

Economic Crime and Corporate Transparency Act 2023

CHAPTER 56

ECONOMIC CRIME AND CORPORATE TRANSPARENCY ACT 2023

PART 1

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CHAPTER 1

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Changes to legislation: Economic Crime and Corporate Transparency Act 2023 is up to date with all changes known to be in force on or before 04 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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Removal of option to authenticate application by signature

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SCHEDULE 1 — Register of members: consequential amendments

- 1 The Companies Act 2006 is amended as follows.
- 2 In section 112 (the members of a company), omit subsection...
- 3 (1) Section 127 (register to be evidence) is amended as...
- 4 In section 129 (overseas branch registers), omit subsection (6).
- 5 In section 286 (votes of joint holders of shares), in...
- 6 In section 311 (contents of notices of meetings), in subsection...
- 7 In section 360B (traded companies: requirements for participating in and...
- 8 In section 554 (registration of allotment), omit subsection (2A).
- 9 In section 558 (when shares are allotted), omit the words...
- 10 In section 588 (liability of subsequent holders of shares), in...
- 11 In section 605 (liability of subsequent holders of shares), in...
- 12 In section 616 (interpretation of Chapter 7), in subsection (3),...
- 13 In section 655 (shares no bar to damages against company),...
- 14 In section 724 (Treasury shares), in subsection (4), omit the...
- 15 In section 770 (registration of transfer), omit subsection (3).
- 16 In section 771 (procedure on transfer being lodged), omit subsection...
- 17 In section 772 (transfer of shares on application of transferor)—...
- 18 In section 786 (provision enabling or requiring arrangements to be...
- 19 In section 853B (duties to notify a relevant event), omit...
- 20 In section 853F (duty to deliver shareholder information: non-traded companies),...
- 21 In section 1028A (administrative restoration of company with share warrants),...
- 22 In section 1032A (restoration by court of company with share...
- 23 (1) Section 1081 (annotation of the register) is amended as...
- In section 1136 (regulations about where certain company records to...
- 25 In Schedule 5 (communications by a company), in paragraph 16,...

SCHEDULE 2 — Abolition of certain local registers

PART 1 — REGISTER OF DIRECTORS

- 1 The Companies Act 2006 is amended as follows.
- 2 Omit— (a) sections 161A to 167F (register of directors etc);...
- 3 (1) Before section 168 (and before the italic heading before... PART 2 REGISTER OF SECRETARIES
- 4 The Companies Act 2006 is amended as follows.
- 5 Omit sections 274A to 279F (register of secretaries etc) (including...

- 6 Before section 280 insert— Notification of information about secretaries Duty...
 - PART 3 REGISTER OF PEOPLE WITH SIGNIFICANT CONTROL
- 7 The Companies Act 2006 is amended as follows.
- 8 In section 790A (overview of Part)— (a) in paragraph (b),...
- 9 In section 790C (key terms), omit subsection (10).
- 10 After section 790C insert— References to "confirmation" etc of information...
- 11 For sections 790D and 790E substitute— Duty to find out...
- 11 In section 790F (failure by company to comply with information...
- 12 For sections 790G and 790H substitute—Duty to notify company...
- 13 In section 790I (enforcement of disclosure requirements), for the words...
- 14 After section 790I insert—Power to impose further duties Power...
- 15 In section 790J (power to make exemptions)—
- 16 (1) Section 790K (required particulars) is amended as follows.
- 17 In section 790L (required particulars: power to amend), for subsection...
- 18 After section 790L insert— CHAPTER 2A Duty to notify registrar...
- 19 Omit Chapters 3 and 4 of Part 21A (company registers...
- 20 (1) Schedule 1B (enforcement of disclosure requirements in relation to... PART 4 CONSEQUENTIAL AMENDMENTS
- 21 The Companies Act 2006 is amended as follows.
- 22 (1) Section 12 (statement of proposed officers) is amended as...
- 23 In section 12A (statement of initial significant control), for subsection...
- 24 (1) Section 95 (statement of proposed secretary) is amended as...
- 25 (1) Section 156 (direction requiring company to make appointment of...
- 26 In section 156B (power to provide for exceptions from requirement...
- 27 In section 156C (existing director who is not a natural...
- 28 In section 853B (duties to notify a relevant event)—
- 29 In section 1079B (duty to notify directors), in subsections (1)(b)...
- 30 In section 1136 (regulations about where certain company records to...
- 31 In paragraph 4 of Schedule 5 (communications by a company)—...
- 32 In Schedule 8 (index of defined expressions), omit the entries...

