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**Changes to legislation:** There are currently no known outstanding effects for the Economic Crime and Corporate Transparency Act 2023, Paragraph 18. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 2

#### ABOLITION OF CERTAIN LOCAL REGISTERS

#### PART 3

##### REGISTER OF PEOPLE WITH SIGNIFICANT CONTROL

18 After section 790L insert—

#### “CHAPTER 2A

##### DUTY TO NOTIFY REGISTRAR OF PERSONS WITH SIGNIFICANT CONTROL AND ID VERIFICATION

##### *Duty to notify registrar of persons with significant control*

#### **790LA Duty to notify registrar of confirmed persons with significant control**

- (1) A company must give a notice to the registrar if it has had confirmation of—
  - (a) a person’s status as a registrable person or a registrable relevant legal entity in relation to the company, and
  - (b) the required particulars of the person (see section 790K).
- (2) A notice under subsection (1) must contain a statement of the required particulars.
- (3) A notice under subsection (1) must be given within the period of 14 days beginning with the day on which the company had confirmation as mentioned in that subsection.
- (4) A company is not required to give a notice under this section in relation to a person if—
  - (a) the application for the registration of the company contained a statement of initial significant control naming the person as someone who would, on the company’s incorporation, become a registrable person or a registrable relevant legal entity in relation to the company, and
  - (b) the company has no cause to believe that at any time since its incorporation the person has ceased to be a registrable person or a registrable relevant legal entity in relation to the company.

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- (5) Nothing in section 126 (notice of trusts not receivable by registrar) affects the duty to give a notice under this section (or the receipt of that notice by the registrar).

#### **790LB Option to provide ID verification information in notice of change**

- (1) A notice under section 790LA(1) that relates to a registrable person may include a statement that the person’s identity is verified (see section 1110A).
- (2) A notice under section 790LA(1) that relates to a registrable relevant legal entity may include a statement that—
- (a) specifies the name of one of its relevant officers (within the meaning given by section 790LO(6)) who is an individual and whose identity is verified, and
  - (b) confirms that the individual’s identity is verified.
- (3) If the notice includes a statement under subsection (2), it must be accompanied by a statement by the individual confirming that the individual is a relevant officer of the registrable relevant legal entity.
- (4) To find out what happens if the option in subsection (1) or (2) is not exercised, see sections 790LM and 790LO.
- (5) In subsection (1) “registrable person” does not include a person mentioned in section 790C(12)(a) to (d).

#### **790LC Duty to notify registrar of unconfirmed persons with significant control**

- (1) A company must give a notice to the registrar if—
- (a) it knows or has cause to believe that a person has become a registrable person or a registrable relevant legal entity in relation to the company, but
  - (b) it has not yet had confirmation as mentioned in section 790LA(1).
- (2) The notice must state that fact.
- (3) A notice under subsection (1) must be given within the period of 14 days beginning with the day on which the company first knows or has cause to believe that the person has become a registrable person or a registrable relevant legal entity in relation to the company.
- (4) Nothing in this section requires a company, on its incorporation, to give a notice in relation to a person included in the statement of initial significant control under section 12A.

*Duty to notify registrar of changes in required particulars*

#### **790LD Duties to notify of changes in required particulars**

- (1) A company must give a notice to the registrar if it—

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- (a) has had confirmation that there has been a change in the required particulars of a registrable person, or a registrable relevant legal entity, in relation to the company (see section 790K), and
  - (b) has had confirmation of how the required particulars have changed and the date on which they changed.
- (2) The notice must state—
- (a) the change in the required particulars, and
  - (b) the date on which the change occurred.
- (3) A notice under subsection (1) must be given within the period of 14 days beginning with the day on which the company had confirmation as mentioned in that subsection.
- (4) Nothing in section 126 (notice of trusts not receivable by registrar) affects the duty to give a notice under this section (or the receipt of that notice by the registrar).

#### **790LE Duty to notify of pre-incorporation changes in required particulars**

- (1) A company must give a notice to the registrar if it—
- (a) has had confirmation that there was a pre-incorporation change in the required particulars of a proposed PSC (see section 790K), and
  - (b) has had confirmation of how the required particulars have changed and the date on which they changed.
- (2) But a company is not required to give a notice under subsection (1) in respect of a person if it has given a notice under section 790LG in respect of the person.
- (3) A notice under subsection (1) must state—
- (a) the change in the required particulars, and
  - (b) the date on which the change occurred.
- (4) A notice under subsection (1) must be given within the period of 14 days beginning with the day on which the company had confirmation as mentioned in that subsection.
- (5) In this section—
- “pre-incorporation change” means a change that occurred—
    - (a) after the application for the registration of the company was delivered to the registrar, but
    - (b) before the company was incorporated;
  - “proposed PSC”, in relation to a company, means a person who was named in a statement under section 12A(1)(a) as a person who would, on the company’s incorporation, become a registrable person or registrable relevant legal entity in relation to the company.

