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STATUTORY INSTRUMENTS

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**2017 No. 694**

**The Scottish Partnerships (Register of People  
with Significant Control) Regulations 2017**

**PART 10**

Consequential amendments, transitional provision, and review

**Consequential amendment to the Companies Act 2006**

**78.** In section 790C(7) of the Companies Act 2006, after paragraph (a) insert—

- “(aa) it is an eligible Scottish partnership within the meaning of regulation 3(2) of the Scottish Partnerships (Register of People with Significant Control) Regulations 2017.”

**Consequential amendment to the Limited Liability Partnerships (Application of Companies Act 2006) Regulations 2009**

**79.** In regulation 31B(3) of the Limited Liability Partnerships (Application of Companies Act 2006) Regulations 2009<sup>M1</sup>, in the modification of section 790C(7) of the Companies Act 2006, after paragraph (a) insert—

- “(aa) it is an eligible Scottish partnership within the meaning of regulation 3(2) of the Scottish Partnerships (Register of People with Significant Control) Regulations 2017.”

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**Marginal Citations**

**M1** S.I. 2009/1804.

**Transitional provision in relation to regulations 78 and 79**

**80.**—(1) Where as a result of the amendment made by regulation 78 and 79 an eligible Scottish partnership is a registrable relevant legal entity in relation to a company or a limited liability partnership on the commencement day, the date on which the eligible Scottish partnership became a registrable relevant legal entity is the commencement day.

(2) Where as a result of the amendment made by regulation 79 or 80 a relevant change occurs such that, with effect from the commencement day—

- (a) an individual ceases to be a registrable person, or  
(b) a legal entity ceases to be a registrable relevant legal entity,

the date of the relevant change is the commencement day.

(3) In paragraph (1), “limited liability partnership” means a limited liability partnership incorporated under the Limited Liability Partnerships Act 2000<sup>(M2)</sup>;

**Marginal Citations**

M2 2000 c.12.

**Consequential amendment to the Limited Partnerships (Forms) Rules 2009**

- 81.**—(1) The Limited Partnerships (Forms) Rules 2009<sup>M3</sup> are amended as follows.
- (2) In rule 3 (forms to be used for the purpose of the Limited Partnerships Act 1907)—
- (a) in paragraph (1) after “Act” insert “ in England and Wales or Northern Ireland ”;
- (b) after paragraph (1) insert—
- “(1A) Subject to paragraph (1B), the form in Part 2 of the Schedule must be used for an application for the registration of a limited partnership under the 1907 Act in Scotland which is not accompanied by an application for designation as a private fund limited partnership under that Act.
- (1B) Where an application under Part 8 of the Scottish Partnerships (Register of People with Significant Control) Regulations 2017 is being made to omit disclosure of secured information<sup>M4</sup> about an individual who will count as a registrable person from the register, the prospective limited partnership must obtain from the registrar and use an alternative version of the form in Part 2 of the Schedule enabled with security features to apply for registration of the limited partnership under the 1907 Act in Scotland.”;
- (c) in paragraph (3) after “Act” insert “ in England and Wales or Northern Ireland ”;
- (d) after paragraph (3) insert—
- “(3A) Subject to paragraph (3B), the form in Part 5 of the Schedule must be used for any application for the registration of a limited partnership under the 1907 Act in Scotland which is accompanied by an application for designation as a private fund limited partnership under that Act.
- (3B) Where an application under Part 8 of the Scottish Partnerships (Register of People with Significant Control) Regulations 2017 is being made to omit disclosure of secured information about an individual who will count as a registrable person from the register, the prospective private fund limited partnership must obtain from the registrar and use an alternative version of the form in Part 5 of the Schedule enabled with security features to apply for registration of the limited partnership under the 1907 Act in Scotland.”;
- (e) after paragraph (4) insert—
- “(5) In this regulation “secured information” means the required particulars of a registrable person other than the information in regulation 17(1)(i) of the Scottish Partnerships (Register of People with Significant Control) Regulations 2017.”
- (3) After rule 3 insert—

