



# Companies Act 2006

## 2006 CHAPTER 46

### PART 42

#### STATUTORY AUDITORS

#### CHAPTER 2

#### INDIVIDUALS AND FIRMS

#### *Information*

#### **1223 Matters to be notified to the Secretary of State**

- (1) The Secretary of State may require a recognised supervisory body or a recognised qualifying body—
  - (a) to notify him immediately of the occurrence of such events as he may specify in writing and to give him such information in respect of those events as is so specified;
  - (b) to give him, at such times or in respect of such periods as he may specify in writing, such information as is so specified.
- (2) The notices and information required to be given must be such as the Secretary of State may reasonably require for the exercise of his functions under this Part.
- (3) The Secretary of State may require information given under this section to be given in a specified form or verified in a specified manner.
- (4) Any notice or information required to be given under this section must be given in writing unless the Secretary of State specifies or approves some other manner.

#### **[<sup>F1</sup>1223ZM] Matters to be notified to the competent authority**

- (1) The competent authority may require a recognised supervisory body—

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- (a) to notify the competent authority immediately of the occurrence of such events as the competent authority may specify in writing and to give the competent authority such information in respect of those events as is so specified;
  - (b) to give the competent authority, at such times or in respect of such periods as the competent authority may specify in writing, such information as is so specified.
- (2) The notices and information required to be given must be such as the competent authority may reasonably require for the exercise of its functions under this Part, the Statutory Auditors and Third Country Auditors Regulations 2016 or the Audit Regulation .
- (3) The competent authority may require information given under this section to be given in a specified form or verified in a specified manner.
- (4) Any notice or information required to be given under this section must be given in writing unless the competent authority specifies or approves some other manner.]

#### Textual Amendments

**F1** S. 1223ZA inserted (17.6.2016) by [The Statutory Auditors and Third Country Auditors Regulations 2016 \(S.I. 2016/649\)](#), reg. 1(1)(a), **Sch. 3 para. 31**

#### [<sup>F2</sup>1223A Notification of matters relevant to [<sup>F3</sup>approved third country competent authorities]

- [<sup>F4</sup>(1) A recognised supervisory body must notify the Secretary of State—
- (a) if a notifiable person becomes eligible for appointment as a statutory auditor, unless the notifiable person is an individual;
  - (b) if a notifiable person’s eligibility for appointment as a statutory auditor is withdrawn;
  - (c) of the reasons for any such withdrawal.]
- (2) A recognised supervisory body must also notify the Secretary of State of any reasonable grounds it has for suspecting that—
- (a) a person has contravened the law of the United Kingdom, or [<sup>F5</sup>an equivalent third country or transitional third country], and
  - (b) the act or omission constituting that contravention took place on the territory of an [<sup>F6</sup>equivalent third country or transitional third country].
- (3) In this section “ notifiable person ” means a member of the recognised supervisory body in question—
- (a) who is also [<sup>F7</sup>a third country auditor that has been approved by an approved third country competent authority]; and
  - (b) in respect of whom the [<sup>F8</sup>approved third country] competent authority is not the recognised supervisory body itself.]

#### Textual Amendments

**F2** S. 1223A inserted (6.4.2008) by [The Statutory Auditors and Third Country Auditors Regulations 2007 \(S.I. 2007/3494\)](#), **reg. 7(1)** (with [reg. 7\(2\)](#) (as amended by [S.I. 2008/499](#), **reg. 2(3)**))

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- F3** Words in s. 1223A heading substituted (31.12.2020) by [The Statutory Auditors and Third Country Auditors \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/177\)](#), regs. 2, **12(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** S. 1223A(1) substituted (17.6.2016) by [The Statutory Auditors and Third Country Auditors Regulations 2016 \(S.I. 2016/649\)](#), reg. 1(1)(a), **Sch. 3 para. 32(2)**
- F5** Words in s. 1223A(2)(a) substituted (31.12.2020) by [The Statutory Auditors and Third Country Auditors \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/177\)](#), regs. 2, **12(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in s. 1223A(2)(b) substituted (31.12.2020) by [The Statutory Auditors and Third Country Auditors \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/177\)](#), regs. 2, **12(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in s. 1223A(3)(a) substituted (31.12.2020) by [The Statutory Auditors and Third Country Auditors \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/177\)](#), regs. 2, **12(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F8** Words in s. 1223A(3)(b) substituted (31.12.2020) by [The Statutory Auditors and Third Country Auditors \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/177\)](#), regs. 2, **12(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

## **1224 The Secretary of State's power to call for information**

- (1) The Secretary of State may by notice in writing require a person within subsection (2) to give him such information as he may reasonably require for the exercise of his functions under this Part.
- (2) The persons within this subsection are—
  - (a) any recognised supervisory body,
  - (b) any recognised qualifying body, and
  - (c) any person eligible for appointment as a statutory auditor by virtue of this Chapter.
- (3) The Secretary of State may require that any information which he requires under this section is to be given within such reasonable time and verified in such manner as he may specify.

