
DRAFT STATUTORY INSTRUMENTS

2016 No.

**The Register of People with
Significant Control Regulations 2016**

PART 8

**TRANSITIONAL PROVISIONS, AMENDMENTS
TO THE 2009 REGULATIONS AND REVIEW**

Transitional provision regarding the protection of secured information

46.—(1) This regulation applies where—

- (a) an individual is a registrable person on 6th April 2016 (a “protectable person”);
- (b) an application under regulation 36 or 37 is made in relation to the protectable person’s secured information on or before 30th June 2016; and
- (c) the registrar makes a determination that the application is unsuccessful.

(2) Subject to paragraph (4)—

- (a) for the protected period, the registrar must not use or disclose that secured information and must omit that secured information from the material on the register that is available for public inspection; and
- (b) where, before the expiry of the protected period, the protectable person ceases to be a registrable person in relation to the company to which the application relates and notifies the registrar in writing of that fact, after the expiry of the protected period the registrar must not use or disclose the secured information and must omit that secured information from the material on the register that is available for public inspection.

(3) A protectable person who sends a notice to the registrar under paragraph (2)(b) must—

- (a) include in the notice the date on which that protectable person ceased to be a registrable person in relation to the company; and
- (b) send a copy of the notice to the company.

(4) The registrar may use or disclose the secured information for communicating with the protectable person and, where the application was made under regulation 37, the company which made the application.

(5) Where the registrar has not received a notice under paragraph 2(b) before the expiry of the protected period, the registrar must, as soon as reasonably practicable after the expiry of that period—

- (a) make the secured information on the register available for public inspection; and
- (b) notify the protectable person and the company to which the application under regulation 36 or 37 related of that action.

(6) For the purposes of this regulation—

- (a) an application under regulation 36 or 37 is made when it is registered by the registrar; and

- (b) “protected period” means—
- (i) where an appeal under regulation 41 has not been brought, 12 weeks beginning with the date of the notice sent under regulation 36(5) or 37(5);
 - (ii) where an appeal under regulation 41 has been brought and dismissed, 12 weeks beginning with the date the court dismissed the appeal in accordance with regulation 41(5); or
 - (iii) where an appeal under regulation 41 has been brought and subsequently withdrawn or abandoned, 12 weeks beginning with the date of the registrar becoming aware that such appeal has been withdrawn or abandoned.

Transitional provision for the purpose of section 790K

47. Where an individual or a relevant legal entity is registrable⁽¹⁾ in relation to a company on 6th April 2016, the date on which the individual or entity became a registrable person or a registrable relevant legal entity, as the case may be, in relation to the company in question is deemed to be 6th April 2016 for the purposes of sections 790K(1)(g), 790K(2)(d) and 790K(3)(e) of the Act.

Amendments to the 2009 Regulations

48. Schedule 5 (which amends the 2009 Regulations) has effect.

Review

- 49.—(1) The Secretary of State must from time to time—
- (a) carry out a review of these Regulations;
 - (b) set out the conclusions of the review in a report; and
 - (c) publish the report.
- (2) The report must in particular—
- (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations;
 - (b) assess the extent to which those objectives have been achieved; and
 - (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved in another way that imposed less regulation.
- (3) The first report under this regulation must be published within the period in which the Secretary of State is required to publish a report under section 82 of the Small Business, Enterprise and Employment Act 2015⁽²⁾.
- (4) Reports under this regulation are afterwards to be published at intervals not exceeding five years.

(1) See sections 790C(4) and (8) of the Act for the meaning of “registrable”.

(2) 2015 c.26.