
STATUTORY INSTRUMENTS

2024 No. 54

The Registrar (Annotation, Removal and Disclosure Restrictions) Regulations 2024

Part 3

Removal of material from the register

Interpretation

4. In this Part—

“application for removal” means an application made in accordance with regulation 6;

“the specified material” has the meaning given in regulation 6(2)(c).

Removal of material on registrar’s own motion

5.—(1) Before or as soon as reasonably practicable after removing material contained in the register on the registrar’s own motion pursuant to section 1094(1) and (2)(a) of the 2006 Act, the registrar must give notice of the removal to such persons as the registrar considers appropriate.

(2) The notice must state—

- (a) the name and registered number of the company to which the material relates;
- (b) what material the registrar intends to remove, or has removed, and on what grounds, and
- (c) where the material is, or was, in the register.

Removal of material on application

6.—(1) An application for removal of material from the register can be made by any person.

(2) An application for removal must—

- (a) be in writing;
- (b) contain the required information about the applicant (see paragraph (4));
- (c) specify the material which the applicant wants the registrar to remove from the register (“the specified material”) and where in the register the specified material is;
- (d) specify which, if any, of the specified material is, in the applicant’s view, within each of the following provisions of the 2006 Act—
 - (i) section 1094(1)(a);
 - (ii) section 1094(1)(b);
- (e) explain the basis for that view, and
- (f) where section 1094(3) of the 2006 Act is relevant, include representations about the applicant’s interest in removing that of the specified material to which that subsection is relevant.

(3) An application for removal must be accompanied by any information in writing which the applicant wishes to rely on.

(4) The “required information about the applicant” means—

- (a) name;
- (b) address;
- (c) email address, and
- (d) a description of any current or past connection the applicant has or had with the company.

Rejection of application for removal

7.—(1) This regulation applies where an application for removal has been delivered to the registrar and all of the specified material is material that the registrar—

- (a) is not satisfied the registrar has the power to remove, or
- (b) does not intend to remove.

(2) The registrar must reject the application and give a notice stating it is rejected to the applicant and to any other person the registrar considers appropriate.

Notice of decision to remove material

8.—(1) This regulation applies where an application for removal has been delivered to the registrar and the registrar—

- (a) is satisfied that the registrar has power to remove some or all of the specified material;
- (b) intends to exercise that power in relation to some or all of that material, and
- (c) does not consider it necessary to provide a period for objections to be made to the removal of that material.

(2) Before or as soon as reasonably practicable after removing any of the specified material from the register, the registrar must give a notice to the applicant and to such other persons as the registrar considers appropriate.

(3) The notice must state—

- (a) the name and registered number of the company to which the specified material which the registrar intends to remove, or has removed, relates;
- (b) what specified material the registrar intends to remove, or has removed, and on what grounds, and
- (c) where that material is, or was, in the register.

Notice of intention to remove material

9.—(1) This regulation applies where an application for removal has been delivered to the registrar and the registrar—

- (a) is satisfied that the registrar has power to remove some or all of the specified material;
- (b) intends to exercise that power in relation to some or all of that material, and
- (c) considers it necessary to provide a period for objections to be made to the removal of that material.

(2) As soon as reasonably practicable, the registrar must give notice stating the registrar has received an application for removal to such persons as the registrar considers appropriate.

(3) The notice given by the registrar must state—

- (a) the name and registered number of the company to which the specified material that the registrar intends to remove from the register relates;
 - (b) what specified material the registrar intends to remove, and on what grounds;
 - (c) where that material is in the register;
 - (d) the date of the notice;
 - (e) how the recipient can object to the removal (see regulation 10), and
 - (f) the date on or before which any objection to removal must be made.
- (4) If the registrar gives more than one notice in respect of the same application for removal, the date stated under paragraph (3)(f) must be the same in each notice.

Objection to removal of material

10.—(1) Where a notice has been given under regulation 9 following an application for removal, the registrar must determine the application as soon as reasonably practicable after the end of the period for objecting.

(2) In determining the application for removal, the registrar must take into account any objection made within the period for objecting.

(3) The period for objecting is the period beginning with the date of the notice under regulation 9(3)(d) (or, if more than one notice was given in respect of the application, the date of the earliest notice) and ending with the date stated in the notice under regulation 9(3)(f).

(4) An objection is made by giving written notice to the registrar.

(5) A notice given under paragraph (4) must state—

- (a) the name of the person making the objection;
- (b) the person's address;
- (c) the person's email address;
- (d) the specified material to which the objection relates, and
- (e) the reasons for the objection.

(6) A notice given under paragraph (4) must be accompanied by any information in writing which the person wishes to rely on in advancing their objection.

Notice of outcome of application for removal

11.—(1) As soon as reasonably practicable after determining an application for removal to which regulation 9 applies, the registrar must notify the outcome of the application for removal to—

- (a) the applicant;
- (b) any person who objected to the removal in accordance with regulation 10, and
- (c) any other person to whom the registrar considers it appropriate to give notice.

(2) The notice given under paragraph (1) must state—

- (a) the name and registered number of the company to which the specified material relates;
- (b) what, if any, specified material the registrar intends to remove, or has removed, and on what grounds;
- (c) where any removed specified material was, or where any specified material which the registrar intends to remove is, in the register, and
- (d) if the registrar has decided not to remove some or all of the specified material, on what grounds.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Revocation and transitional provision

12.—(1) Regulations 4 and 5 of the 2009 Regulations are revoked.

(2) An application made or notice given under a provision of the 2009 Regulations specified in column 2 of the table is to be treated, after the commencement of these Regulations—

- (a) as if it were an application made or notice given under the provision of these Regulations specified in the corresponding entry in column 3, and
- (b) as if it complied with the requirements of these Regulations in relation to such applications or notices.

<i>1</i>	<i>2</i>	<i>3</i>
General description	Provision of the 2009 Regulations	Corresponding provision of these Regulations
Application for removal	Regulation 4	Regulation 6
Notice of application	Regulation 5(2) to (5)	Regulation 9(2)
Notice of objection	Regulation 5(10)	Regulation 10(4)
Notice of outcome	Regulation 5(14), (15) and (15E)	Regulation 11

(3) Where a notice has been given under regulation 5(2), (3), (4) or (5) of the 2009 Regulations before these Regulations come into force, the period for objecting for the purposes of regulation 10(3) of these Regulations is the period specified in regulation 5(11) of the 2009 Regulations.

(4) Anything else done under (or for the purposes of or in reliance on) regulation 4 or 5 of the 2009 Regulations, and effective immediately before the time these Regulations come into force, has effect after that time as if done under (or for the purposes of or in reliance on) the corresponding provision of these Regulations.