
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to the Companies (Disclosure of Address) Regulations 2009 (S.I. 2009/214) (“the 2009 Regulations”).

The main amendments are to Part 3. Regulation 4 substitutes regulation 9 of the 2009 Regulations so that it now provides that an individual whose usual residential address is on the register in accordance with the listed provisions, can simply apply under section 1088 of the Companies Act 2006 (c.46) to the registrar to make that address unavailable for public inspection on the companies register, without having to demonstrate (as they did previously) that they have met any of the specified criteria. These amendments also remove the restriction preventing individuals from applying under section 1088 where a usual residential address was placed on the register before 1st January 2003, but require certain details to be provided with such an application.

Amendments to regulations 9 and 10 also set out further instances of the circumstances in which an individual’s address may have been placed on the public register.

Amendments to regulation 10 (under which a company can make an application to remove usual residential address information of its members and former members) and regulation 11 (under which an individual who has registered a charge can apply to make an address unavailable) mean that the restriction preventing such applications from being made in respect of addresses placed on the register before 1st January 2003 is removed.

Amendments made to regulations 12 and 14 reflect the fact that the registrar will no longer be making a determination on applications made under regulation 9.

Amendments to regulation 13 provide for the registrar to make residential address information unavailable for public inspection pursuant to applications made under regulation 9. Where there remains a requirement for an applicant’s current address to remain on the register, these amendments provide that the usual residential address will be replaced with a service address. Where there is no longer any such requirement, the amendments provide that the registrar will make the address unavailable for public inspection by way of partial suppression.

Amendments have also been made to the 2009 Regulations by regulation 3 to ensure that one of the grounds on which an individual is able to make an application under section 243 of the Companies Act 2006 (to prevent disclosure of their address by the registrar to credit reference agencies) is that they are or have been a constable.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.