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STATUTORY INSTRUMENTS

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**2009 No. 214**

**The Companies (Disclosure of Address) Regulations 2009**

**PART 3**

**APPLICATION TO MAKE AN ADDRESS UNAVAILABLE  
FOR PUBLIC INSPECTION UNDER SECTION 1088**

**[<sup>F1</sup>Application under section 1088 to make an address unavailable for public inspection by an individual**

**9.—(1)** Where an individual's usual residential address is on the register, that individual may make a section 1088 application in respect of that address, where that address was placed on the register in the individual's capacity as—

- (a) a proposed director or director or manager under—
  - (i) section 10 (documents to be sent to registrar), 288 (register of directors and secretaries), 363 (duty to deliver annual returns), 686 (other requirements for registration), 691 (documents to be delivered to registrar) or 692 (registration of altered particulars) of, or paragraph 2 of Schedule 21A (branch registration under the eleventh company law directive (89/666/EEC)) to, the 1985 Act,
  - (ii) article 21 (documents to be sent to registrar), 296 (register of directors and secretaries), 371 (duty to deliver annual returns), 635 (other requirements for registration), 641 (documents to be delivered to registrar) or 642 (registration of altered particulars) of, or paragraph 2 of Schedule 20A (branch registration under the eleventh company law directive (89/666/EEC)) to, the 1986 Order,
  - (iii) section 855 (contents of annual return: general),
  - (iv) section 12 (statement of proposed officers), 167 (duty to notify registrar of changes) or 167D (duty to notify registrar of changes), or regulations made under sections 1040 (companies authorised to register under this Act) or 1046 (duty to register particulars),
  - (v) regulation 83 (registration of a public company by the conversion of an SE) of the Northern Ireland SEs Regulations,
  - (vi) regulation 85 (registration of a public company by the conversion of an SE) of the SEs Regulations;
- (b) a permanent representative under Schedule 21A to the 1985 Act, Schedule 20A to the 1986 Order or regulations made under section 1046;
- (c) a proposed secretary or secretary under—
  - (i) section 10, 288, 363, 691 or 692 of, or paragraph 2 of Schedule 21A to, the 1985 Act,
  - (ii) article 21, 296, 371, 641 or 642 of, or paragraph 2 of Schedule 20A to, the 1986 Order,
  - (iii) section 855,

- (iv) section 12, 95 (statement of proposed secretary), 276 (duty to notify registrar of changes), 279A (right to make an election) or 279D (duty to notify registrar of changes), or regulations made under sections 1040 or 1046,
  - (v) regulation 83 of the Northern Ireland SEs Regulations,
  - (vi) regulation 85 of the SEs Regulations;
- (d) a proposed member or member of a Societas Europaea [<sup>F2</sup>or a member of a United Kingdom Societas] under—
- (i) regulation 79 (register of members of supervisory organ) of the old SEs Regulations,
  - (ii) regulations 5 to 10 (registration of an SE) or 77 (register of members of supervisory organ) of the Northern Ireland SEs Regulations,
  - (iii) regulations 5 to 10 (registration of an SE) or 80C (duty to notify registrar of changes) of the SEs Regulations;
- (e) a registrable person under—
- (i) regulations 5 to 10 or 85 of the SEs Regulations,
  - (ii) section 9 (registration documents), 853I (duty to deliver information about people with significant control) or any obligation in Part 21A (information about people with significant control);
- (f) a subscriber under—
- (i) section 10 of the 1985 Act,
  - (ii) article 21 of the 1986 Order,
  - (iii) section 9 or regulations made under section 1040,
- or any other obligation to file a memorandum of association;
- (g) as a member or former member under—
- (i) section 88 (return as to allotments, etc.), 684 (requirements for registration by joint stock companies) or 363 of the 1985 Act,
  - (ii) article 98 (return as to allotments, etc.), 633 (requirements for registration by joint stock companies) or 371 of the 1986 Order,
  - (iii) section 854 (duty to deliver annual returns) or regulations made under section 1040,
  - (iv) 128B (right to make an election), 128E (duty to notify registrar of changes) or 853G (duty to deliver shareholder information: certain traded companies),
- or any other obligation to file with the registrar an annual return or a return of allotment of shares;
- (2) The application must contain—
- (a) the name and any former name of the applicant;
  - (b) the usual residential address of the applicant that is to be made unavailable for public inspection;
  - (c) an address for correspondence in respect of the application;
  - (d) the name and registered number of each company in respect of which the applicant has indicated in the application that the applicant's usual residential address was placed on the register;
  - (e) in respect of each company falling within sub-paragraph (d)—
    - (i) the name of the document in which that usual residential address appears on the register,

- (ii) where that document is a form, the number and title of the form, and
- (iii) the registration date of that document;
- (f) where the application includes a company which is required to maintain a current address for the applicant on the register, the service address which is to replace the usual residential address;
- (g) the date of birth of the applicant; and
- (h) where the registrar has allotted a unique identifier to the applicant, that unique identifier.]