*Duty to notify registrar of person ceasing to be person with significant control etc*

#### **790LF Duty to notify registrar when person ceases to have significant control**

- (1) A company must give a notice to the registrar if it—

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- (a) has had confirmation that a person has ceased to be a registrable person or a registrable relevant legal entity in relation to it, and
  - (b) has had confirmation of the date on which the person so ceased.
- (2) A notice under subsection (1) must state—
- (a) the person’s name and service address, and
  - (b) the date on which the person ceased to be a registrable person or a registrable relevant legal entity in relation to the company.
- (3) A notice under subsection (1) must be given within the period of 14 days beginning with the day on which the company had confirmation as mentioned in that subsection.

**790LG Notification of someone not becoming person with significant control on incorporation**

- (1) A company must give a notice to the registrar if it knows that a person named in the statement under section 12A(1)(a) as a person who would, on the company’s incorporation, become a registrable person or a registrable relevant legal entity did not so become.
- (2) A notice under subsection (1) must be given within the period of 14 days beginning with the day on which the company has the knowledge mentioned there.

**790LH Duty to notify registrar if company ceases to have persons with significant control**

- (1) A company must give a notice to the registrar if it knows or has cause to believe that—
- (a) there has at some time been a person who is a registrable person or registrable relevant legal entity in relation to the company, and
  - (b) there has ceased to be anyone who is a registrable person or registrable relevant legal entity in relation to the company.
- (2) A notice under subsection (1) must —
- (a) state that the company has that knowledge or cause to believe, and
  - (b) specify the date on which the company first had that knowledge or cause to believe.
- (3) A notice under subsection (1) must be given within the period of 14 days beginning with the day on which the company first had the knowledge or cause to believe mentioned in that subsection.

**790LI Power to create further duties to notify information**

- (1) The Secretary of State may by regulations impose further duties on a company to deliver information to the registrar about—
- (a) registrable persons, or registrable relevant legal entities, in relation to the company (including information about whether it has any);
  - (b) compliance with Chapter 2 by the company or any person to whom the company has given a notice under that Chapter (including

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provision requiring a company to provide the registrar with a copy of any such notice, whether on request or otherwise).

- (2) The provision that may be made by regulations under subsection (1) includes provision amending this Part.
- (3) The consequential provision that may be made by regulations under subsection (1) by virtue of section 1292(1) also includes provision amending any other provision of this Act.
- (4) Regulations under this section are subject to affirmative resolution procedure.

#### **790LJ Persons with significant control: offence of failure to notify**

- (1) If a company fails, without reasonable excuse, to comply with section 790LA, 790LC, 790LD, 790LE, 790LF, 790LG or 790LH, or regulations under section 790LI, an offence is committed by—
  - (a) the company, and
  - (b) every officer of the company who is in default.
- (2) For this purpose a shadow director is treated as an officer of the company.
- (3) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale and, for continued contravention, a daily default fine not exceeding one-tenth of level 3 on the standard scale.

#### **790LK Power of court to order company to remedy defaults or delay**

- (1) Where a company makes default in complying with section 790LA, 790LC, 790LD, 790LE, 790LF, 790LG or 790LH, or regulations under section 790LI, an application may be made to the court for an order requiring the company to deliver to the registrar the information (or statements) necessary to rectify the position.
- (2) The application may be made by—
  - (a) any person aggrieved by the default,
  - (b) any member of the company, or
  - (c) any person who is a registrable person or a registrable relevant legal entity in relation to the company.
- (3) On an application under subsection (1) the court may either refuse the application or may make the order and order the company to pay any damages sustained by any party aggrieved.
- (4) On an application under subsection (1) the court may decide—
  - (a) any question as to whether the name of any person who is a party to the application should or should not be included in or omitted from information delivered to the registrar under this Chapter about persons who are a registrable person or a registrable relevant legal entity in relation to the company, and
  - (b) any question necessary or expedient to be decided for rectifying the position.

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- (5) Nothing in this section affects a person’s rights under section 1094 or 1096 (rectification of register).

#### **790LL Information as to whether information has been delivered**

- (1) A person may request a company to tell the person whether all of the information that it is required to deliver to the registrar under this Chapter has been delivered.
- (2) The company must comply with the request within the period of 14 days beginning with the day on which the request is made.
- (3) If the company fails, without reasonable excuse, to do so, an offence is committed by—
- (a) the company, and
  - (b) every officer of the company who is in default.
- (4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) Subsection (1) does not apply in relation to information if the company is aware that, by virtue of regulations under section 1088, the registrar is required to refrain from making that information available for public inspection.”

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#### **Commencement Information**

- I1** Sch. 2 para. 18 in force at Royal Assent for specified purposes, see [s. 219\(1\)\(2\)\(b\)](#)
- I2** Sch. 2 para. 18 in force at 4.3.2024 for specified purposes by [S.I. 2024/269](#), [reg. 2\(z10\)](#)

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