



Economic Crime and Corporate Transparency Act 2023

2023 CHAPTER 56

PART 2

PARTNERSHIPS

CHAPTER 2

MISCELLANEOUS PROVISION ABOUT PARTNERSHIPS

153 Registration of qualifying Scottish partnerships

- (1) The Secretary of State may by regulations—
 - (a) make provision requiring the delivery to the registrar of information in connection with a qualifying Scottish partnership;
 - (b) make provision for the purpose of ensuring that a partner of a qualifying Scottish partnership has at least one managing officer who is an individual whose identity is verified (within the meaning of section 1110A of the Companies Act 2006);
 - (c) make provision in relation to qualifying Scottish partnerships that corresponds or is similar to any provision relating to companies or limited partnerships made by or under, or capable of being made under, any Act.
- (2) The regulations may create summary offences, punishable with a fine, in connection with any provision made by virtue of subsection (1)(a) or (b).
- (3) Do not read subsection (2) as impliedly limiting the provision that can be made by virtue of subsection (1)(c).
- (4) The provision that may be made by virtue of subsection (1)(c) includes provision for the purpose mentioned in subsection (1)(b).

Status: This is the original version (as it was originally enacted).

- (5) The provision which may be made by regulations under subsection (1) by virtue of section 217(1)(a) includes provision amending, repealing or revoking provision made by or under any Act, whenever passed or made.
- (6) In this section—
- “managing officer” has the meaning given by section 3(1) of the Limited Partnerships Act 1907;
 - “qualifying Scottish partnership” means a partnership, other than a limited partnership, that—
 - (a) is constituted under the law of Scotland, and
 - (b) is a qualifying partnership with the meaning given by regulation 3 of the Partnership (Accounts) Regulations 2008;
 - “the registrar” means registrar of companies for Scotland.

154 Power to amend disqualification legislation in relation to relevant entities: GB

After section 22H of the Company Directors Disqualification Act 1986 insert—

“22I Power to amend application of Act in relation to relevant entities

- (1) The Secretary of State may by regulations amend this Act for the purpose of applying, or modifying the application of, any of its provisions in relation to relevant entities.
- (2) For that purpose, the regulations may in particular—
- (a) extend the company disqualification conditions to include corresponding conditions relating to a relevant entity;
 - (b) limit the company disqualification conditions to remove conditions relating to a relevant entity;
 - (c) modify which company disqualification conditions can, in combination with each other, result in a person being disqualified under this Act;
 - (d) provide for any of the company disqualification conditions to result in or contribute to a person being disqualified from acting in a role or doing something in relation to a relevant entity.
- (3) In this section “the company disqualification conditions” means the conditions that can result in or contribute to a person being disqualified under this Act from acting in a role or doing something in relation to any entity.
- (4) In this section a “relevant entity” means—
- (a) a limited partnership registered under the Limited Partnerships Act 1907;
 - (b) a limited liability partnership registered under the Limited Liability Partnerships Act 2000;
 - (c) a partnership, other than a limited partnership, that is—
 - (i) constituted under the law of Scotland, and
 - (ii) a qualifying partnership within the meaning given by regulation 3 of the Partnerships (Accounts) Regulations 2008.
- (5) Regulations under this section may make—

- (a) consequential, supplementary, incidental, transitional or saving provision;
 - (b) different provision for different purposes.
- (6) The provision which may be made by virtue of subsection (5)(a) includes provision amending provision made by or under either of the following, whenever passed or made—
- (a) an Act;
 - (b) Northern Ireland legislation.
- (7) Regulations under this section are to be made by statutory instrument.
- (8) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

155 Power to amend disqualification legislation in relation to relevant entities: NI

- (1) The Company Directors Disqualification (Northern Ireland) Order 2002 (S.I. 2002/3150 (N.I. 4)) is amended as follows.
- (2) In Article 2(2) (interpretation), for the definition of “regulations” substitute—
 ““regulations”, except in Articles 13D and 25D, means regulations made by the Department subject (except in Article 23(3)) to negative resolution;”.
- (3) After Article 25C insert—

“25D Power to amend application of Order in relation to relevant entities

- (1) The Secretary of State or the Department may by regulations amend this Order for the purpose of applying, or modifying the application of, any of its provisions in relation to relevant entities.
- (2) For that purpose, the regulations may in particular—
- (a) extend the company disqualification conditions to include corresponding conditions relating to a relevant entity;
 - (b) limit the company disqualification conditions to remove conditions relating to a relevant entity;
 - (c) modify which company disqualification conditions can, in combination with each other, result in a person being disqualified under this Order;
 - (d) provide for any of the company disqualification conditions to result in or contribute to a person being disqualified from acting in a role or doing something in relation to a relevant entity.
- (3) The Secretary of State must obtain the consent of the Department before making regulations under this Article.
- (4) In this Article “the company disqualification conditions” means the conditions that can result in or contribute to a person being disqualified under this Order from acting in a role or doing something in relation to any entity.
- (5) In this Article a “relevant entity” means—

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

- (a) a limited partnership registered under the Limited Partnerships Act 1907;
 - (b) a limited liability partnership registered under the Limited Liability Partnerships Act 2000;
 - (c) a partnership, other than a limited partnership, that is—
 - (i) constituted under the law of Scotland, and
 - (ii) a qualifying partnership within the meaning given by regulation 3 of the Partnerships (Accounts) Regulations 2008.
- (6) Regulations under this Article may make consequential, supplementary, incidental, transitional or saving provision.
- (7) The provision which may be made by regulations made by the Secretary of State by virtue of paragraph (6) includes provision amending provision made by or under either of the following, whenever passed or made—
- (a) an Act;
 - (b) Northern Ireland legislation.
- (8) The provision which may be made by regulations made by the Department by virtue of paragraph (6) includes provision amending provision made by or under Northern Ireland legislation, whenever passed or made.
- (9) Regulations made by the Secretary of State under this Article are to be made by statutory instrument.
- (10) A statutory instrument containing regulations made by the Secretary of State under this Article may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (11) Regulations made by the Department under this Article are subject to negative resolution.”