SCHEDULE 3 — Disclosure of information: consequential amendments

- 1 Companies Act 2006
- 2 In section 242 (protected information: restriction on disclosure by registrar)....
- 3 (1) Section 243 (permitted disclosure by the registrar) is amended...
- 4 Economic Crime (Transparency and Enforcement) Act 2022
- 5 In section 40 (sharing of information by HMRC), in subsection...
- 6 In section 44 (interpretation), in subsection (1), at the end...

SCHEDULE 4 — Required information

SCHEDULE 5 — Limited partnerships: consequential amendments

- 1 The Limited Partnerships Act 1907 is amended as follows.
- 2 Before section 1 (short title) insert—Short title and interpretation...
- 3 Before section 4 (definition and constitution of limited partnership) insert—...
- 4 Before section 6 (modifications of general law in case of...
- 5 Before section 8 (duty to register and designate) insert— Registration...
- 6 Before section 15 (the registrar) insert— The registrar.

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SCHEDULE 6 — Duty to deliver information about changes in beneficiaries

- 1 The Economic Crime (Transparency and Enforcement) Act 2022 is amended...
- 2 (1) Section 7 (updating duty) is amended as follows.
- 3 (1) Section 9 (application for removal) is amended as follows....
- 4 For section 12 substitute— Duty to take steps to obtain...
- 5 In section 13, at the end insert—
- 6 After section 17 insert— Exceptions to duty to provide change...
- 7 In section 43 (transitional information), after subsection (1) insert—
- 8 In section 44 (interpretation), omit subsection (2).

SCHEDULE 7 — Overseas entities: further information for transitional cases

- 1 The Economic Crime (Transparency and Enforcement) Act 2022 is amended...
- 2 In section 16 (verification of registrable beneficial owners and managing...
- 3 After section 43 insert— Duty to deliver further information for...
- 4 After Schedule 5 insert— SCHEDULE 6 Duty to deliver further...

SCHEDULE 8 — Cryptoassets: confiscation orders

PART 1 — ENGLAND AND WALES

- 1 Introductory
- 2 Seizure of property
- 3 (1) Section 47C (power to seize property) is amended as...
- 4 In section 47R (release of property), in subsection (3)(b), at...
- 5 Detention and release of property
- 6 In section 47L (further detention pending variation of restraint order),...
- 7 (1) Section 47M (further detention in other cases) is amended...
- 8 In section 47R (release of property), after subsection (5) insert—...
- 9 Property held by persons subject to confiscation orders: destruction, realisation etc
- 10 (1) Section 51 (powers of enforcement receiver) is amended as...
- 11 (1) Section 67 (seized money) is amended as follows.
- 12 After section 67 insert— Cryptoassets (1) This section applies to cryptoassets which—
- 13 After section 67A insert—Destruction of seized cryptoassets (1) This section applies to cryptoassets which are held by...
- 14 (1) Section 67C (sections 67A and 67B: appeals) is amended...
- 15 In section 67D (proceeds of realisation), in subsection (1)(b), after...
- For the italic heading before section 67, substitute "Enforcement: money,...
- 17 In section 69 (powers of court and receiver etc), after...
- 18 Interpretation and miscellaneous provision

PART 2 — SCOTLAND

- 19 Introductory
- 20 Seizure of property
- 21 (1) Section 127C (power to seize property) is amended as...
- 22 In section 127Q (release of property), in subsection (3)(b), at...
- 23 Detention and release of property
- 24 In section 127L (further detention pending variation of restraint order),...
- 25 (1) Section 127M (further detention in other cases) is amended...
- 26 In section 127Q (release of property), after subsection (5) insert—...

- 27 Property held by persons subject to confiscation orders: destruction, realisation etc
- 28 (1) Section 131ZA (seized money) is amended as follows.
- 29 After section 131ZA insert—Cryptoassets (1) This section applies to cryptoassets which—
- 30 After section 131A insert— Destruction of seized cryptoassets (1) This section applies to cryptoassets which are held by...
- 31 (1) Section 131C (sections 131A and 131B: appeals) is amended...
- 32 In section 131D (proceeds of realisation), in subsection (1)(b), after...
- For the italic heading before section 131ZA, substitute "Enforcement: money,...
- 34 Omit the italic heading before section 131A.
- 35 In section 132 (powers of court and administrator etc), after...
- 36 Interpretation and miscellaneous provision PART 3 NORTHERN IRELAND
- 37 Introductory
- 38 Seizure of property
- 39 (1) Section 195C (power to seize property) is amended as...
- 40 In section 195R (release of property), in subsection (3)(b), at...
- 41 Detention and release of property
- 42 In section 195L (further detention pending variation of restraint order),...
- 43 (1) Section 195M (further detention in other cases) is amended...
- 44 In section 195R (release of property), after subsection (5) insert—...
- 45 Property held by persons subject to confiscation orders: destruction, realisation etc
- 46 (1) Section 199 (powers of enforcement receiver) is amended as...
- 47 (1) Section 215 (seized money) is amended as follows.
- 48 After section 215 insert— Cryptoassets (1) This section applies to cryptoassets which—
- 49 After section 215A insert— Destruction of seized cryptoassets (1) This section applies to cryptoassets which are held by...
- 50 (1) Section 215C (sections 215A and 215B: appeals) is amended...
- 51 In section 215D (proceeds of realisation), in subsection (1)(b), after...
- 52 For the italic heading before section 215, substitute "Enforcement: money,...
- 53 In section 217 (powers of court and receiver etc.), after...
- 54 Interpretation and miscellaneous provision

