.**—(1) If an eligible Scottish partnership becomes aware of a relevant change<sup>(1)</sup> with respect to a registrable person whose particulars have been delivered to the registrar, the eligible Scottish partnership must deliver to the registrar a statement specifying—

- (a) the changes to the required particulars resulting from the relevant change, and
- (b) the date on which the relevant change occurred,

within the period of 14 days beginning with the day on which all the changes to the required particulars and the date referred to in sub-paragraph (b) are confirmed to the eligible Scottish partnership.

(2) If an eligible Scottish partnership becomes aware of a relevant change with respect to a registrable relevant legal entity whose particulars have been delivered to the registrar, the eligible Scottish partnership must deliver to the registrar a statement specifying—

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(1) See paragraphs (3) and (4) of regulation 11 for the meaning of a “relevant change”.

- (a) the changes to the required particulars resulting from the relevant change, and
- (b) the date on which the relevant change occurred,

within the period of 14 days beginning with the day on which the eligible Scottish partnership first has details of all of those changes and that date.

### **Meaning of “confirmed”**

**21.**—(1) A person’s required particulars, and the details and date of any relevant change with respect to a person, are considered for the purposes of these Regulations to have been “confirmed” to an eligible Scottish partnership if—

- (a) the person supplied or confirmed them to the eligible Scottish partnership (whether voluntarily, pursuant to a duty imposed by Part 4 or otherwise),
- (b) another person did so but with that person’s knowledge, or
- (c) in relation to a limited partnership, the particulars were included in the statement of initial significant control delivered to the registrar under section 8A of the Limited Partnerships Act 1907.

(2) In the case of a person who is a registrable person in relation to an eligible Scottish partnership on the commencement day, that particular is deemed to have been “confirmed” to the eligible Scottish partnership.

### **Usual residential address**

**22.**—(1) For the purposes of this Part, subject to paragraph (2), if a registrable person’s usual residential address is the same as the service address for that individual, the particulars delivered to the registrar for that individual may state that fact instead of repeating the address.

(2) Paragraph (1) does not apply if a registrable person’s service address is stated to be “the eligible Scottish partnership’s service address”.

### **Additional matters to be notified to the registrar where there is no registrable person or registrable relevant legal entity**

**23.**—(1) This regulation applies where an eligible Scottish partnership knows or has reasonable cause to believe that there is no registrable person or registrable relevant legal entity in relation to the eligible Scottish partnership.

(2) The eligible Scottish partnership must deliver to the registrar a statement that it knows or has reasonable cause to believe that there is no registrable person or registrable relevant legal entity in relation to the eligible Scottish partnership within the period of 14 days beginning with the later of—

- (a) 24th July 2017, and
- (b) the day on which it first has the knowledge or reasonable cause for belief.

### **Additional matters where there is an unidentified registrable person**

**24.**—(1) This regulation applies where an eligible Scottish partnership—

- (a) knows or has reasonable cause to believe that there is a registrable person in relation to the eligible Scottish partnership, and
- (b) has not been able to identify the registrable person.

(2) The eligible Scottish partnership must deliver the information specified in paragraph (3) to the registrar within the period of 14 days beginning with the later of—

- (a) 24th July 2017, and

(b) the day on which it first has the knowledge or reasonable cause for belief.

(3) The information required by paragraph (2) is a statement, in respect of each registrable person which the eligible Scottish partnership has been unable to identify, that it knows or has reasonable cause to believe that there is a registrable person in relation to the eligible Scottish partnership but has not identified the registrable person.

**Additional matters where an identified registrable person’s particulars are not confirmed**

**25.**—(1) This regulation applies where—

- (a) an eligible Scottish partnership has identified a registrable person in relation to the eligible Scottish partnership, and
- (b) all the required particulars of that person have not been confirmed for the purposes of regulation 19(1).

(2) The eligible Scottish partnership must deliver the information specified in paragraph (3) to the registrar within the period of 14 days beginning with the later of—

- (a) 24th July 2017, and
- (b) the day on which it identifies the registrable person as such.

(3) The information required by paragraph (2) is, in respect of each registrable person whose required particulars the eligible Scottish partnership has been unable to confirm, a statement that it knows or has reasonable cause to believe that there is a registrable person in relation to the eligible Scottish partnership but has been unable to confirm all the required particulars of that registrable person.

**Additional matters where investigations by an eligible Scottish partnership are ongoing**

**26.**—(1) This regulation applies to an eligible Scottish partnership which—

- (a) either—
  - (i) has not delivered any required particulars to the registrar, or
  - (ii) becomes aware that all the persons whose required particulars delivered by it to the registrar have ceased to be registrable persons or registrable relevant legal entities, as the case may be;
- (b) is not required to deliver to the registrar any statement of additional matters under regulation 23, 24 or 25; and
- (c) has not completed taking reasonable steps under regulation 10 to find out if any person is a registrable person or a registrable relevant legal entity in relation to the eligible Scottish partnership.

(2) The eligible Scottish partnership must comply with the requirement in paragraph (3) within the period of 14 days beginning with the day this regulation applies to it, unless any of sub-paragraphs (a)(i), (b) or (c) cease to apply to the eligible Scottish partnership before it complies with that requirement.

(3) The requirement is to deliver to the registrar a statement that the eligible Scottish partnership has not yet completed taking reasonable steps to find out if any person is a registrable person or a registrable relevant legal entity in relation to it.

