

## SCHEDULE 3

Regulation 5

### CONSEQUENTIAL AMENDMENTS

#### **Amendment to the Companies (Disclosure of Date of Birth Information) Regulations 2015**

1. The Companies (Disclosure of Date of Birth Information) Regulations 2015(1) are amended as follows.

2. In Schedule 1 (Specified Public Authorities)—

(a) after “the Treasury;” insert—

“the Treasury Solicitor;” and

(b) omit “an overseas regulatory authority within the meaning of section 82 of the Companies Act 1989 (request for assistance by overseas regulatory authority);”.

3. In paragraph 4 of Part 1 of Schedule 2 (Conditions for Permitted Disclosure), before “Secret Intelligence Service,” insert “National Crime Agency,”.

#### **Amendment to the Companies (Disclosure of Address) Regulations 2009**

4. The Companies (Disclosure of Address) Regulations 2009(2) are amended as follows.

5. In regulation 9(1) (application under section 1088 to make an address unavailable for public inspection by an individual)—

(a) in sub-paragraph (e), omit “or”;

(b) in sub-paragraph (f), after “(duty to deliver information about people with significant control),” insert “or”; and

(c) after sub-paragraph (f) insert—

“(g) as a service address delivered to the registrar at the same time as a confirmation statement under section 853G (duty to deliver shareholder information: certain traded companies).”.

#### **Amendment to the Companies (Companies Authorised to Register) Regulations 2009**

6. In regulation 5 (Statement of capital and initial shareholdings) of the Companies (Companies Authorised to Register) Regulations 2009(3)—

(a) after paragraph (2)(b) insert—

“(ba) the aggregate amount (if any) unpaid on those shares (whether on account of their nominal value or by way of premium);”;

(b) in paragraph (2)(c)(iii), omit “and”; and

(c) omit paragraph (2)(d).

#### **Amendment to the European Public Limited-Liability Company Regulations 2004**

7. In regulation 85(9) (registration of a public company by the conversion of an SE) of the European Public Limited-Liability Company Regulations 2004(4)—

(a) in sub-paragraph (b), omit “and”;

(1) S.I. 2015/1694.

(2) S.I. 2009/214; relevant amending instruments are S.I. 1992/3179, 2002/912, 2009/1941, 2009/2400, 2016/339.

(3) S.I. 2009/2437, to which there are amendments not relevant to these Regulations.

(4) S.I. 2004/2326; relevant amending instruments are S.I. 2009/2400, 2014/23822016/375.

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- (b) after sub-paragraph (b), insert—
  - “(ba) the aggregate amount (if any) unpaid on those shares (whether on account of their nominal value or by way of premium); and”;
- (c) in sub-paragraph (c)(iii), omit “and”; and
- (d) omit sub-paragraph (d).

#### **Amendment to the RTM Companies (Model Articles) (England) Regulations 2009**

- 8.** In Schedule 1 to the RTM Companies (Model Articles) (England) Regulations 2009<sup>(5)</sup>—
  - (a) in article 26(5) (becoming a member), after “register of members” insert “(or, if an election under section 128B<sup>(6)</sup> of the Companies Act 2006 is in force in respect of the company, in the register kept by the registrar under section 1080 of that Act)”; and
  - (b) in article 33(4) (voting: general), after “register of members” insert “(or, if an election under section 128B of the Companies Act 2006 is in force in respect of the company, in the register kept by the registrar under section 1080 of that Act)”.

#### **Amendment to the RTM Companies (Model Articles) (Wales) Regulations 2011**

- 9.** In Schedule 1 to the RTM Companies (Model Articles) (Wales) Regulations 2011<sup>(7)</sup>—
  - (a) in article 26(4) (application for membership), after “register of members” insert “(or, if an election under section 128B of the Companies Act 2006 is in force in respect of the company, in the register kept by the registrar under section 1080 of that Act)”; and
  - (b) in paragraph 33(4) (voting: general), after “register of members” insert “(or, if an election under section 128B of the Companies Act 2006 is in force in respect of the company, in the register kept by the registrar under section 1080 of that Act)”.

#### **Amendment to the Companies and Limited Liability Partnerships (Filing Requirements) Regulations 2015**

**10.** In regulation 9(3)(b) (amendment to the Unregistered Companies Regulations 2009) of the Companies and Limited Liability Partnerships (Filing Requirements) Regulations 2015<sup>(8)</sup>, for “paragraph (d)”, substitute “sub-paragraph (2)(d)”.

#### **Amendment to the Companies (Shares and Share Capital) Order 2009**

**11.** In article 2(2) (statements of capital and returns of allotment by unlimited companies: prescribed particulars of the rights attached to shares) of the Companies (Shares and Share Capital) Order 2009<sup>(9)</sup>—

- (a) in sub-paragraph (n), omit “and”; and
- (b) for sub-paragraph (o), substitute—
  - “(o) section 730(5)(c)(i); and
  - (p) section 853D(4)(d)(i).”.

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<sup>(5)</sup> [S.I. 2009/2767](#), to which there are amendments not relevant to these Regulations.

<sup>(6)</sup> Section 128B of the Companies Act 2006 was inserted by the Small Business, Enterprise and Employment Act 2015 ([c.26](#)), paragraph 3 of Schedule 5.

<sup>(7)</sup> [S.I. 2011/2680](#), to which there are amendments not relevant to these Regulations.

<sup>(8)</sup> [S.I. 2015/1695](#).

<sup>(9)</sup> [S.I. 2009/388](#).

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