## **[<sup>F9</sup>1224ZA] The competent authority's power to call for information**

- (1) The competent authority may by notice in writing require any recognised supervisory body to give the competent authority such information as it may reasonably require for the exercise of its functions under this Part, the Statutory Auditors and Third Country Auditors Regulations 2016 or the Audit Regulation.
- (2) The competent authority may require that any information which it requires under this section is to be given within such reasonable time and verified in such manner as it may specify.]

### **Textual Amendments**

- F9** S. 1224ZA inserted (17.6.2016) by [The Statutory Auditors and Third Country Auditors Regulations 2016 \(S.I. 2016/649\)](#), reg. 1(1)(a), **Sch. 3 para. 33**

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## **[<sup>F10</sup>1224A] Restrictions on disclosure**

- (1) This section applies to information (in whatever form)—
- (a) relating to the private affairs of an individual, or
  - (b) relating to any particular business,
- that is provided to a body to which this section applies in connection with the exercise of its functions under this Part [<sup>F11</sup>sections 522 to 524 (notification to appropriate audit authority of resignation or removal of auditor), the Statutory Auditors and Third Country Auditors Regulations 2016 or the Audit Regulation]
- (2) This section applies to—
- (a) a recognised supervisory body,
  - (b) a recognised qualifying body,
  - [<sup>F12</sup>(c) the competent authority,]
  - (d) the Independent Supervisor,
  - (e) the Secretary of State, and
  - (f) a body designated by the Secretary of State under section 1252 (delegation of the Secretary of State's functions).
- (3) No such information may, during the lifetime of the individual or so long as the business continues to be carried on, be disclosed without the consent of that individual or (as the case may be) the person for the time being carrying on that business.
- (4) Subsection (3) does not apply to any disclosure of information that—
- (a) is made for the purpose of facilitating the carrying out by the body of any of its functions,
  - (b) is made to a person specified in Part 1 of Schedule 11A,
  - (c) is of a description specified in Part 2 of that Schedule, or
  - (d) is made in accordance with Part 3 of that Schedule.
- <sup>F13</sup>(5) .....
- (6) This section does not prohibit the disclosure of information if the information is or has been available to the public from any other source.
- (7) Nothing in this section authorises the making of a disclosure in contravention of [<sup>F14</sup>the data protection legislation].

### **Textual Amendments**

- F10** Ss. 1224A, 1224B inserted (6.4.2008) by [The Statutory Auditors and Third Country Auditors Regulations 2007 \(S.I. 2007/3494\)](#), **reg. 8(1)** (with **reg. 8(3)**)
- F11** Words in s. 1224A(1) substituted (17.6.2016) by [The Statutory Auditors and Third Country Auditors Regulations 2016 \(S.I. 2016/649\)](#), **reg. 1(1)(a)**, **Sch. 3 para. 34(2)**
- F12** S. 1224A(2)(c) substituted (17.6.2016) by [The Statutory Auditors and Third Country Auditors Regulations 2016 \(S.I. 2016/649\)](#), **reg. 1(1)(a)**, **Sch. 3 para. 34(3)**
- F13** S. 1224A(5) omitted (31.12.2020) by virtue of [The Statutory Auditors and Third Country Auditors \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/177\)](#), **regs. 2, 13**; 2020 c. 1, Sch. 5 para. 1(1)
- F14** Words in s. 1224A(7) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 125** (with **ss. 117, 209, 210**); S.I. 2018/625, **reg. 2(1)(g)**

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## **1224B Offence of disclosure in contravention of section 1224A**

- (1) A person who discloses information in contravention of section 1224A (restrictions on disclosure) is guilty of an offence, unless—
- (a) he did not know, and had no reason to suspect, that the information had been provided as mentioned in section 1224A(1), or
  - (b) he took all reasonable steps and exercised all due diligence to avoid the commission of the offence.
- (2) A person guilty of an offence under this section is liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine (or both);
  - (b) on summary conviction—
    - (i) in Scotland, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum, or to both;
    - (ii) in England and Wales or Northern Ireland, to imprisonment for a term not exceeding three months or to a fine not exceeding the statutory maximum, or to both.]

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### **Textual Amendments**

**F10** Ss. 1224A, 1224B inserted (6.4.2008) by [The Statutory Auditors and Third Country Auditors Regulations 2007 \(S.I. 2007/3494\)](#), [reg. 8\(1\)](#) (with [reg. 8\(3\)](#))

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