**Additional matters where there is a failure to comply with a notice given under regulation 10**

**27.**—(1) This regulation applies where—

- (a) an eligible Scottish partnership has given a notice under regulation 10, and

(b) the addressee of the notice has failed to comply with the notice within the time specified in it (the “specified time”).

(2) The eligible Scottish partnership must deliver to the registrar within the period of 14 days beginning with the day after the end of the specified time a statement that it has given a notice under regulation 10 which has not been complied with.

**Additional matters where there is a failure to comply with a notice given under regulation 11**

**28.**—(1) This regulation applies where—

- (a) an eligible Scottish partnership has given a notice under regulation 11, and
- (b) the addressee of the notice has failed to comply with the notice within the time specified in it (the “specified time”).

(2) The eligible Scottish partnership must deliver to the registrar within the period of 14 days beginning with the day after the end of the specified time a statement that it has given a notice under regulation 11 which has not been complied with.

**Additional matters where a notice given under regulation 10 or 11 is complied with after the time specified in the notice**

**29.**—(1) This regulation applies where—

- (a) a statement has been delivered to the registrar under regulation 27 or 28, and
- (b) the addressee of the notice to which the statement relates has complied with the notice after the time specified in the notice.

(2) The eligible Scottish partnership must within the period of 14 days beginning with the day it becomes aware that the notice has been complied with deliver to the registrar a statement—

- (a) that the notice has been complied with after the time specified in the notice, and
- (b) providing the date on which the notice was complied with.

**Additional matters where an eligible Scottish partnership has issued a restrictions notice**

**30.**—(1) This regulation applies where an eligible Scottish partnership has issued a restrictions notice under paragraph 1 of Schedule 2.

(2) The eligible Scottish partnership must within the period of 14 days beginning with the day on which it issues the restrictions notice deliver to the registrar a statement that it has issued a restrictions notice under paragraph 1 of Schedule 2.

(3) Where the eligible Scottish partnership withdraws the restrictions notice under paragraph 10 of Schedule 2, the eligible Scottish partnership must deliver to the registrar a statement—

- (a) that it has withdrawn the restrictions notice by giving a withdrawal notice, and
- (b) providing the date specified in the withdrawal notice as the date on which the withdrawal notice was given.

(4) Where a court makes an order under paragraph 7 of Schedule 2 directing that a relevant interest in the eligible Scottish partnership cease to be subject to restrictions, the eligible Scottish partnership must deliver to the registrar a statement—

- (a) that the court has made an order under paragraph 7 of Schedule 2 directing that a relevant interest in the eligible Scottish partnership cease to be subject to restrictions; and
- (b) providing the date on which that order takes effect.

### **End-dating of additional matters**

**31.** Where a statement delivered to the registrar in accordance with regulation 23, 24, 25 or 26 ceases to be true, the eligible Scottish partnership must deliver to the registrar within the period of 14 days beginning with the day it becomes aware that the additional matter has ceased to be true, a statement—

- (a) that the additional matter has ceased to be true, and
- (b) providing the date on which the additional matter ceased to be true.

### **Offences in relation to this Part**

**32.**—(1) If an eligible Scottish partnership makes any default in complying with any of the duties in regulation 19, 20, and 23 to 31, an offence is committed by—

- (a) the eligible Scottish partnership, and
- (b) every officer of the eligible Scottish partnership who is in default.

(2) A person guilty of an offence under this regulation is liable on summary conviction to a fine not exceeding level 3 on the standard scale and, for continued contravention, a daily default fine not exceeding one-tenth of level 3 on the standard scale.

### **Information as to the state of the register**

**33.**—(1) When a person inspects or requests a copy of material on the register relating to an eligible Scottish partnership the person may ask the eligible Scottish partnership to confirm that all information that the eligible Scottish partnership is required to deliver to the registrar under this Part has been delivered.

(2) If an eligible Scottish partnership fails to respond to a request under paragraph (1) within the period of 14 days beginning with the day on which it receives the request, an offence is committed by—

- (a) the eligible Scottish partnership, and
- (b) every officer of the eligible Scottish partnership who is in default.

(3) A person guilty of an offence under this regulation is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

### **Power of court to order an eligible Scottish partnership to remedy default or delay**

**34.**—(1) This regulation applies if—

- (a) the name of a person is without sufficient cause included in, or omitted from, information that an eligible Scottish partnership delivers to the registrar under this Part concerning persons who are registrable persons or registrable relevant legal entities in relation to the eligible Scottish partnership, or
- (b) default is made or unnecessary delay takes place in informing the registrar under this Part that a person—
  - (i) has become a registrable person or a registrable relevant legal entity in relation to the eligible Scottish partnership, or
  - (ii) has ceased to be a registrable person or a registrable relevant legal entity in relation to it.

(2) The person aggrieved, or any other interested party, may apply to the court for an order requiring the eligible Scottish partnership to deliver to the registrar the information or statements necessary to rectify the position.

(3) The court may either refuse the application or may make the order and order the eligible Scottish partnership to pay any damages sustained by any party aggrieved.

(4) On such an application, the court may decide—

(a) any question as to whether the name of any person who is a party to the application should or should not be included in or omitted from information delivered to the registrar under this Part about persons who are a registrable person or a registrable relevant legal entity in relation to the eligible Scottish partnership, and

(b) any question necessary or expedient to be decided for rectifying the position.

(5) The reference in this regulation to “any other interested party” is to—

(a) any partner in the eligible Scottish partnership, and

(b) any other person who is a registrable person or a registrable relevant legal entity in relation to the eligible Scottish partnership.