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STATUTORY INSTRUMENTS

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**2017 No. 694**

**The Scottish Partnerships (Register of People  
with Significant Control) Regulations 2017**

**PART 9**

Application of the Companies Act 2006

**Application of Part 35 of the Companies Act 2006**

**58.** Section 1066 (registered numbers) of the Companies Act 2006 applies to Scottish qualifying partnerships with the following modifications—

- (a) for references to a “company” substitute “ Scottish qualifying partnership ”; and
- (b) omit subsections (5) and (6).

**59.** Section 1081 (annotation of the register) of the Companies Act 2006 applies to eligible Scottish partnerships with the following modifications—

- (a) in subsection (1), omit paragraphs (e) and (f);
- (b) omit subsection (1A);
- (c) for subsection (2), substitute—

“(2) Where it appears to the registrar that material on the register is misleading or confusing, the registrar may place a note in the register containing such information as appears to the registrar to be necessary to remedy, as far as possible, the misleading or confusing nature of the material.”;
- (d) omit subsection (5);
- (e) in subsection (6)—
  - (i) omit “or (1A), or in pursuance of regulations under”, and
  - (ii) for “all purposes of the Companies Acts” substitute “ the purposes of the Scottish Partnerships (Register of People with Significant Control) Regulations 2017 ”; and
- (f) omit subsection (7).

**60.** The following provisions of the Companies Act 2006 apply to information on the register delivered to the registrar by eligible Scottish partnerships under these Regulations—

- (a) section 1085 (inspection of the register);
- (b) section 1086 (right to a copy of material on the register), with the omission of subsection (2).

**61.** Section 1087 (material not available for public inspection) of the Companies Act 2006 applies in relation to information delivered to the registrar by eligible Scottish partnerships under these Regulations modified so that it reads as follows—

**“Material not available for public inspection**

**1087.**—(1) The registrar must not make available for public inspection on the register material which is excluded from public inspection by or under any enactment.

(2) A restriction applying by reference to material deriving from a particular description of document does not affect the availability for public inspection of the same information contained in material derived from another description of document in relation to which no such restriction applies.

(3) Material to which this section applies need not be retained by the registrar for longer than appears to the registrar reasonably necessary for the purposes for which the material was delivered to the registrar.”

**62.** Section 1087A of the Companies Act 2006 applies in relation to information delivered to the registrar by an eligible Scottish partnership under these Regulations modified so that it reads as follows—

**“Restricted DOB information**

**1087A.**—(1) Information is “restricted DOB information” if—

- (a) it is DOB information,
- (b) it is contained in a document delivered to the registrar,
- (c) the document is one in which such information is required to be stated, and
- (d) if the document has more than one part, the part in which the information is contained is a part in which such information is required to be stated.

(2) “DOB information” is information as to the day of the month (but not the month or year) on which an individual who is a registrable person in relation to an eligible Scottish partnership was born.

(3) Information about an individual does not cease to fall within subsection (1) when the individual ceases to be a registrable person.

(4) Nothing in subsection (1) obliges the registrar to check other documents or (as the case may be) other parts of the document to ensure the absence of DOB information.”

**63.** Section 1087B applies in relation to information delivered to the registrar by an eligible Scottish partnership under these Regulations modified so that it reads as follows—

**“Disclosure of restricted DOB information**

**1087B.**—(1) The registrar must not disclose an individual's restricted DOB information unless—

- (a) the same information about the individual (whether in the same or a different capacity) is made available by the registrar for public inspection as a result of being contained in another description of document in relation to which no restriction under section 1087 of the Companies Act 2006 (as modified) applies (see subsection (2) of that section), or

- (b) disclosure of the information by the registrar is permitted by subsection (2) or another provision of this Act.

(2) The registrar may disclose an individual's restricted DOB information to a public authority (“specified public authority”) listed in Schedule 4 to the Scottish Partnerships (Register of People with Significant Control) Regulations 2017 if the conditions in Part 1 of Schedule 5 to those Regulations are satisfied.”

64. Section 1088 (application to registrar to make address unavailable for inspection) of the Companies Act 2006 applies to eligible Scottish partnerships, modified so that it reads as follows—

**“Modification of the Companies (Disclosure of Address) Regulations 2009**

**1088.**—(1) The provisions of the Companies (Disclosure of Address) Regulations 2009<sup>MI</sup> set out in subsection (2) apply with respect to applications to the registrar to make an address unavailable for public inspection, with the modifications specified in subsection (3).

(2) The provisions referred to in subsection (1) are—

- (a) Part 3 (application to make an address unavailable for public inspection under section 1088);
- (b) Part 4 (matters relating to applications under section 1088); and
- (c) any other provisions of the Regulations having effect for the purposes of those provisions.

