

# Economic Crime and Corporate Transparency Act 2023

#### **CHAPTER 56**

# ECONOMIC CRIME AND CORPORATE TRANSPARENCY ACT 2023

# PART 1

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Status: This is the original version (as it was originally enacted).

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#### **SCHEDULES**

#### 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...
- 24 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.

# 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—...
- 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...

Status: This is the original version (as it was originally enacted).

- 9 In section 438 of the Proceeds of Crime Act 2002...
- 10 In section 441 of the Proceeds of Crime Act 2002...
- 11 In section 450 of the Proceeds of Crime Act 2002...
- 12 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...
- 16 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

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

#### SCHEDULE 11 — Economic crime offences

- 1 Common law offences
- 2 Conspiracy to defraud.
- 3 In Scotland, the following offences at common law—
- 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...
- 7 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 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...
- 17 An offence under any of the following sections of the...
- 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...
- 22 (1) An offence under an instrument made under section 2(2)...

#### SCHEDULE 12 — Criminal liability of bodies: economic crimes

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

- 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...