PART 4 — REGULATIONS

55 (1) Section 459 of the Proceeds of Crime Act 2002...

SCHEDULE 9 — Cryptoassets: civil recovery

PART 1 — AMENDMENTS OF PART 5 OF THE PROCEEDS OF CRIME ACT 2002

- 1 In Part 5 of the Proceeds of Crime Act 2002...
 - PART 2 CONSEQUENTIAL AND OTHER AMENDMENTS
- 2 Amendments to the Proceeds of Crime Act 2002
- 3 (1) Part 2 of the Proceeds of Crime Act 2002...
- 4 (1) Part 3 of the Proceeds of Crime Act 2002...
- 5 (1) Part 4 of the Proceeds of Crime Act 2002...
- 6 (1) Part 5 of the Proceeds of Crime Act 2002...
- 7 In section 316(1) (general interpretation)— (a) in the definition of...
- 8 (1) Part 8 of the Proceeds of Crime Act 2002...

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- In section 438 of the Proceeds of Crime Act 2002...
- 10 In section 441 of the Proceeds of Crime Act 2002...
- In section 450 of the Proceeds of Crime Act 2002... 11
- In section 453A of the Proceeds of Crime Act 2002...
- 13 In section 453B of the Proceeds of Crime Act 2002...
- 14 In section 453C of the Proceeds of Crime Act 2002...
- 15 (1) Section 459 of the Proceeds of Crime Act 2002...
- Amendments to the Civil Jurisdiction and Judgments Act 1982
- 17 Amendments to the UK Borders Act 2007

SCHEDULE 10 — Cryptoassets: terrorism

PART 1 — AMENDMENTS TO THE ANTI-TERRORISM, CRIME AND SECURITY **ACT 2001**

- Schedule 1 to the Anti-terrorism, Crime and Security Act 2001...
- After Part 4B insert—PART 4BA Seizure and detention of...
- In Part 1, in paragraph 1(1) (terrorist cash), for "and...
- In Part 4B (forfeiture of terrorist money held in bank...
- In Part 6, in paragraph 19(1), at the appropriate places... PART 2 — AMENDMENTS TO THE TERRORISM ACT 2000
- The Terrorism Act 2000 is amended as follows.
- In Schedule 6 (financial information)— (a) in paragraph 6(1) (meaning...
- In section 123 (orders and regulations), after subsection (6ZE) insert

SCHEDULE 11 — Economic crime offences

- Common law offences
- Conspiracy to defraud. 2
- In Scotland, the following offences at common law—
- Statutory offences
- 5 An offence under any of the following provisions of the...
- An offence under any of the following provisions of the...
- 7 An offence under the Forgery and Counterfeiting Act 1981 (forgery,...
- An offence under section 72 of the Value Added Tax...
- 9 An offence under section 46A of the Criminal Law (Consolidation)...
- 10 An offence under any of the following sections of the...
- An offence under any of the following sections of the... 11
- 12 An offence under any of the following sections of the...
- 13 An offence under any of the following sections of the...
- 14 An offence under any of the following sections of the...
- 15 An offence under any of the following sections of the... 16
- An offence under section 49 of the Criminal Justice and...
- An offence under any of the following sections of the... 17
- 18 An offence under section 45 or 46 of the Criminal...
- 19 An offence under regulation 86 of the Money Laundering, Terrorist...
- 20 An offence under regulations made under section 49 of the...
- 21 An offence under section 199 of this Act (failure to...
- (1) An offence under an instrument made under section 2(2)...

