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STATUTORY INSTRUMENTS

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**2002 No. 912**

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

**PART IV**

**Disclosure of relevant information**

**14.—**(1) Subject to regulation 13 the disclosure of relevant information by any person is prohibited in the following circumstances—

- (a) where the information disclosed was delivered to the registrar, after the making of a confidentiality order in relation to the beneficiary of an order to whom the information relates, in the course of the performance of the duties of the registrar under the 1985 Act in respect of that information and the information was obtained by the person disclosing it from the registrar;
- (b) where the information disclosed was provided to a company, of which the beneficiary of the order to which the information relates was a director, secretary or permanent representative, after the making of that order, for the purpose of enabling the company to comply with sections 288, 289, 290, 691, 692 and Schedule 21A of the 1985 Act, as the case may be, and the information was obtained by the person disclosing it from the company.

(2) Paragraph (1) does not prohibit the disclosure of relevant information by a competent authority which is made for the purpose of facilitating the carrying out of a public function and “public function” includes—

- (a) any function conferred by or in accordance with any provision contained in any enactment or subordinate legislation;
- (b) any function conferred by or in accordance with any provision contained in the Community Treaties or any Community instrument;
- (c) any similar function conferred on persons by or under provisions having effect as part of the law of a country or territory outside the United Kingdom;
- (d) any function exercisable in relation to the investigation of any criminal offence or for the purposes of any criminal proceedings,

and disclosure for the purpose of facilitating the carrying out of a public function includes disclosure in relation to, and for the purpose of, any proceedings whether civil, criminal or disciplinary in which the competent authority engages while carrying out its public functions.

(3) Paragraph (1) does not prohibit the disclosure of relevant information where the disclosure—

- (a) facilitates the creation and maintenance of confidential records, the protected part of the register of a company, any return by an oversea company of information which is to form part of confidential records and the provision of facilities for the inspection and copying of confidential records; or

- (b) is by the registrar, or any person performing functions on his behalf, of any relevant information obtained in the circumstances described in sub-paragraph (1)(a), included in any document delivered to the registrar under any provision of the 1985 Act where that document is prescribed in respect of the delivery to the registrar of any information which is not relevant information and that document is made available for inspection and copying as if that were required by section 709(1) of the 1985 Act; or
- (c) is by any person of any relevant information obtained by that person from any document as is referred to in sub-paragraph (b).

(4) Paragraph (1) does not prohibit the disclosure by any person of relevant information obtained in the course of the performance of their duties or functions, where that disclosure occurred notwithstanding the exercise by that person of the due care and diligence in maintaining the confidentiality, required by the 1985 Act and these Regulations, of that information, that could reasonably be expected of a person performing those duties and functions.

(5) In this regulation—

“enactment” includes—

- (a) an Act of the Scottish Parliament;
- (b) Northern Ireland legislation;

“subordinate legislation” has the meaning given in the Interpretation Act 1978(1) and also includes an instrument made under an Act of the Scottish Parliament or under Northern Ireland legislation.