

SCHEDULE 1

Regulation 2

Specified public authorities

1. The Bank of England.
2. The Charity Commission.
3. The Charity Commission for Northern Ireland.
4. The Commissioners for Her Majesty's Revenue and Customs.
5. The Competition and Markets Authority.
6. The Crown Office and Procurator Fiscal Services.
7. The Director of Public Prosecutions.
8. The Director of Public Prosecutions for Northern Ireland.
9. The Financial Conduct Authority.
10. The Food Standards Agency.
11. The Gas and Electricity Markets Authority.
12. The Gambling Commission.
13. The Gangmasters Licensing Authority.
14. The Government Communications Headquarters.
15. The Health and Safety Executive.
16. The Health and Safety Executive for Northern Ireland.
17. The Marine Management Organisation.
18. The Minister for the Cabinet Office.
19. The National Crime Agency.
20. The Northern Ireland Authority for Utility Regulation.
21. Any Northern Ireland Department.
22. The Office of Communications.
23. The Office of the Information Commissioner.
24. The Office for Nuclear Regulation.
25. The Office of the Scottish Charity Regulator.
26. The Official Receiver for Northern Ireland.
27. The Panel on Takeovers and Mergers.
28. The Pensions Regulator.
29. The Prudential Regulation Authority.
30. The Registry of Credit Unions and Industrial and Provident Societies for Northern Ireland.
31. The Regulator of Community Interest Companies.
32. The Scottish Housing Regulator.
33. The Scottish Ministers.

34. The Security Industry Authority.
35. The Secret Intelligence Service.
36. The Secretary of State.
37. The Security Service.
38. The Serious Fraud Office.
39. The Treasury.
40. The Treasury Solicitor.
41. The Welsh Ministers.
42. A local authority within the meaning of section 54(2) of the Companies Act 2006.
43. An official receiver appointed under section 399 of the Insolvency Act 1986(1) (appointment, etc, of official receivers).
44. A person acting as an insolvency practitioner within the meaning of section 388 of the Insolvency Act 1986(2) (meaning of “act as an insolvency practitioner”) or Article 3 of the Insolvency (Northern Ireland) Order 1989(3) (“act as an insolvency practitioner”).
45. An inspector appointed under Part 14 of the Companies Act 1985(4) (investigation of companies and their affairs: requisition of documents) or a person appointed under regulation 30 of the Open-Ended Investment Companies Regulations 2001(5) (power to investigate) or regulation 30 of the Open-Ended Investment Companies Regulations (Northern Ireland) 2004(6).
46. Any person authorised to exercise powers under section 447 of the Companies Act 1985 (power to require documents and information), or section 84 of the Companies Act 1989(7) (exercise of powers by officers, etc).
47. Any person exercising functions conferred by Part 6 of the Financial Services and Markets Act 2000(8) (official listing).
48. A person appointed to make a report under section 166 or 166A (reports by skilled persons) of the Financial Services and Markets Act 2000(9).
49. A person appointed to conduct an investigation under section 167 (appointment of persons to carry out general investigations) or 168(3) or (5) (appointment of persons to carry out investigations in particular cases) of the Financial Services and Markets Act 2000.
50. A person appointed under section 284 (power to investigate) of the Financial Services and Markets Act 2000.
51. A police force within the meaning of section 101(1) of the Police Act 1996(10).
52. The Police Service of Northern Ireland.
53. The Police Service of Scotland.

(1) 1986 c. 45. Section 399 was amended by the Enterprise Act 2002 (c. 40), the Tribunals, Courts and Enforcement Act 2007 (c. 15) and the Crime and Courts Act 2013 (c. 22).

(2) Section 388. Relevant amendments have been made by the Insolvency Act 2000 (c. 39), the Deregulation Act 2015 (c. 20), Corporate Insolvency and Governance Act 2020 (c. 12) and S.I. 1994/2421, 2002/2708, 2009/1941, 2016/1034 and 2017/702.

(3) S.I. 1989/2405; relevant amending instruments are S.I. 2002/223 and 2002/334.

(4) 1985 c. 6.

(5) S.I. 2001/1228.

(6) S.R. 2004/335.

(7) 1989 c. 40.

(8) 2000 c. 8.

(9) Section 166A was inserted by paragraph 6 of Schedule 12 to the Financial Services Act 2012 (c. 21).

(10) 1996 c. 16. Section 101(1) was amended by section 96(2) of the Police Reform and Social Responsibility Act 2011 (c. 13).

54. The lead enforcement authority (as defined in section 24A of the Estate Agents Act 1979**(11)**) exercising functions under the Estate Agents Act 1979.

SCHEDULE 2

Regulation 6(3)(b)

Conditions for permitted disclosure

1. The specified public authority has delivered to the registrar a statement that it intends to use the information only for the purpose of facilitating the carrying out by that specified public authority of a public function (“the permitted purpose”).

2. Subject to paragraph 3, the specified public authority has delivered to the registrar a statement that, where it supplies a copy of the information to a processor for the purpose of processing the information for use in respect of the permitted purpose, the specified public authority will—

- (a) ensure that the processor is one who carries on business in the United Kingdom or the European Economic Area;
- (b) require that the processor does not transmit the information outside the area comprising the United Kingdom and the European Economic Area; and
- (c) require that the processor does not disclose the information except to that specified public authority or an employee of that specified public authority.

3. Paragraph 2 does not apply where the specified public authority is the National Crime Agency, Secret Intelligence Service, Security Service or Government Communications Headquarters.

4. The specified public authority has delivered any information or evidence required by the registrar for the purpose of enabling the registrar to determine in accordance with these Regulations whether to disclose the information.

5. The specified public authority has complied with any requirement by the registrar to confirm the accuracy of the statements, information or evidence delivered to the registrar pursuant to this Schedule.

6. In this Schedule—

- (a) “processor” means any person who provides a service which consists of putting information into data form or processing information in data form and any reference to a processor includes a reference to the processor’s employees;
- (b) “public function” includes—
 - (i) any function conferred by or in accordance with any provision contained in any enactment;
 - (ii) any similar function conferred on persons by or under provisions having effect as part of the law of a country or territory outside the United Kingdom; and
 - (iii) any function exercisable in relation to the investigation of any criminal offence or for the purpose of any criminal proceedings; and
- (c) any reference to the disclosure for the purpose of facilitating the carrying out of a public function includes disclosure in relation to, and for the purpose of, any proceedings whether civil, criminal or disciplinary in which the specified public authority engages while carrying out its public functions.

(11) 1979 c. 38. Section 24A was inserted by section 132(1) of the Housing and Planning Act 2016 (c. 22).

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Register of Overseas Entities (Delivery, Protection and Trust Services) Regulations 2022 No. 870*