SCHEDULE 12 — Criminal liability of bodies: economic crimes

- Common law offences 1
- Conspiracy to defraud.
- In Scotland, the following offences at common law—

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- 4 Statutory offences
- 5 An offence under any of the following provisions of the...
- 6 An offence under any of the following provisions of the...
- An offence under the Forgery and Counterfeiting Act 1981 (forgery,...
- 8 An offence under section 72 of the Value Added Tax...
- 9 An offence under section 46A of the Criminal Law (Consolidation)...
- 10 An offence under any of the following sections of the...
- 11 An offence under any of the following sections of the...
- 12 An offence under any of the following sections of the...
- 13 An offence under section 993 of the Companies Act 2006...
- 14 An offence under any of the following sections of the...
- 15 An offence under any of the following sections of the...
- 16 An offence under section 49 of the Criminal Justice and...
- 17 An offence under any of the following sections of the...
- 18 An offence under regulation 86 of the Money Laundering, Terrorist...
- 19 An offence under regulations made under section 49 of the...
- 20 (1) An offence under an instrument made under section 2(2)...

SCHEDULE 13 — Failure to prevent fraud: fraud offences

- 1 Common law offences
- 2 In Scotland, the following offences at common law—
- 3 Statutory offences
- 4 An offence under any of the following provisions of the...
- 5 An offence under section 993 of the Companies Act 2006...
- 6 An offence under any of the following provisions of the...

