
STATUTORY INSTRUMENTS

2002 No. 912

The Companies (Particulars of Usual Residential Address) (Confidentiality Orders) Regulations 2002

PART III

Duration and renewal of a confidentiality order

10.—(1) Subject to paragraphs (2), (3), and (4) a confidentiality order shall remain in force for the period of five years from the date on which it is made unless revoked earlier under regulation 11.

(2) Where the beneficiary of a confidentiality order (“the existing order”) delivers an application under section 723B(1) of the 1985 Act for a further confidentiality order (“the new order”) before the expiry of the existing order (“the expiry date”) and the Secretary of State decides before the expiry date to make a new order under section 723B(3) of the 1985 Act, the new order shall come into force on the expiry of the existing order.

(3) Where the beneficiary of an existing order delivers an application under section 723B(1) of the 1985 Act for a new order before the expiry date and the Secretary of State has not made a decision under section 723B(3) or (4) of the 1985 Act before that date, the existing order shall continue in force until—

- (a) the Secretary of State makes a decision under section 723B(3) of the 1985 Act and the new order is made; or
- (b) the application is dismissed under section 723B(4) of the 1985 Act.

(4) Where a confidentiality order is made in relation to an application in respect of which no fee has been paid pursuant to paragraph (8) of regulation 2 that order shall remain in force for a period equal to the period for which the confidentiality order referred to in paragraph (8) of regulation 2, made under the LLP Regulations, is to remain in force.

Revocation of a confidentiality order

11.—(1) The Secretary of State may revoke a confidentiality order at any time if she is satisfied that—

- (a) the beneficiary of the order, or any other person, in purported compliance with any provision of these Regulations, has furnished the Secretary of State with false, misleading or inaccurate information; or
- (b) the registrar has not received, within the period of 28 days beginning with the date on which the beneficiary of the order was sent notice under regulation 4 of the Secretary of State’s decision, in relation to each company of which that beneficiary is a director, secretary or permanent representative, the information in respect of the service address required to be delivered to the registrar under sections 288, 692 or Schedule 21A of the 1985 Act, as the case may be, by virtue of the making of the order; or
- (c) the registrar has not received within the period of 28 days from—

- (i) any change or alteration among, or to, the directors, the secretary or permanent representatives by virtue of the appointment of a beneficiary of any order; or
- (ii) any change in the particulars of the usual residential address or the service address of the beneficiary of an order, in relation to each company of which that beneficiary is a director, secretary or permanent representative,

the information required to be delivered to the registrar under sections 288, 692 or Schedule 21A of the 1985 Act, as the case may be, of any such change or alteration, whether that change or alteration occurred before or after the making of the confidentiality order; or

- (d) any statement delivered to the registrar under section 10(2) of the 1985 Act naming an individual in respect of whom a confidentiality order under section 723B of that Act has been made did not contain the service address of the beneficiary or was not accompanied by a statement under section 10(2A) containing the usual residential address of the beneficiary; or
- (e) any return required to be delivered to the registrar under section 691(1)(b)(i) of, or paragraph 1(1) of Schedule 21A to, the 1985 Act does not contain the service address of the beneficiary or any return required to be delivered to the registrar under sub-section (5) of section 691 of, or paragraph 9 of Schedule 21A to, the 1985 Act is not so delivered; or
- (f) any address purporting to be the service address of a beneficiary of an order which has been notified to the registrar under any provision of the 1985 Act which does not comply with all the requirements of regulation 9.

(2) Where a beneficiary of an order is also the beneficiary of a confidentiality order made under the LLP Regulations which is revoked under those Regulations, the order made under section 723B of the 1985 Act is also revoked.

(3) If the Secretary of State proposes to revoke an order under this regulation, other than one revoked under paragraph (2), she shall send the beneficiary of the order notice.

(4) The notice must—

- (a) state the grounds on which it is proposed to revoke the order;
- (b) inform the beneficiary that he may, within the period of 21 days beginning with the date of the notice, deliver representations to the Secretary of State; and
- (c) state that if representations are not received by the Secretary of State within that period, the order will be revoked at the expiry of that period.

(5) If the beneficiary delivers representations as to why the order should not be revoked within the period specified in paragraph (4), the Secretary of State shall have regard to the representations in determining whether to revoke the order, and shall send the beneficiary notice of her decision, and such notice shall be sent within five working days of the decision being made.

(6) Any communication by the Secretary of State in respect of the revocation or proposed revocation of a confidentiality order shall be sent to the beneficiary at his usual residential address.

Notification of cessation of a confidentiality order

12. On a confidentiality order ceasing to have effect, for whatever reason, the beneficiary of that order shall notify every relevant company within the meaning of section 723D(1)(a) of the 1985 Act of which he is a director or secretary, of that order ceasing to have effect within five days of its so ceasing to have effect.