
STATUTORY INSTRUMENTS

2004 No. 2326

**The European Public Limited-
Liability Company Regulations 2004**

PART 6

**PROVISIONS RELATING TO THE EFFECTIVE
APPLICATION OF THE EC REGULATION**

Register of members of supervisory organ

79.—(1) Every SE which has adopted the form of a two-tier system in its statutes shall keep at its registered office a register of the members of its supervisory organ (“the members”); and the register shall, with respect to the particulars to be contained in it of those persons, comply with the paragraphs below.

(2) The SE shall, within the period of 14 days from the occurrence of—

- (a) any change among the members, or
- (b) any change in the particulars contained in the register,

send to the registrar a notification in the Form SE79A, SE79B or SE79C, as may be appropriate, and, if applicable, Form SE(SR) or Form SE(SR) change, set out in Schedule 1, of the change and of the date on which it occurred; and a notification of a person having become a member shall contain a consent, signed by that person, to act in the relevant capacity.

(3) The register shall be open to the inspection of any shareholder of the SE without charge and of any other person on payment of a fee of £2.50 for each hour or part of an hour during which the right of inspection is exercised.

(4) If an inspection required under this section is refused, or if default is made in complying with paragraph (1) or (2), the SE is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(5) In the case of a refusal of inspection of the register, the court may by order compel an immediate inspection of it.

(6) Where a confidentiality order, made under section 723B of the 1985 Act, or under that section to the extent that that enactment is applied by any provision of the EC Regulation, is in force in respect of a member, subsections (3) and (5) of that section shall not apply in relation to that part of the register of the SE as contains particulars of the usual residential address of that individual.

(7) For purposes of this and the next regulation, where, to the extent that the application of section 741(2) of the 1985 Act under any provision of the EC Regulation requires it, a shadow director of an SE, by virtue of the members of the supervisory organ acting in accordance with his directions or instructions, is deemed a member of that organ.

(8) Where an SE is required to keep a register of members of the supervisory organ by this regulation, the application of regulation 78 to that SE shall not require that particulars of members of the supervisory organ to be kept on any register required be kept under section 288 of the 1985 Act.