

SCHEDULE 3

Regulation 5

CONSEQUENTIAL AND SUPPLEMENTARY AMENDMENTS

Consequential and supplementary amendments to the Limited Liability Partnerships Act 2000

1. In section 2 of the Limited Liability Partnerships Act 2000 (incorporation document etc)—
 - (a) omit “and” at the end of subsection (2)(e) and insert “and” at the end of subsection (2)(f); and
 - (b) after subsection (2)(f) insert—
 - “(g) include a statement of initial significant control.”.

Consequential and supplementary amendments to the principal Regulations

2. In regulation 3(2) of the principal Regulations, after paragraph (c) insert—
 - “(d) references in provisions applied to LLPs to provisions of the Register of People with Significant Control Regulations 2016 are to those provisions as applied to LLPs by the Limited Liability Partnerships (Register of People with Significant Control) Regulations 2016.”.
3. After regulation 3 of the principal Regulations, insert—

“PART 1A

INCORPORATION

Statement of initial significant control

- 3A. Section 12A applies to LLPs, modified so that it reads as follows—

“12A Statement of initial significant control

(1) The statement of initial significant control required to be included in the incorporation document delivered to the registrar must—

- (a) state whether, on incorporation, there will be anyone who will count for the purposes of section 790M (register of people with significant control over an LLP) as either a registrable person or a registrable relevant legal entity in relation to the LLP,
- (b) include the required particulars of anyone who will count as such, and
- (c) include any other matters that on incorporation will be required (or, in the absence of an election under section 790X, would be required) to be entered in the LLP’s PSC register by virtue of section 790M.

(2) It is not necessary to include under subsection (1)(b) the date on which someone becomes a registrable person or a registrable relevant legal entity in relation to the LLP.

(3) If the statement includes required particulars of an individual, it must also contain a statement that those particulars are included with the knowledge of that individual.

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(4) “Registrable person”, “registrable relevant legal entity” and “required particulars” have the meanings given in sections 790C and 790K.””

4. In regulation 19 of the principal Regulations, in the modification of section 243 (permitted use or disclosure by the registrar), after paragraph 5(e) insert—

“(f) in regulation 5(2)(a), for the words after “will be subjected to violence or intimidation as a result of the activities of at least one of” substitute—

- “(i) the companies of which he is, or proposes to become, a director;
- (ii) the companies of which he was a director;
- (iii) the overseas companies of which he is or has been a director, secretary or permanent representative;
- (iv) the limited liability partnerships of which he is or has been a member;
- (v) the limited liability partnerships of which he proposes to become a member;
- (vi) the companies of which he is, or proposes to become a registrable person under Part 21A of the Act;
- (vii) the companies of which he used to be a registrable person under Part 21A of the Act;
- (viii) the limited liability partnerships of which that individual is, or proposes to become a registrable person under Part 21A of the Act as applied to limited liability partnerships by Part 8 of these Regulations; and
- (ix) the limited liability partnerships of which that individual used to be a registrable person under Part 21A of the Act as applied to limited liability partnerships by Part 8 of these Regulations.””

5. In regulation 66 of the principal Regulations, in the modification of section 1087(1) (material not available for public inspection), after paragraph (c) insert—

- “(ca) information to which sections 240 to 244 are applied by section 790ZF(1) (residential addresses of people with significant control over the LLP);
- (cb) information that, by virtue of regulations under section 790ZG, the registrar must omit from the material on the register that is available for public inspection;”

6. In regulation 72(1) of the principal Regulations, in the modification of section 1126 (consents required for certain prosecutions), after “Companies Act 1985” insert “or under section 1112 of this Act”.

7. In regulation 74 of the principal Regulations, in the modification of section 1136(2) (where certain LLP records to be kept available for inspection), after the entry for section 743 insert—

“section 790M (register of people with significant control over an LLP);
section 790Z (historic PSC register);”

8. In regulation 5(2)(a) of the Companies (Disclosure of Address) Regulations 2009(1) after paragraph (iv) insert—

- “(v) the limited liability partnerships of which that individual proposes to become a member;
- (vi) the limited liability partnerships of which that individual is, or proposes to become, a registrable person under Part 21A of the Act as applied to LLPs by the Limited Liability Partnerships (Register of People with Significant Control) Regulations 2016; or

(1) S.I. 2009/214; relevant amending instruments are S.I. 2009/1941, 2009/2400, 2009/2437, 2010/2156, 2011/1043, 2011/2085, 2012/700, 2013/472, 2013/1682, 2014/469, 2014/549, 2014/631 and 2015/842.

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- (vii) the limited liability partnerships of which that individual used to be a registrable person under Part 21A of the Act as applied to LLPs by the Limited Liability Partnerships (Register of People with Significant Control) Regulations 2016.”