#### Textual Amendments

- F1** Reg. 9 substituted (26.4.2018) by [The Companies \(Disclosure of Address\) \(Amendment\) Regulations 2018 \(S.I. 2018/528\)](#), regs. 1(1), **4(2)** (with reg. 8)
- F2** Words in reg. 9(1)(d) inserted (31.12.2020) by [The International Accounting Standards and European Public Limited-Liability Company \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/685\)](#), reg. 1(2), **Sch. 3 para. 21(b)**; 2020 c. 1, Sch. 5 para. 1(1)

### Application under section 1088 to make an address unavailable for public inspection by a company

**10.**—(1) A section 1088 application may be made to the registrar by a company in respect of the addresses of—

- (a) all of its members and former members whose addresses were contained in—
  - (i) an annual return; or
  - (ii) a return of allotment of shares,
- <sup>F3</sup> ...; or
- (b) the subscribers to its memorandum of association [<sup>F4</sup>, statement of capital and initial shareholdings or statement of guarantee.]<sup>F5</sup>...

(2) The grounds on which an application under paragraph (1) may be made are that the company making the application considers that, as a result of its activities, the availability to members of the public of the addresses described in paragraph (1) creates a serious risk that its members or former members or subscribers, or persons who live at those addresses, will be subjected to violence or intimidation.

(3) The application shall—

- (a) contain—
  - (i) the name of the applicant and its registered number; and
  - (ii) a statement of the grounds on which the application is made; and
- (b) be accompanied by evidence—
  - (i) which supports the applicant's assertion that its application falls within the grounds stated in its application; or
  - (ii) where the court has made an order under section 117(3) (register of members: response to request for inspection or copy) directing the applicant not to comply with a request under section 116 (rights to inspect and require copies), a copy of that order.

(4) The registrar may refer to a relevant body any question relating to the assessment of the nature and extent of any risk of violence or intimidation considered by the applicant to arise in relation to any of its members or former members or subscribers, or persons who live at the addresses described

in paragraph (1), as a result of its activities by virtue of the availability to members of the public of particulars of the addresses of such members or former members or subscribers.

(5) The registrar shall determine the application and send the applicant to its registered office notice of his determination on the section 1088 application within five working days of that determination being made.

#### Textual Amendments

- F3** Words in reg. 10(1)(a) omitted (26.4.2018) by virtue of [The Companies \(Disclosure of Address\) \(Amendment\) Regulations 2018 \(S.I. 2018/528\)](#), regs. 1(1), **4(3)(a)** (with reg. 8)
- F4** Words in reg. 10(1)(b) inserted (26.4.2018) by [The Companies \(Disclosure of Address\) \(Amendment\) Regulations 2018 \(S.I. 2018/528\)](#), regs. 1(1), **4(3)(b)(ii)** (with reg. 8)
- F5** Words in reg. 10(1)(b) omitted (26.4.2018) by virtue of [The Companies \(Disclosure of Address\) \(Amendment\) Regulations 2018 \(S.I. 2018/528\)](#), regs. 1(1), **4(3)(b)(i)** (with reg. 8)

#### Application under section 1088 to make an address unavailable for public inspection by a person who registers a charge

**11.—(1)** A section 1088 application may be made to the registrar by a person who—

- (a) (i) <sup>F6</sup>... registered a charge under Part 12 of the 1985 Act (registration of charges) or Part 13 of the 1986 Order; or
- (ii) has registered a charge under Part 25 of the Act (company charges) [<sup>F7</sup>or under regulations made under section 1052]; and

(b) is not the company which created the charge or acquired the property subject to a charge, in respect of his address delivered to the registrar for the purposes of that registration.

(2) The grounds on which an application under paragraph (1) may be made are that the person making the application considers that there is a serious risk that he, or if applicable his employees, or persons who live with him or his employees, will be subjected to violence or intimidation as a result of the activities of the company which is, or was, subject to the charge.

(3) The application shall—

- (a) contain—
- (i) a statement of the grounds on which the application is made;
- (ii) the name of the applicant, and where the applicant is a company, its registered number;
- (iii) the address of the applicant that is to be made unavailable for public inspection;
- (iv) the name and registered number of the company which is or was subject to the charge;
- (v) an address for correspondence with the registrar in respect of the application;
- (vi) where the applicant is the chargee, the service address which is to replace the address of the applicant on the register; and
- (b) be accompanied by evidence which supports the applicant's assertion that there is a serious risk that he or, if applicable, his employees, or persons who live with him or his employees, will be subjected to violence or intimidation as a result of the activities of the company which is or was subject to the charge.

(4) The registrar may refer to a relevant body any question relating to the assessment of the nature and extent of any risk of violence or intimidation considered by the applicant to arise in relation to

himself or, if applicable, his employees, or persons who live with him or his employees, as a result of the activities of the company which is or was subject to the charge.

(5) The registrar shall determine the application and send the applicant to the address stated in the application in accordance with paragraph (3)(a)(v) notice of his determination on the section 1088 application within five working days of that determination being made.

