
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Registrar of Companies and Applications for Striking Off Regulations 2009 (S.I. 2009/1803) (the “2009 Regulations”).

The 2009 Regulations contain provisions on the rectification of the register of companies. On receipt of an application, the registrar of companies must remove from the register material that is factually inaccurate, derived from something that is factually inaccurate or forged, or derived from anything invalid or ineffective or done without a company’s authority, unless a valid objection is made within 28 days.

Together with section 102 of the Small Business, Enterprise and Employment Act 2015 (c.26), these Regulations introduce a new system for removing from the register material naming a person as a company director.

Regulation 2(2) amends regulation 4 of the 2009 Regulations. While a valid objection will still prevent material being removed from the register in most cases, under regulation 4, as amended, an objection will no longer prevent removal of material naming the person as a director where the application is made by or on behalf of the person so named.

Regulation 2(3) amends regulation 5 of the 2009 Regulations to provide that a company may instead prevent the material about the director from being removed from the register by providing evidence that the person consented to act as a director of the company. It also sets out further particulars of the application process, and makes a change consequential to regulation 2(2).

Regulation 3 requires the Secretary of State to review the operation and effect of these Regulations and publish a report within 5 years after they come into force and within every 5 years after that. Following a review it will fall to the Secretary of State to consider whether these Regulations should remain as they are, or be revoked or be amended. A further instrument would be needed to revoke these Regulations or to amend them.

A regulatory impact assessment of the effect that this instrument will have on the costs to business and the voluntary sector is available from the Business Environment Directorate, Department for Business, Innovation and Skills, 1 Victoria Street, London SW1H 0ET or from www.gov.uk/bis and is annexed to the Explanatory Memorandum which is available alongside the instrument at www.legislation.gov.uk.