(3) Those provisions apply with the following modifications—

- (a) in regulation 1(2) for the definition of “former name” substitute—

““former name” means a name by which the individual was formerly known and which has been notified to the registrar under section 8A(5) of the Limited Partnerships Act 1907 or under Part 5 of the Scottish Partnerships (Register of People with Significant Control) Regulations 2017;”
- (b) for regulation 9 (application to make an address unavailable for public inspection by an individual) substitute—

**“9.**—(1) A section 1088 application may be made to the registrar by an individual whose usual residential address was placed on the register either—

- (a) as a service address in a statement of initial significant control delivered to the registrar under section 8A of the Limited Partnerships Act 1907, or
- (b) as a service address included in the required particulars of a registrable person delivered to the registrar to comply with an obligation in Part 5 of the Scottish Partnerships (Register of People with Significant Control) Regulations 2017.

(2) The grounds on which an application under paragraph (1) may be made are that the individual making the application—

- (a) considers that there is a serious risk that the individual, or a person who lives with that individual, will be subjected to violence or intimidation as a result of the activities of at least one of the eligible Scottish partnerships of which—
  - (i) that individual is, or proposes to become, a registrable person; or

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- (ii) that individual used to be a registrable person; or
- (b) is or has been employed by a relevant organisation.
- (3) The application must —
  - (a) contain—
    - (i) a statement of the grounds on which the application is made;
    - (ii) the name and any former name of the applicant;
    - (iii) the usual residential address of the applicant that is to be made unavailable for public inspection;
    - (iv) an address for correspondence in respect of the application;
    - (v) the name and registered number of each eligible Scottish partnership of which the applicant is or has been at any time since the commencement day a registrable person;
    - (vi) the service address which is to replace that usual residential address on the register;
    - (vii) the date of birth of the applicant; and
    - (viii) the name of each eligible Scottish partnership of which the applicant proposes to become a registrable person;
  - (b) be accompanied by evidence which—
    - (i) where the grounds of the application are those described in paragraph (2)(a), supports the applicant's assertion that the application falls within the grounds stated in the application;
    - (ii) where the grounds of the application are those described in paragraph (2)(b), establishes that the applicant is or has been employed by a relevant organisation.
- (4) The registrar may refer to a relevant body any question relating to an assessment of—
  - (a) the nature and extent of any risk of violence or intimidation considered by the applicant to arise in relation to the applicant or a person living with the applicant, as a result of the activities of any eligible Scottish partnership of which the applicant is or proposes to become a registrable person or has been at any time a registrable person; or
  - (b) whether the applicant is or has been employed by a relevant organisation.
- (5) The registrar shall determine the application and send to the applicant, at the address for correspondence stated in the application, notice of the registrar's determination on the section 1088 application within five working days of that determination being made.”;
- (c) omit regulations 10 and 11;
- (d) for regulation 12 (matters relevant to section 1088 applications) substitute—

“**12.—**(1) For the purpose of regulation 9 the registrar may direct that additional information or evidence should be delivered to the registrar, 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 9(4) as providing sufficient evidence of—

- (a) the nature and extent of any risk relevant to the applicant or to persons who live with the applicant, or
- (b) whether an applicant is or has been employed by a relevant organisation.”;

(e) for regulation 13 (effect of a successful section 1088 application) substitute—

“13.—(1) Where a section 1088 application has been determined in favour of the applicant the registrar shall make the specified address unavailable for public inspection.

(2) In this regulation “specified address” means the address specified in the application as being the one to be made unavailable for public inspection.”;

(f) in regulation 14 (appeals), —

(i) in paragraph (1), for “5(5), 6(8), 7(8), 9(6), 10(5) or 11(5)” substitute “9(5) ”;

(ii) in paragraph (3), for “5(5), 6(8), 7(8), 9(6), 10(5) or 11(5)” substitute “9(5) ”;

(g) for regulation 15 (duration of a section 243 decision or a section 1088 decision) substitute—

#### “Duration of a section 1088 decision

15. A section 1088 decision shall continue to have effect until the registrar has made a determination to revoke that decision in accordance with regulation 16.”

(h) in regulation 16 (revocation of a section 1088 decision),—

(i) in paragraph (1) omit—

(aa) “a section 243 decision or”;

(bb) “a section 243 beneficiary or”; and

(cc) “as the case may be,”;

(ii) in paragraph (5),—

(aa) in sub-paragraph (b) for “a company, to its registered office” substitute “a Scottish qualifying partnership, to its service address within the meaning of the Scottish Partnerships (Register of People with Significant Control) Regulations 2017 ”;

(bb) for sub-paragraph (c) substitute “ in the case of a Scottish limited partnership, to its principal place of business ”;

(iii) for paragraph (6) substitute—

“(6) In this regulation—

“Scottish limited partnership” has the meaning given in regulation 3(2)(a) of the Scottish Partnerships (Register of People with Significant Control) Regulations 2017;

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“Scottish qualifying partnership” has the meaning given in regulation 3(2)(b) of the Scottish Partnerships (Register of People with Significant Control) Regulations 2017.””

