



# Economic Crime and Corporate Transparency Act 2023

## 2023 CHAPTER 56

### PART 1

#### COMPANIES ETC

##### *Promoting the integrity of the register*

#### **85 Administrative removal of material from the register**

- (1) The Companies Act 2006 is amended as follows.
- (2) For section 1094 substitute—

##### **“1094 Removal of material from the register**

- (1) The registrar may remove from the register anything that appears to the registrar to be—
  - (a) a document, or material derived from a document, accepted under section 1073 (power to accept documents not meeting requirements for proper delivery), or
  - (b) unnecessary material as defined by section 1074.
- (2) The power to remove material from the register under this section may be exercised—
  - (a) on the registrar’s own motion, or
  - (b) on an application made in accordance with regulations under section 1094A(2).
- (3) The registrar may exercise the power to remove from the register anything the registration of which had legal consequences only if satisfied that the interest of the company, or (if different) the applicant, in removing the material

outweighs any interest of other persons in the material continuing to appear on the register.

- (4) The Secretary of State may by regulations provide that the registrar's power to remove material from the register under this section following an application is limited to material of a description specified in the regulations.
- (5) Regulations under this section are subject to the negative resolution procedure.

#### **1094A Further provision about removal of material from the register**

- (1) The Secretary of State must by regulations make provision for notice to be given in accordance with the regulations where material is removed from the register under section 1094 otherwise than on an application.
- (2) The Secretary of State must by regulations make provision in connection with the making and determination of applications for the removal of material from the register under section 1094.
- (3) The provision that may be made under subsection (2) includes provision as to—
  - (a) who may make an application,
  - (b) the information to be included in and documents to accompany an application,
  - (c) the notice to be given of an application and of its outcome,
  - (d) a period in which objections to an application may be made, and
  - (e) how an application is to be determined, including provision as to evidence that may be relied upon by the registrar for the purposes of satisfying the test in section 1094(1).
- (4) The provision that may be made by virtue of subsection (3)(e) includes provision as to circumstances in which—
  - (a) evidence is to be treated by the registrar as conclusive proof that the test in section 1094(1) is met, and
  - (b) the power of removal must be exercised.
- (5) Regulations under this section may in particular confer a discretion on the registrar.
- (6) Regulations under this section are subject to the negative resolution procedure.

#### **1094B Power of court to make consequential orders following removal**

- (1) Where the registrar removes anything from the register otherwise than in pursuance of a court order, the court may, on an application by a person with sufficient interest, make such consequential orders as the court thinks fit as to the legal effects of the inclusion of the material on the register or its removal.
- (2) In this section the reference to the registrar removing material from the register includes the registrar determining that anything purported to be delivered to the registrar under any enactment was not in fact delivered under an enactment and therefore does not form part of the register.”

- (3) In section 1073 (power to accept documents not meeting requirements for proper delivery), in subsection (6)(a), for “section 1094(4)” substitute “regulations under section 1094A(1)”.
- (4) In section 1087 (material not available for public inspection), in subsection (1), for paragraph (f) substitute—
  - “(f) any application or other document delivered to the registrar under section 1094 (removal of material from the register);”.
- (5) Omit section 1095 (rectification of register on application to registrar).
- (6) Omit section 1095A (rectification of register to resolve a discrepancy).