



# Companies Act 2006

## 2006 CHAPTER 46

### PART 35

#### THE REGISTRAR OF COMPANIES

##### *Inspection etc of the register*

#### **1085 Inspection of the register**

- (1) Any person may inspect the register.
- (2) The right of inspection extends to the originals of documents delivered to the registrar in hard copy form if, and only if, the record kept by the registrar of the contents of the document is illegible or unavailable.

The period for which such originals are to be kept is limited by section 1083(1).

- (3) This section has effect subject to section 1087 (material not available for public inspection).

#### **1086 Right to copy of material on the register**

- (1) Any person may require a copy of any material on the register.
- (2) The fee for any such copy of material derived from a document subject to the Directive disclosure requirements (see section 1078), whether in hard copy or electronic form, must not exceed the administrative cost of providing it.
- (3) This section has effect subject to section 1087 (material not available for public inspection).

#### **1087 Material not available for public inspection**

- (1) The following material must not be made available by the registrar for public inspection—

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- (a) the contents of any document sent to the registrar containing views expressed pursuant to section 56 (comments on proposal by company to use certain words or expressions in company name);
  - (b) protected information within section 242(1) (directors' residential addresses: restriction on disclosure by registrar) or any corresponding provision of regulations under section 1046 (overseas companies);
  - (c) any application to the registrar under section 1024 (application for administrative restoration to the register) that has not yet been determined or was not successful;
  - (d) any document received by the registrar in connection with the giving or withdrawal of consent under section 1075 (informal correction of documents);
  - (e) any application or other document delivered to the registrar under section 1088 (application to make address unavailable for public inspection) and any address in respect of which such an application is successful;
  - (f) any application or other document delivered to the registrar under section 1095 (application for rectification of register);
  - (g) any court order under section 1096 (rectification of the register under court order) that the court has directed under section 1097 (powers of court on ordering removal of material from the register) is not to be made available for public inspection;
  - (h) the contents of—
    - (i) any instrument creating or evidencing a charge and delivered to the registrar under section 860 (registration of company charges: England and Wales or Northern Ireland), or
    - (ii) any certified copy of an instrument creating or evidencing a charge and delivered to the registrar under section 878 (registration of company charges: Scotland);
  - (i) any e-mail address, identification code or password deriving from a document delivered for the purpose of authorising or facilitating electronic filing procedures or providing information by telephone;
  - (j) the contents of any documents held by the registrar pending a decision of the Regulator of Community Interest Companies under section 36 or 38 of the Companies (Audit, Investigations and Community Enterprise) Act 2004 (c. 27) (decision on eligibility for registration as community interest company) and that the registrar is not later required to record;
  - (k) any other material excluded from public inspection by or under any other 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.

### **1088 Application to registrar to make address unavailable for public inspection**

- (1) The Secretary of State may make provision by regulations requiring the registrar, on application, to make an address on the register unavailable for public inspection.

- (2) The regulations may make provision as to—
  - (a) who may make an application,
  - (b) the grounds on which an application may be made,
  - (c) the information to be included in and documents to accompany an application,
  - (d) the notice to be given of an application and of its outcome, and
  - (e) how an application is to be determined.
- (3) Provision under subsection (2)(e) may in particular—
  - (a) confer a discretion on the registrar;
  - (b) provide for a question to be referred to a person other than the registrar for the purposes of determining the application.
- (4) An application must specify the address to be removed from the register and indicate where on the register it is.
- (5) The regulations may provide—
  - (a) that an address is not to be made unavailable for public inspection under this section unless replaced by a service address, and
  - (b) that in such a case the application must specify a service address.
- (6) Regulations under this section are subject to affirmative resolution procedure.

#### **1089 Form of application for inspection or copy**

- (1) The registrar may specify the form and manner in which application is to be made for—
  - (a) inspection under section 1085, or
  - (b) a copy under section 1086.
- (2) As from 1st January 2007, applications in respect of documents subject to the Directive disclosure requirements may be submitted to the registrar in hard copy or electronic form, as the applicant chooses.

This does not affect the registrar's power under subsection (1) above to impose requirements in respect of other matters.

#### **1090 Form and manner in which copies to be provided**

- (1) The following provisions apply as regards the form and manner in which copies are to be provided under section 1086.
- (2) As from 1st January 2007, copies of documents subject to the Directive disclosure requirements must be provided in hard copy or electronic form, as the applicant chooses.

This is subject to the following proviso.

- (3) The registrar is not obliged by subsection (2) to provide copies in electronic form of a document that was delivered to the registrar in hard copy form if—
  - (a) the document was delivered to the registrar on or before 31st December 1996,
  - or

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- (b) the document was delivered to the registrar on or before 31st December 2006 and ten years or more elapsed between the date of delivery and the date of receipt of the first application for a copy on or after 1st January 2007.
- (4) Subject to the preceding provisions of this section, the registrar may determine the form and manner in which copies are to be provided.

#### **1091 Certification of copies as accurate**

- (1) Copies provided under section 1086 in hard copy form must be certified as true copies unless the applicant dispenses with such certification.
- (2) Copies so provided in electronic form must not be certified as true copies unless the applicant expressly requests such certification.
- (3) 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.
- (4) The Secretary of State may make provision by regulations as to the manner in which such a certificate is to be provided in a case where the copy is provided in electronic form.
- (5) Except in the case of documents that are subject to the Directive disclosure requirements (see section 1078), 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.

#### **1092 Issue of process for production of records kept by the registrar**

- (1) No process for compelling the production of a record kept by the registrar shall issue from any court except with the permission of the court.
- (2) Any such process shall bear on it a statement that it is issued with the permission of the court.