

**EXPLANATORY MEMORANDUM TO**  
**THE COMPANIES (DISCLOSURE OF ADDRESS) (AMENDMENT) REGULATIONS**

**2015 No. 842**

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 amend the Companies (Disclosure of Address) Regulations 2009 (SI 2009/214) (“the 2009 Regulations”) by including the Minister for the Cabinet Office in Schedule 1 to the 2009 Regulations. Schedule 1 specifies the public authorities to whom the registrar of companies may disclose protected information in accordance with section 243 of the Companies Act 2006. For this purpose “protected information”, as defined by section 240(1) of that Act, means information as to the usual residential address of a company director who is an individual, or information that the service address of such a company director is his usual address.

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

None.

**4. Legislative Context**

4.1 Under section 242 of the Companies Act 2006 (“the 2006 Act”), the registrar of companies is under a duty to omit information about a director’s usual residential address from the public record. Under section 243 of the 2006 Act, the registrar may disclose information about a director’s usual residential address only to specified public authorities and credit reference agencies under conditions to be specified in regulations. The 2009 Regulations specify which public authorities may receive this information and the conditions for this disclosure.

4.2 This instrument will allow the Minister for Cabinet Office to be able to access information on the residential address of directors of registered companies for the purpose of exercising the legislative function under section 9 of the Local Audit and Accountability Act 2014. This confers upon the Minister for Cabinet Office the power to demand or request the provision of data for the undertaking of a data matching service to identify potential fraud: the National Fraud Initiative.

4.3 Further to the specific power under section 9 of the Local Audit and Accountability Act 2014, the provision of access to this data will allow the Minister for Cabinet Office to carry out their duties and functions, as defined in the “List of Ministerial Responsibilities” published by the Cabinet Office in January 2015, which include responsibility for Government efficiency and reform, leading on Fraud Error and Debt.

## **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 This instrument will place the Minister for the Cabinet Office on Schedule 1 of the 2009 Regulations. This will better support and more fully provide for counter fraud activities across government.

7.2 The National Fraud Initiative (NFI) has helped trace over £203m in fraudulent overpayments, including £39m in council tax single person discount, £33m in housing benefit, £27m in social housing / right to buy and £10m in payroll fraud. These are the areas of fraud where undeclared income, household composition and UK immigration status were the main elements in the fraud.

7.3 Placing the Minister for the Cabinet Office on Schedule 1 of the 2009 Regulations will provide the NFI with access to directors address data. This will be used in conjunction with the complimentary information received from Companies House and supplementing other data sources to improve the identification of potential additional income, additional residences and entitlement to work, thereby directly reducing government's losses to fraud.

- ***Consolidation***

7.4 Schedule 1 of the 2009 Regulations has only had one change made to it by the Companies (Disclosure of Address) (Amendment) Regulations 2010 (S.I. 2010/2156) and so the Department for Business, Innovation and Skills has no plans for consolidation at this time.

## **8. Consultation outcome**

Not applicable.

## **9. Guidance**

Not relevant.

## **10. Impact**

An impact assessment has not been produced for this instrument, as no impact on the private, voluntary or public sector is foreseen.

**11. Regulating small business**

The legislation does not apply to small business.

**12. Monitoring & review**

Not relevant.

**13. Contact**

Rob Cottam at the Department for Business, Innovation and Skills Tel: 0207 215 0169  
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