



Economic Crime and Corporate Transparency Act 2023

2023 CHAPTER 56

PART 3

REGISTER OF OVERSEAS ENTITIES

Inspection of the register and protection of information

167 Material unavailable for public inspection

For sections 22 to 24 of the Economic Crime (Transparency and Enforcement) Act 2022 substitute—

“22 Material unavailable for inspection

- (1) The following material must not, so far as it forms part of the register, be made available by the registrar for public inspection—
 - (a) so much of any application or other document delivered to the registrar under section 4, 7 or 9 or Schedule 6 as is required to contain—
 - (i) protected date of birth information;
 - (ii) protected residential address information;
 - (iii) protected trusts information;
 - (iv) the name or contact details of an individual provided for the purposes of section 4(1)(d), 7(1)(e) or 9(1)(f), paragraph 6(1)(g) or 7(1)(g) of Schedule 1 or paragraph 2(1)(d) of Schedule 6;
 - (v) an overseas entity’s email address (see paragraph 2(1)(e) of Schedule 1);
 - (vi) any title numbers or folio numbers in respect of land (see paragraph 2(1)(h), (i) and (j) of Schedule 1);
 - (b) any information that regulations under section 16 provide is not to be made available for public inspection;

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- (c) any application or other document delivered to the registrar under regulations under section 23(2) (disclosure of protected trusts information);
- (d) the following—
 - (i) any application or other document delivered to the registrar under regulations under section 25 (regulations protecting material), other than information provided by virtue of section 25(4);
 - (ii) any information which regulations under section 25 require not to be made available for public inspection;
- (e) any application or other document delivered to the registrar under section 28 (administrative removal of material from the register);
- (f) any court order under section 30 (rectification of the register under court order) that the court has directed under section 31 is not to be made available for public inspection;
- (g) any statement or other document delivered to the registrar by virtue of section 1067A of the Companies Act 2006 (delivery of documents: identity verification requirements etc);
- (h) any statement made in accordance with regulations made by virtue of section 1082(2)(c) of the Companies Act 2006 (statement of unique identifier);
- (i) any document provided to the registrar under section 1092A of the Companies Act 2006 (power to require further information);
- (j) any email address, identification code or password deriving from a document delivered for the purpose of authorising or facilitating electronic filing procedures or providing information by telephone;
- (k) any record of the information contained in a document (or part of a document) mentioned in any of the previous paragraphs of this subsection;
- (l) any other material excluded from public inspection by or under any other enactment.

(2) In this section—

“protected date of birth information” means information as to the day of the month (but not the month or year) on which an individual who is a registrable beneficial owner or managing officer of an overseas entity was born;

“protected residential address information” means information as to the usual residential address of an individual who is a registrable beneficial owner or managing officer of an overseas entity;

“protected trusts information” means—

- (a) the required information about a trust (see sections 4(3)(a), 7(3)(a) and (4)(a) and 9(3)(a) and (4)(a) and paragraphs 3(2)(a), 4(2)(a) and 5(2)(a) of Schedule 6), or
- (b) any information required by virtue of section 7(3)(c) or (4)(c) or 9(3)(c) or (4)(c) or paragraph 4(2)(c) of Schedule 6 (information about beneficiaries).

(3) Information about a registrable beneficial owner or managing officer does not cease to be protected date of birth information or protected residential address

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information when they cease to be a registrable beneficial owner or managing officer.

- (4) Where subsection (1), or a provision referred to in subsection (1), imposes a restriction by reference to material deriving from a particular description of document (or part of a document), that does not affect the availability for public inspection of the same information contained in material derived from another description of document (or part of a document) in relation to which no such restriction applies.
- (5) The registrar need not retain material to which subsection (1) applies for longer than appears to the registrar reasonably necessary for the purposes for which the material was delivered to the registrar.

23 Disclosure of protected information

- (1) The registrar must not disclose protected date of birth information, protected residential address information or protected trusts information unless—
 - (a) the disclosure is permitted by section 1110F of the Companies Act 2006 (general powers of disclosure by the registrar),
 - (b) the information is required to be made available for public inspection (as a result of being contained in a document, part of a document, or record to which section 22(1) does not apply), or
 - (c) the disclosure is permitted by regulations under subsection (2).
- (2) The Secretary of State may by regulations make provision requiring the registrar, on application, to disclose relevant protected trusts information to a person (unless required to refrain from doing so by regulations under section 25).
- (3) In subsection (2) “relevant protected trusts information” means protected trusts information other than information as to—
 - (a) the day of the month (but not the month or year) on which an individual was born, or
 - (b) the usual residential address of an individual.
- (4) The regulations may make provision as to—
 - (a) who may make an application;
 - (b) the grounds on which an application may be made;
 - (c) the information to be included in and documents to accompany an application;
 - (d) the notice to be given of an application and of its outcome;
 - (e) how an application is to be determined.
- (5) Provision under subsection (4)(e) may in particular provide for a question to be referred to a person other than the registrar for the purposes of determining the application.
- (6) The regulations may include provision authorising or requiring the registrar to impose conditions subject to which the information is disclosed (including conditions restricting its use or further disclosure).
- (7) The regulations may create offences in relation to failures to comply with conditions imposed by virtue of subsection (6).

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- (8) The regulations must provide for any such offence to be punishable—
- (a) on summary conviction in England and Wales, by a fine;
 - (b) on summary conviction in Scotland, by a fine not exceeding level 5 on the standard scale;
 - (c) on summary conviction in Northern Ireland, by a fine not exceeding level 5 on the standard scale.
- (9) Regulations under this section may in particular confer a discretion on the registrar.
- (10) Regulations under this section are subject to affirmative resolution procedure.
- (11) In this section the following have the meaning given by section 22(2)—
- “protected date of birth information”;
 - “protected residential address information”;
 - “protected trusts information”.

24 Consultation about regulations under section 23

- (1) The Secretary of State must consult the Scottish Ministers before making regulations under section 23 that contain provision that would be within the legislative competence of the Scottish Parliament if contained in an Act of that Parliament.
- (2) The Secretary of State must consult the Department of Finance in Northern Ireland before making regulations under section 23 that contain provision that—
 - (a) would be within the legislative competence of the Northern Ireland Assembly if contained in an Act of that Assembly, and
 - (b) would not, if contained in a Bill for an Act of the Northern Ireland Assembly, result in the Bill requiring the consent of the Secretary of State under section 8 of the Northern Ireland Act 1998.”

Commencement Information

- I1** S. 167 in force at Royal Assent for specified purposes, see [s. 219\(1\)\(2\)\(b\)](#)
- I2** S. 167 in force at 4.3.2024 in so far as not already in force by [S.I. 2024/269](#), [reg. 2\(z52\)](#)

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