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STATUTORY INSTRUMENTS

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**2009 No. 214**

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

**PART 4**

**MATTERS RELATING TO APPLICATIONS UNDER  
SECTION 243 AND UNDER SECTION 1088**

**Appeals**

**14.**—(1) An applicant who has received notice under regulation 5(5), 6(5), 7(5), 9(6), 10(5) or 11(5) that his application has been unsuccessful may appeal to the High Court or, in Scotland, the Court of Session on the grounds that the decision—

- (a) is unlawful;
- (b) is irrational or unreasonable;
- (c) has been made on the basis of a procedural impropriety or otherwise contravenes the rules of natural justice.

(2) No appeal under this regulation may be brought unless the leave of the court has been obtained.

(3) An applicant must bring an appeal within 21 days of the date of the notice or, with the court's permission, after the end of such period, but only if the court is satisfied—

- (a) where permission is sought before the end of that period, that there is good reason for the applicant being unable to bring the appeal in time; or
- (b) where permission is sought after that time, that there was a good reason for the applicant's failure to bring the appeal in time and for any delay in applying for permission.

(4) The court determining an appeal may—

- (a) dismiss the appeal; or
- (b) quash the decision,

and where the court quashes a decision it may refer the matter to the registrar with a direction to reconsider it and make a determination in accordance with the findings of the court.

**Duration of a section 243 decision or a section 1088 decision**

**15.**—(1) A section 243 decision shall continue to have effect until—

- (a) either—
  - (i) the section 243 beneficiary, or
  - (ii) his personal representative,has notified the registrar in writing that he wishes the section 243 decision to cease to apply; or
- (b) the registrar has made a revocation decision in relation to that beneficiary,

whichever first occurs.

(2) A section 1088 decision shall continue to have effect until the registrar has made a revocation decision in relation to the section 1088 beneficiary.

(3) In this regulation—

“personal representative” means the executor, original or by representation, or administrator for the time being of a deceased person; and

“revocation decision” in relation to a section 243 decision or a section 1088 decision means a determination by the registrar to revoke that decision in accordance with regulation 16.

### **Revocation of a section 243 decision or a section 1088 decision**

**16.**—(1) The registrar may revoke a section 243 decision or a section 1088 decision at any time if he is satisfied that the section 243 beneficiary or section 1088 beneficiary, as the case may be, or any other person, in purported compliance with any provision of these Regulations, is found guilty of an offence under section 1112 (general false statement offence) (“a revocation decision”).

(2) If the registrar proposes to make a revocation decision he shall send the beneficiary notice of his intention.

(3) The notice must—

(a) inform the beneficiary that he may, within the period of 28 days beginning with the date of the notice, deliver representations in writing to the registrar; and

(b) state that if representations are not received by the registrar within that period, the revocation decision will be made at the expiry of that period.

(4) If within the period specified in paragraph (3) the beneficiary delivers representations as to why the revocation decision should not be made, the registrar shall have regard to the representations in determining whether to make the revocation decision, and shall, within five working days of making his decision, send notice of it to the beneficiary.

(5) Any communication by the registrar in respect of a revocation decision or proposed revocation decision shall be sent to the beneficiary—

(a) in the case of an individual, to his usual residential address;

(b) in the case of a company, to its registered office; or

(c) in the case of a partnership, to the address specified in its section 1088 application.

(6) In this regulation—

“partnership” includes a limited liability partnership;

“section 243 beneficiary” includes where the section 243 decision was made following an application under regulation 6 or 7, the applicant.