

**EXPLANATORY MEMORANDUM TO
THE COMPANIES (DISCLOSURE OF DATE OF BIRTH INFORMATION)
REGULATIONS 2015**

2015 No. 1694

1. This explanatory memorandum has been prepared by the Department for Business, Innovation and Skills and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

To allow the registrar of companies to disclose restricted information about a director's date of birth to specified public authorities.

3. Matters of special interest to the Joint Committee on Statutory Instruments

None.

4. Legislative Context

4.1 Section 167 of the Companies Act 2006 ("the 2006 Act") requires all companies to notify the registrar of companies of the appointment of a director and provide the particulars that are required to be included in the company's register of directors. This includes the director's full date of birth. This information is available for public inspection under section 1085 of the 2006 Act.

4.2 Section 96 of the Small Business, Enterprise and Employment Act 2015 amends Part 35 (Registrar of Companies) of the 2006 Act, including the insertion of sections 1087A and 1087B. Section 1087, as amended, and 1087A provide that the day of the month in which the director was born will not be available for public inspection on the public companies register. Section 1087B provides that full date of birth information may be disclosed to credit reference agencies and gives the Secretary of State the power to make regulations to allow the registrar to disclose this information to specified public authorities. The regulations set out the public bodies which may receive this information.

5. Territorial Extent and Application

This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The Companies Act 2006 requires the full date of birth of directors of UK companies to be provided to the registrar of companies and made publicly available. However, the registrar of companies and the Department for Business, Innovation and Skills have received a number of complaints about identity theft and personal data.

7.2 The Government's aim is to ensure that information on the public companies register is of real, practical use whilst ensuring that it does not become a tool for abuse by exposing individuals to the risk of identity theft or fraud. Suppressing the day of a director's birth, so that only the month and year will be visible to those searching, aims to make it more difficult for criminals to obtain a director's full date of birth.

7.3 It is important for enforcement purposes that companies still provide the director's full date of birth to the registrar of companies. The regulations allow the registrar to disclose this information to specified public authorities. These authorities are the same as those that are able to receive information about directors' residential addresses which is also not available for public inspection on the public register.

- ***Consolidation***

7.4 The regulations do not amend another instrument.

8. Consultation outcome

8.1 In October 2013, the Government consulted on a package of deregulatory proposals relating to company filing requirements. This consultation asked for views on whether it was appropriate that all, or part of the dates of birth of directors should be suppressed on the public register.

8.2 130 responses were received to this question. 80% of respondents agreed that the date of birth of directors should be suppressed in part or full. Many of those who responded felt that suppression in part was sufficient to eliminate the use of this information by others.

9. Guidance

No guidance will be available. There is no change in the information which companies are required to provide to the registrar of companies. The public authorities which will be entitled to receive restricted date of birth information are the same as those which are currently entitled to receive restricted directors' residential address information.

10. Impact

10.1 The Government does not expect any impact on business, charities or voluntary bodies. There is no change in the information that companies are required to provide to the registrar of companies.

10.2 The impact on the public sector is negligible.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

The regulations do not apply to small business.

12. Monitoring & review

The Government intends to review the regulations as part of its review of the provisions on company filing requirements in Part 8 of the Small Business, Enterprise and Employment Act 2015 by 2020.

13. Contact

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