



Companies Act 2006

2006 CHAPTER 46

PART 25

COMPANY CHARGES

CHAPTER 3

POWERS OF THE SECRETARY OF STATE

893 Power to make provision for effect of registration in special register

- (1) In this section a “special register” means a register, other than the register of charges kept under this Part, in which a charge to which Chapter 1 or Chapter 2 applies is required or authorised to be registered.
- (2) The Secretary of State may by order make provision for facilitating the making of information-sharing arrangements between the person responsible for maintaining a special register (“the responsible person”) and the registrar that meet the requirement in subsection (4).

“Information-sharing arrangements” are arrangements to share and make use of information held by the registrar or by the responsible person.
- (3) If the Secretary of State is satisfied that appropriate information-sharing arrangements have been made, he may by order provide that—
 - (a) the registrar is authorised not to register a charge of a specified description under Chapter 1 or Chapter 2,
 - (b) a charge of a specified description that is registered in the special register within a specified period is to be treated as if it had been registered (and certified by the registrar as registered) in accordance with the requirements of Chapter 1 or, as the case may be, Chapter 2, and
 - (c) the other provisions of Chapter 1 or, as the case may be, Chapter 2 apply to a charge so treated with specified modifications.

Status: This is the original version (as it was originally enacted).

- (4) The information-sharing arrangements must ensure that persons inspecting the register of charges—
- (a) are made aware, in a manner appropriate to the inspection, of the existence of charges in the special register which are treated in accordance with provision so made, and
 - (b) are able to obtain information from the special register about any such charge.
- (5) An order under this section may—
- (a) modify any enactment or rule of law which would otherwise restrict or prevent the responsible person from entering into or giving effect to information-sharing arrangements,
 - (b) authorise the responsible person to require information to be provided to him for the purposes of the arrangements,
 - (c) make provision about—
 - (i) the charging by the responsible person of fees in connection with the arrangements and the destination of such fees (including provision modifying any enactment which would otherwise apply in relation to fees payable to the responsible person), and
 - (ii) the making of payments under the arrangements by the registrar to the responsible person,
 - (d) require the registrar to make copies of the arrangements available to the public (in hard copy or electronic form).
- (6) In this section “specified” means specified in an order under this section.
- (7) A description of charge may be specified, in particular, by reference to one or more of the following—
- (a) the type of company by which it is created,
 - (b) the form of charge which it is,
 - (c) the description of assets over which it is granted,
 - (d) the length of the period between the date of its registration in the special register and the date of its creation.
- (8) Provision may be made under this section relating to registers maintained under the law of a country or territory outside the United Kingdom.
- (9) An order under this section is subject to negative resolution procedure.