

SMALL BUSINESS, ENTERPRISE AND EMPLOYMENT ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 8: COMPANY FILING REQUIREMENTS

Directors' dates of birth

Section 96: Protection of information about a person's date of birth

653. This section amends section 1087 and inserts new complementary sections 1087A and 1087B in the Companies Act 2006. The section requires the registrar to omit the “day” of the date of birth of company directors and people with significant control over a company from the material on the register available for public inspection. The “month and year” will still be available for public inspection on the register.
654. Companies will still be required to send the registrar full details of the dates of birth of their directors and people with significant control. This information will remain available for inspection on the company's own register (unlike directors' usual residential addresses). The day element will be suppressed from public inspection on the register, except in certain situations (new section 1087A(4)):
- i. When a private company, or subscribers wishing to form a private company, make an election to hold the company's register of directors or register of people with significant control on the public register. In such instances the public register will contain the full date of birth that would otherwise be available on inspection of the company's own register; and
 - ii. Where the document containing the date of birth information was registered by the registrar before section 94 comes into force.
655. The registrar must not disclose date of birth information to third parties, other than as permitted by new section 1087B. New section 1087B allows the registrar to disclose the full date of birth information to public authorities specified under regulations made by the Secretary of State and credit reference agencies. Subsection (3) applies subsections 243(3) to (8) of the Companies Act 2006 ('Permitted use or disclosure by the registrar') for the purposes of subsection (2) which enables the Secretary of State to make further provision in relation to the discharge of a person's full date of birth in regulations, including specifying conditions for the disclosure.