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Changes and effects yet to be applied to:
      s. 179 coming into force by S.R. 2024/82 art. 2
      s. 179 coming into force by S.I. 2024/269 reg. 4(a)
      s. 180 coming into force by S.I. 2024/269 reg. 4(b)(i)
      s. 180 coming into force by S.I. 2024/269 reg. 4(b)(ii)
      s. 181 coming into force by S.I. 2024/269 reg. 4(c)
      s. 185(1)-(11)(14) coming into force by S.I. 2024/269 reg. 4(d)
      s. 186(1)-(12)(15) coming into force by S.I. 2024/269 reg. 4(e)
      Sch. 8 para. 37 coming into force by S.R. 2024/82 art. 2
      Sch. 8 para. 38 coming into force by S.R. 2024/82 art. 2
      Sch. 8 para. 39 coming into force by S.R. 2024/82 art. 2
      Sch. 8 para. 40 coming into force by S.R. 2024/82 art. 2
      Sch. 8 para. 41 coming into force by S.R. 2024/82 art. 2
      Sch. 8 para. 42 coming into force by S.R. 2024/82 art. 2
      Sch. 8 para. 43 coming into force by S.R. 2024/82 art. 2
      Sch. 8 para. 44 coming into force by S.R. 2024/82 art. 2
      Sch. 8 para. 45 coming into force by S.R. 2024/82 art. 2
      Sch. 8 para. 46 coming into force by S.R. 2024/82 art. 2
      Sch. 8 para. 47 coming into force by S.R. 2024/82 art. 2
      Sch. 8 para. 48 coming into force by S.R. 2024/82 art. 2
      Sch. 8 para. 49 coming into force by S.R. 2024/82 art. 2
      Sch. 8 para. 50 coming into force by S.R. 2024/82 art. 2
      Sch. 8 para. 51 coming into force by S.R. 2024/82 art. 2
      Sch. 8 para. 52 coming into force by S.R. 2024/82 art. 2
      Sch. 8 para. 53 coming into force by S.R. 2024/82 art. 2
      Sch. 8 para. 54 coming into force by S.R. 2024/82 art. 2
      Sch. 8 para. 1 coming into force by S.I. 2024/269 reg. 4(a)
      Sch. 8 para. 2 coming into force by S.I. 2024/269 reg. 4(a)
      Sch. 8 para. 3 coming into force by S.I. 2024/269 reg. 4(a)
      Sch. 8 para. 4 coming into force by S.I. 2024/269 reg. 4(a)
      Sch. 8 para. 5 coming into force by S.I. 2024/269 reg. 4(a)
      Sch. 8 para. 6 coming into force by S.I. 2024/269 reg. 4(a)
      Sch. 8 para. 7 coming into force by S.I. 2024/269 reg. 4(a)
      Sch. 8 para. 8 coming into force by S.I. 2024/269 reg. 4(a)
      Sch. 8 para. 9 coming into force by S.I. 2024/269 reg. 4(a)
      Sch. 8 para. 10 coming into force by S.I. 2024/269 reg. 4(a)
      Sch. 8 para. 11 coming into force by S.I. 2024/269 reg. 4(a)
      Sch. 8 para. 12 coming into force by S.I. 2024/269 reg. 4(a)
      Sch. 8 para. 13 coming into force by S.I. 2024/269 reg. 4(a)
      Sch. 8 para. 14 coming into force by S.I. 2024/269 reg. 4(a)
      Sch. 8 para. 15 coming into force by S.I. 2024/269 reg. 4(a)
      Sch. 8 para. 16 coming into force by S.I. 2024/269 reg. 4(a)
      Sch. 8 para. 17 coming into force by S.I. 2024/269 reg. 4(a)
      Sch. 8 para. 18 coming into force by S.I. 2024/269 reg. 4(a)
      Sch. 9 para. 1 coming into force by S.I. 2024/269 reg. 4(b)(i)
      Sch. 9 para. 2 coming into force by S.I. 2024/269 reg. 4(b)(i)
      Sch. 9 para. 3 coming into force by S.I. 2024/269 reg. 4(b)(i)
      Sch. 9 para. 4 coming into force by S.I. 2024/269 reg. 4(b)(i)
      Sch. 9 para. 5 coming into force by S.I. 2024/269 reg. 4(b)(i)
      Sch. 9 para. 6 coming into force by S.I. 2024/269 reg. 4(b)(i)
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Sch. 9 para. 7 coming into force by S.I. 2024/269 reg. 4(b)(i)
Sch. 9 para. 8 coming into force by S.I. 2024/269 reg. 4(b)(i)
Sch. 9 para. 9 coming into force by S.I. 2024/269 reg. 4(b)(i)
Sch. 9 para. 10 coming into force by S.I. 2024/269 reg. 4(b)(i)
Sch. 9 para. 11 coming into force by S.I. 2024/269 reg. 4(b)(i)
Sch. 9 para. 12 coming into force by S.I. 2024/269 reg. 4(b)(i)
Sch. 9 para. 13 coming into force by S.I. 2024/269 reg. 4(b)(i)
Sch. 9 para. 14 coming into force by S.I. 2024/269 reg. 4(b)(i)
Sch. 9 para. 15 coming into force by S.I. 2024/269 reg. 4(b)(i)
Sch. 9 para. 16 coming into force by S.I. 2024/269 reg. 4(b)(i)
Sch. 9 para. 17 coming into force by S.I. 2024/269 reg. 4(b)(i)
Sch. 9 para. 1 coming into force by S.I. 2024/269 reg. 4(b)(ii)
Sch. 9 para. 2 coming into force by S.I. 2024/269 reg. 4(b)(ii)
Sch. 9 para. 3 coming into force by S.I. 2024/269 reg. 4(b)(ii)
Sch. 9 para. 4 coming into force by S.I. 2024/269 reg. 4(b)(ii)
Sch. 9 para. 5 coming into force by S.I. 2024/269 reg. 4(b)(ii)
Sch. 9 para. 6 coming into force by S.I. 2024/269 reg. 4(b)(ii)
Sch. 9 para. 7 coming into force by S.I. 2024/269 reg. 4(b)(ii)
Sch. 9 para. 8 coming into force by S.I. 2024/269 reg. 4(b)(ii)
Sch. 9 para. 9 coming into force by S.I. 2024/269 reg. 4(b)(ii)
Sch. 9 para. 10 coming into force by S.I. 2024/269 reg. 4(b)(ii)
Sch. 9 para. 11 coming into force by S.I. 2024/269 reg. 4(b)(ii)
Sch. 9 para. 12 coming into force by S.I. 2024/269 reg. 4(b)(ii)
Sch. 9 para. 13 coming into force by S.I. 2024/269 reg. 4(b)(ii)
Sch. 9 para. 14 coming into force by S.I. 2024/269 reg. 4(b)(ii)
Sch. 9 para. 15 coming into force by S.I. 2024/269 reg. 4(b)(ii)
Sch. 9 para. 16 coming into force by S.I. 2024/269 reg. 4(b)(ii)
Sch. 9 para. 17 coming into force by S.I. 2024/269 reg. 4(b)(ii)
Sch. 10 para. 1 coming into force by S.I. 2024/269 reg. 4(c)
Sch. 10 para. 2 coming into force by S.I. 2024/269 reg. 4(c)
Sch. 10 para. 3 coming into force by S.I. 2024/269 reg. 4(c)
Sch. 10 para. 4 coming into force by S.I. 2024/269 reg. 4(c)
Sch. 10 para. 5 coming into force by S.I. 2024/269 reg. 4(c)
Sch. 10 para. 6 coming into force by S.I. 2024/269 reg. 4(c)
Sch. 10 para. 7 coming into force by S.I. 2024/269 reg. 4(c)
Sch. 10 para. 8 coming into force by S.I. 2024/269 reg. 4(c)
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