



Companies (Audit, Investigations and Community Enterprise) Act 2004

2004 CHAPTER 27

PART 2

COMMUNITY INTEREST COMPANIES

Supplementary

59 Information

- (1) Regulations may require the registrar of companies—
 - (a) to notify the Regulator of matters specified in the regulations, and
 - (b) to provide the Regulator with copies of documents specified in the regulations.
- ^{F1}(2)
- (3) In section 31(2) of the Data Protection Act 1998 (c. 29) (restricted access to data processed for specified purposes)—
 - (a) in paragraphs (b), (c) and (d), after “charities” insert “ or community interest companies ”, and
 - (b) in paragraph (b), after “trustees” insert “ , directors ”.
- (4) A public authority may disclose to the Regulator, for any purpose connected with the exercise of the Regulator’s functions, information received by the authority in connection with its functions.
- (5) The Regulator may disclose to a public authority any information received by the Regulator in connection with the functions of the Regulator—
 - (a) for a purpose connected with the exercise of those functions, or
 - (b) for a purpose connected with the exercise by the authority of its functions.
- (6) In deciding whether to disclose information to a public authority in a country or territory outside the United Kingdom the Regulator must have regard to the

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Changes to legislation: There are currently no known outstanding effects for the Companies (Audit, Investigations and Community Enterprise) Act 2004, Section 59. (See end of Document for details)

considerations listed in section 243(6) of the Enterprise Act 2002 (c. 40) (overseas disclosures), but as if the reference to information of a kind to which section 237 of that Act applies were to information of the kind the Regulator is considering disclosing.

- (7) The powers to disclose information in subsections (4) and (5) are subject to—
- (a) any restriction on disclosure imposed by or by virtue of an enactment, and
 - (b) any express restriction on disclosure subject to which information was supplied.
- (8) Information may be disclosed under subsection (4) or (5) subject to a restriction on its further disclosure.
- (9) A person who discloses information in contravention of a restriction imposed under subsection (8) is guilty of an offence, but a prosecution may be instituted^{F2}—
- (a) in England and Wales, only with the consent of the Regulator or the Director of Public Prosecutions;
 - (b) in Northern Ireland, only with the consent of the Regulator or the Director of Public Prosecutions for Northern Ireland.]
- (10) A person guilty of an offence under subsection (9) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (11) “Public authority” means a person or body having functions of a public nature.

Textual Amendments

- F1** S. 59(2) repealed (30.11.2016) by [The Bankruptcy \(Scotland\) Act 2016 \(Consequential Provisions and Modifications\) Order 2016 \(S.I. 2016/1034\)](#), art. 1, **Sch. 2 Pt. 1**
- F2** Words in s. 59(9) substituted (6.4.2007) by [The Companies Act 2006 \(Commencement No. 2, Consequential Amendments, Transitional Provisions and Savings\) Order 2007 \(S.I. 2007/1093\)](#), art. 1(3), **Sch. 4 para. 23** (with art. 11(1))

Commencement Information

- I1** S. 59 in force at 1.7.2005 by [S.I. 2004/3322](#), art. 2(3), **Sch. 3**

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