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DRAFT STATUTORY INSTRUMENTS

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**2018 No.**

**The Companies (Miscellaneous Reporting) Regulations 2018**

**PART 2**

**Amendments to the Companies Act 2006**

**Section 172(1) statement to be made available on website**

5. After section 426A(1) (supplementary material) insert—

*“Section 172(1) statement: requirements as to website publication*

**Section 172(1) statement to be made available on website**

**426B.**—(1) This section applies if—

- (a) a company is required by section 414CZA to include a section 172(1) statement in its strategic report for a financial year, and
  - (b) the company is an unquoted company in relation to that financial year.
- (2) The company must ensure that the section 172(1) statement—
- (a) is made available on a website, and
  - (b) remains so available until—
    - (i) the section 172(1) statement for the company’s next financial year is made available in accordance with this section, or
    - (ii) if the obligation under this section to make a section 172(1) statement available does not arise in relation to the company’s next financial year, the end of the company’s next financial year.
- (3) The section 172(1) statement must be made available on a website that—
- (a) is maintained by or on behalf of the company, and
  - (b) identifies the company in question.
- (4) Access to the section 172(1) statement made available on the website under subsection (2), and the ability to obtain a hard copy of the statement from the website, must not be—
- (a) conditional on the payment of a fee, or
  - (b) otherwise restricted, except so far as necessary to comply with any enactment or regulatory requirement (in the United Kingdom or elsewhere).
- (5) The section 172(1) statement—
- (a) must be made available on a website as soon as reasonably practicable, and

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(1) [2006 c.46](#); section 426A was inserted by the Companies Act 2006 (Strategic Report and Directors’ Report) Regulations 2013 (S.I. 2013/1970), regulations 9 and 12.

- (b) must be kept available throughout the period specified in subsection (2)(b)(i) or (as the case may be) (ii).
- (6) A failure to make the section 172(1) statement available on a website throughout the period specified in subsection (2)(b)(i) or (as the case may be) (ii) is disregarded if—
  - (a) the statement is made available on the website for part of that period, and
  - (b) the failure is wholly attributable to circumstances that it would not be reasonable to have expected the company to prevent or avoid.
- (7) In the event of default in complying with this section, an offence is committed by every officer of the company who is in default.
- (8) A person guilty of an offence under subsection (7) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.”