**Textual Amendments**

- F6** Words in [reg. 11\(1\)\(a\)\(i\)](#) omitted (26.4.2018) by virtue of [The Companies \(Disclosure of Address\) \(Amendment\) Regulations 2018 \(S.I. 2018/528\)](#), regs. 1(1), **4(4)** (with reg. 8)
- F7** Words in [reg. 11\(1\)\(a\)\(ii\)](#) inserted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), **Sch. 1 para. 270(3)**

**Matters relevant to section 1088 applications**

**12.—**(1) For the purpose of regulations <sup>F8</sup>... 10 and 11 the registrar may direct that additional information or evidence should be delivered to him, what such information or evidence should be and how it should be verified.

(2) For the purpose of determining any section 1088 application the registrar may accept any answer to a question referred in accordance with regulation <sup>F9</sup>... 10(4) or 11(4) as providing sufficient evidence of—

(a) the nature and extent of any risk relevant to—

<sup>F10</sup>(i) .....

(ii) where the grounds of the application are those described in regulation 10(2), the subscribers or members or former members of an applicant; or

(iii) where the grounds of the application are those described in regulation 11(2), where the applicant is an individual, the applicant, or any employees of an applicant,

or to persons who live with any of the above individuals or, in the case of members, former members or subscribers, to persons who live at their addresses, <sup>F11</sup>...

<sup>F12</sup>(b) .....

**Textual Amendments**

- F8** Word in [reg. 12\(1\)](#) omitted (26.4.2018) by virtue of [The Companies \(Disclosure of Address\) \(Amendment\) Regulations 2018 \(S.I. 2018/528\)](#), regs. 1(1), **4(5)(a)** (with reg. 8)
- F9** Word in [reg. 12\(2\)](#) omitted (26.4.2018) by virtue of [The Companies \(Disclosure of Address\) \(Amendment\) Regulations 2018 \(S.I. 2018/528\)](#), regs. 1(1), **4(5)(b)(i)** (with reg. 8)
- F10** [Reg. 12\(2\)\(a\)\(i\)](#) omitted (26.4.2018) by virtue of [The Companies \(Disclosure of Address\) \(Amendment\) Regulations 2018 \(S.I. 2018/528\)](#), regs. 1(1), **4(5)(b)(ii)** (with reg. 8)
- F11** Word in [reg. 12\(2\)\(a\)](#) omitted (26.4.2018) by virtue of [The Companies \(Disclosure of Address\) \(Amendment\) Regulations 2018 \(S.I. 2018/528\)](#), regs. 1(1), **4(5)(b)(iii)** (with reg. 8)
- F12** [Reg. 12\(2\)\(b\)](#) omitted (26.4.2018) by virtue of [The Companies \(Disclosure of Address\) \(Amendment\) Regulations 2018 \(S.I. 2018/528\)](#), regs. 1(1), **4(5)(b)(iv)** (with reg. 8)

### [<sup>F13</sup>Effect of a section 1088 application

**13.**—(1) Paragraphs (2) to (4) apply in relation to a section 1088 application made under regulation 9.

(2) The registrar must make the specified address unavailable for public inspection in the places on the register where the applicant has indicated, in the application, that it appears.

(3) Where the application relates to an entry concerning a company which is required to maintain a current address for the applicant on the register, the registrar must make the specified address unavailable for public inspection by replacing it with the service address provided by the applicant.

(4) In any other case the registrar must make the specified address unavailable for public inspection by removing all elements of that address, except—

(a) for a United Kingdom address—

(i) the outward code from the postcode, or

(ii) where the address on the register does not include the outward code from the postcode, any information in that address that denotes a geographical area which is equivalent to or larger than the area represented by the outward code of the postcode which applies to that address; and

(b) for an address other than a United Kingdom address, the country or territory and the name of the next principal unit of geographical subdivision for that country or territory (e.g. the state, region, province, county, district, municipality or equivalent) if there is one included in that address as it appears on the register.

(5) Where a section 1088 application has been made under regulation 10(1) and has been determined in favour of the applicant, the registrar must make all of the members', former members' or subscribers' addresses unavailable for public inspection by removing the whole of those addresses.

(6) Where a section 1088 application has been made under regulation 11(1) and has been determined in favour of the applicant, the registrar must make the specified address unavailable for public inspection by removing the whole address and, where the applicant is the chargee, replacing it with the service address provided by the applicant.

(7) In this regulation—

“specified address” means the address specified in the application as being the one to be made unavailable for public inspection; and

“outward code” means the part of a postcode before the internal space but not the number and letters which come after that space.]

#### Textual Amendments

**F13** Reg. 13 substituted (26.4.2018) by [The Companies \(Disclosure of Address\) \(Amendment\) Regulations 2018 \(S.I. 2018/528\)](#), regs. 1(1), **4(6)** (with reg. 8)

**Changes to legislation:**

There are currently no known outstanding effects for the The Companies (Disclosure of Address) Regulations 2009, PART 3.