



Small Business, Enterprise and Employment Act 2015

2015 CHAPTER 26

PART 8

COMPANY FILING REQUIREMENTS

Director disputes

102 Removal from register of material about directors

(1) In section 1095 of the Companies Act 2006 (rectification of register on application to registrar), after subsection (4) insert—

“(4A) Subsections (4B) and (4C) apply, in place of subsection (4), in a case where—

- (a) the material specified in the application is material naming a person—
 - (i) in a statement of a company’s proposed officers as a person who is to be a director of the company, or
 - (ii) in a notice given by a company under section 167 or 167D as a person who has become a director of the company, and
- (b) the application is made by or on behalf of the person named and is accompanied by a statement that the person did not consent to act as director of the company.

(4B) If the company provides the registrar with the necessary evidence within the time required by the regulations, the registrar must not remove the material from the register.

(4C) If the company does not provide the registrar with the necessary evidence within that time—

- (a) the material is conclusively presumed for the purposes of this section to be derived from something that is factually inaccurate, and

Status: This is the original version (as it was originally enacted).

- (b) the registrar must accept the applicant’s statement as sufficient evidence that the material should be removed from the register.
- (4D) “The necessary evidence” is—
 - (a) evidence sufficient to satisfy the registrar that the person did consent to act as director of the company, plus
 - (b) a statement by the company that the evidence provided by it is true and is not misleading or deceptive in any material particular.”
- (2) The amendment made by this section does not apply to material contained in a statement of proposed officers or notice given under section 167 or 167D of the Companies Act 2006 if the statement or notice was received by the registrar before this section comes into force.