#### **Marginal Citations**

**M1** [S.I. 2009/214](#).

**65.** Section 1089 (form of application for inspection or copy) of the Companies Act 2006 applies in relation to information delivered to the registrar by an eligible Scottish partnership under these Regulations, with the omission of subsection (2).

**66.** Section 1090 (form and manner in which copies to be provided) of the Companies Act 2006 applies in relation to information delivered to the registrar by an eligible Scottish partnership under these Regulations, modified so that it reads as follows—

#### **“Form and manner in which copies to be provided**

**1090.** The registrar may determine the form and manner in which copies are to be provided under section 1086.”

**67.** Section 1091 (certification of copies as accurate) of the Companies Act 2006 applies to information delivered to the registrar by an eligible Scottish partnership under these Regulations, modified so that it reads as follows—

#### **“Certification of copies as accurate**

**1091.—**(1) Copies provided under section 1086 in hard copy form must be certified as true copies unless the applicant dispenses with such certification.

(2) A copy provided under section 1086, certified by the registrar (whose official position it is unnecessary to prove) to be an accurate record of the contents of the original document, is in all legal proceedings admissible in evidence—

(a) as of equal validity with the original document, and

(b) as evidence (in Scotland, sufficient evidence) of any fact stated in the original document of which direct oral evidence would be admissible.

(3) Copies provided by the registrar may, instead of being certified in writing to be an accurate record, be sealed with the registrar's official seal.

(4) In subsection (1) “hard copy form”, in relation to a document or information sent or supplied, is a document or information sent or supplied in a paper copy or similar form capable of being read.”

**68.** Section 1103 (documents to be drawn up and delivered in English) of the Companies Act 2006 applies to documents delivered to the registrar by an eligible Scottish partnership under these Regulations, modified so that it reads as follows—

### **“Documents to be drawn up and delivered in English**

**1103.** All documents required to be delivered to the registrar must be drawn up and delivered in English.”

**69.** Section 1112 (general false statement offence) of the Companies Act 2006 applies in relation to information delivered to the registrar by an eligible Scottish partnership under these Regulations, with the following modifications—

- (a) in subsection (1)(a), for “the Companies Acts” substitute “ the Scottish Partnerships (Register of People with Significant Control) Regulations 2017 ”; and
- (b) in subsection (2)(b)(i), omit “not exceeding the statutory maximum”.

### **Application of Part 36 of the Companies Act 2006**

**70.** Section 1125 (meaning of “daily default fine”) of the Companies Act 2006 applies in relation to these Regulations, modified so that in subsection (1) for “the Companies Acts” substitute “ the Scottish Partnerships (Register of People with Significant Control) Regulations 2017 ”.

**71.** Section 1127 (summary proceedings: venue) of the Companies Act 2006 applies in relation to offences under these Regulations, with the following modifications in subsection (1)—

- (a) for “the Companies Acts” substitute “ the Scottish Partnerships (Register of People with Significant Control) Regulations 2017 ”; and
- (b) for “body corporate” and “body” substitute “ legal entity ”.

**72.** Section 1128 (summary proceedings: time limit for proceedings) of the Companies Act 2006 applies, modified so that for every occurrence of “the Companies Acts” substitute “ the Scottish Partnerships (Register of People with Significant Control) Regulations 2017 ”.

**73.** Section 1129 (legal professional privilege) of the Companies Act 2006 applies in relation to offences under these Regulations, modified so that for “the Companies Acts” and “those Acts” substitute “ the Scottish Partnerships (Register of People with Significant Control) Regulations 2017 ”.

**74.** Section 1132 (production and inspection of documents where offence suspected) of the Companies Act 2006 applies, with the following modifications—

- (a) for each occurrence of “a company” and “the company” substitute “ an eligible Scottish partnership ” or “the eligible Scottish partnership”, as the case may be; and
- (b) for “secretary of the company, or such other officer of it” substitute “ such officer of the eligible Scottish partnership ”.

### **Application of Part 37 of the Companies Act 2006**

**75.** Section 1156 (meaning of “the court”) of the Companies Act 2006 applies, modified so that for every occurrence of “the Companies Acts” substitute “ the Scottish Partnerships (Register of People with Significant Control) Regulations 2017 ”.

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**76.** Section 1157 (power of court to grant relief in certain cases) of the Companies Act 2006 applies, with the following modifications—

- (a) in subsection (1)(a), for “a company” substitute “ an eligible Scottish partnership ”;
- (b) omit subsection (1)(b); and
- (c) in subsection (1) and (2) omit “or person”.

**Interpretation of this Part**

**77.—(1)** The provisions of this Part have effect together with any other provisions of the Companies Act 2006 having effect for the purposes of those provisions.

(2) Subject to paragraph (1), a term used in a provision of the Companies Act 2006 as applied by this Part which has a meaning given elsewhere in these Regulations has that meaning in this Part.



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