**“Reproduction of Forms**

- 4.**—(1) A person reproducing the form in Part 2 or 5 of the Schedule for delivery to the registrar must obtain an image of the barcode set out on that form from the registrar.
- (2) The barcode must be included in the form in Part 2 or 5 of the Schedule in the format supplied by the registrar, in black ink, 13.5 mm high and 70.5 mm wide.
- (3) The barcode must be located on the form as shown in Part 2 or 5 of the Schedule as follows—
- (a) 41mm from the left edge of the A4 page,

- (b) 47.5mm from the top edge of the A4 page,
  - (c) 236mm from the bottom of the A4 page; and
  - (d) 98.55mm from the right edge of the A4 page.”
- (4) For the Schedule substitute the new Schedule set out in Schedule 6 to these Regulations.

**Marginal Citations**

**M3** S.R. 2009/2160.

**M4** See regulation 44(1) for the meaning of “secured information”.

**Protection for registrable persons applying for protection of secured information**

- 82.**—(1) This regulation applies where—
- (a) an individual is a registrable person in relation to an eligible Scottish partnership on the commencement day;
  - (b) before 24 July 2017 an application is made under regulation 48, 49 or 50 for the protection of secured information relating to the individual; and
  - (c) the registrar determines that the application is unsuccessful.
- (2) Subject to paragraph (3), during the protected period, the registrar—
- (a) must not use or disclose secured information relating to the individual, and
  - (b) must omit the information referred to in sub-paragraph (a) from the material on the register that is available for public inspection.
- (3) The registrar may use or disclose secured information relating to the individual—
- (a) for communicating with the individual, and
  - (b) where the application was made under regulation 49, for communicating with the eligible Scottish partnership which made the application.
- (4) Paragraph (5) applies where the individual ceases to be a registrable person in relation to the eligible Scottish partnership before the end of the protected period.
- (5) If, before the end of the protected period, the registrar receives notice from the individual setting out the date on which that individual ceased to be a registrable person in relation to the eligible Scottish partnership, the registrar—
- (a) must not use or disclose secured information relating to the individual which the registrar obtained before the end of the protected period, and
  - (b) must omit the information referred to in sub-paragraph (a) from the material on the register that is available for public inspection.
- (6) Where the registrar does not receive notice under paragraph (5), the registrar must as soon as reasonably practicable after the end of the protected period—
- (a) make the secured information available on the register for public inspection, and
  - (b) notify the individual and the eligible Scottish partnership to which the application under regulation 48, 49 or 50 related of the action taken under sub-paragraph (a).
- (7) In relation to an application to which this regulation applies regulation 54 (unsuccessful determination of application for protection of secured information) does not apply.
- (8) For the purposes of this regulation an application under regulation 48, 49 or 50 is made when it is registered by the registrar.
- (9) In this regulation—

“protected period” means, in relation to an appeal under regulation 53 (appeal against unsuccessful application under regulation 48, 49 or 50)—

- (a) where no such appeal has been brought, 12 weeks beginning with the day on which notice of the registrar's determination was sent under regulation 48(5), 49(5) or 50(5) of those regulations,
- (b) where such an appeal has been brought and dismissed, 12 weeks beginning with the day on which the court dismissed the appeal in accordance with regulation 53(5), or
- (c) where such an appeal has been brought and subsequently withdrawn or abandoned, 12 weeks beginning with the day on which the registrar became aware that the appeal had been withdrawn or abandoned.

### **Review**

**83.**—(1) The Secretary of State must from time to time—

- (a) carry out a review of these Regulations;
  - (b) set out the conclusions of the review in a report; and
  - (c) publish the report.
- (2) The report must in particular—
- (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations;
  - (b) assess the extent to which those objectives have been achieved; and
  - (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved in another way that imposed less regulation.
- (3) Reports under this regulation are to be published at intervals not exceeding five years.

**Changes to legislation:**

There are currently no known outstanding effects for the The Scottish Partnerships (Register of People with Significant Control) Regulations 2017, PART 10.