
STATUTORY INSTRUMENTS

2009 No. 214

The Companies (Disclosure of Address) Regulations 2009

PART 2

DISCLOSURE OF PROTECTED INFORMATION

Permitted disclosure by the registrar to specified public authorities

2.—(1) The registrar may disclose protected information to a specified public authority where the conditions specified in paragraphs 2 and 3 of Schedule 2 are satisfied.

(2) A specified public authority shall deliver to the registrar such information or evidence as he may direct for the purpose of enabling him to determine in accordance with these Regulations whether to disclose protected information.

(3) The registrar may require such information or evidence to be verified in such manner as he may direct.

(4) The specified public authority must inform the registrar immediately of any change in respect of any statement delivered to the registrar pursuant to Schedule 2 or information or evidence provided for the purpose of enabling the registrar to determine whether to disclose protected information.

(5) The public authorities specified for the purposes of section 243(2) are set out in Schedule 1 to these Regulations.

Permitted disclosure by the registrar to credit reference agencies

3.—(1) Subject to regulation 4, the registrar may disclose protected information to a credit reference agency where the conditions specified in paragraphs 6 to 10 of Schedule 2 are satisfied.

(2) The registrar may rely on a statement delivered to him by a credit reference agency under paragraph 10 of Schedule 2 as sufficient evidence of the matters stated in it.

(3) Notwithstanding paragraph (2), a credit reference agency shall deliver to the registrar such information or evidence in addition to the statement required by paragraph 10 of Schedule 2 as he may direct for the purpose of enabling him to determine in accordance with these Regulations whether to disclose protected information.

(4) The registrar may require such information or evidence to be verified in such manner as he may direct.

(5) The credit reference agency must inform the registrar immediately of any change in respect of any statement delivered to the registrar pursuant to Schedule 2 or information or evidence provided for the purpose of enabling the registrar to determine whether to disclose protected information.

Registrar to refrain from disclosure of protected information

4. The registrar shall refrain from disclosing protected information to a credit reference agency if such information relates to a section 243 beneficiary or a section 243 applicant.

Application under section 243 by an individual

5.—(1) A section 243 application may be made to the registrar by an individual who is, or proposes to become, a director.

(2) The grounds on which an application under paragraph (1) may be made are that the individual making the application—

- (a) considers that there is a serious risk that he, or a person who lives with him, will be subjected to violence or intimidation as a result of the activities of at least one of—
 - (i) the companies of which he is, or proposes to become, a director;
 - (ii) the companies of which he was a director;
 - (iii) the overseas companies of which he is or has been a director, secretary or permanent representative; or,
 - (iv) the limited liability partnerships of which he is or has been a member; or
- (b) is or has been employed by a relevant organisation.

(3) The application shall—

- (a) contain—
 - (i) a statement of the grounds on which the application is made;
 - (ii) the name and any former name of the applicant;
 - (iii) the date of birth of the applicant;
 - (iv) the usual residential address of the applicant;
 - (v) where the registrar has allocated a unique identifier to the applicant, that unique identifier;
 - (vi) the name and registered number of each company of which the applicant is, or proposes to become, a director;
 - (vii) where the grounds of the application are those described in paragraph (2)(a)(ii), (iii) or (iv), the name and registered number of the company, overseas company or limited liability partnership; and
- (b) be accompanied by evidence which—
 - (i) where the grounds of the application are those described in paragraph (2)(a) supports the applicant's statement of the grounds of the application; or,
 - (ii) where the grounds of the application are those described in paragraph (2)(b), establishes that the applicant is or has been employed by a relevant organisation.

(4) The registrar may refer to a relevant body any question relating to an assessment of—

- (a) where the grounds of the application are those described in paragraph (2)(a), the nature and extent of any risk of violence or intimidation considered by the applicant to arise in relation to himself, or to a person who lives with him; or
- (b) where the grounds of the application are those described in paragraph (2)(b), whether the applicant is or has been employed by a relevant organisation.

(5) The registrar shall determine the application and send the applicant to his usual residential address, as stated in his application, notice of his determination on the section 243 application within five working days of that determination being made.

Application under section 243 by a company

6.—(1) A section 243 application may be made to the registrar by a company on behalf of any of its directors who are individuals.

(2) The grounds on which an application under paragraph (1) may be made are that the company making the application considers that there is a serious risk that the director on behalf of whom the application is made, or a person who lives with that director, will be subjected to violence or intimidation as a result of the activities of the company making the application.

(3) The application shall—

(a) contain—

- (i) a statement of the grounds on which the application is made;
- (ii) the name and registered number of the applicant;
- (iii) the name and any former name of each director on behalf of whom the application is made;
- (iv) the date of birth of each such director;
- (v) the usual residential address of each such director;
- (vi) where the registrar has allocated a unique identifier to any such director, that unique identifier;
- (vii) the name and registered number of each company of which each such director is a director; and

(b) be accompanied by evidence which supports the applicant's statement of the grounds of the application.

(4) The registrar may refer to a relevant body any question relating to an assessment of the nature and extent of any risk of violence or intimidation considered by the applicant to arise in relation to its directors on behalf of whom the application is made or to persons who live with those directors as a result of any of its activities.

(5) The registrar shall determine the application and send—

- (a) the applicant, to its registered office; and
- (b) each director on behalf of whom the application was made, to his usual residential address as stated in the application,

notice of his determination on the section 243 application within five working days of that determination being made.

Application under section 243 by a subscriber to a memorandum of association

7.—(1) A section 243 application may be made to the registrar by a subscriber to a memorandum of association on behalf of any of the proposed directors of a proposed company who are individuals.

(2) The grounds on which an application under paragraph (1) may be made are that the subscriber making the application considers that there is a serious risk that the proposed directors of the proposed company on behalf of whom the application is made, or persons who live with them, will be subjected to violence or intimidation as a result of the proposed activities of that proposed company.

(3) The application shall—

(a) contain—

- (i) a statement of the grounds on which the application is made;
- (ii) the name of the applicant;
- (iii) the address of the applicant;
- (iv) the name of the proposed company;
- (v) the name and any former name of each of the proposed directors on behalf of whom the application is made;

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- (vi) the date of birth of each such proposed director;
- (vii) the usual residential address of each such proposed director;
- (viii) the name and registered number of each company of which each such proposed director is a director; and

(b) be accompanied by evidence which supports the applicant's statement of the grounds of the application.

(4) The registrar may refer to a relevant body any question relating to an assessment of the nature and extent of any risk of violence or intimidation considered by the applicant to arise in relation to its proposed directors on behalf of whom the application is made or to persons who live with those proposed directors as a result of any of the proposed activities of the proposed company.

(5) The registrar shall determine the application and send—

- (a) the applicant, to the address stated in the application, and
- (b) each of the proposed directors on behalf of whom the application was made, to their usual residential address as stated in the application,

notice of his determination on the section 243 application within five working days of that determination being made.

Matters relating to a section 243 application

8.—(1) For the purpose of regulations 5, 6 and 7 the registrar may direct that additional information or evidence should be delivered to him, what such information or evidence should be and how it should be verified.

(2) The registrar shall not make available for public inspection—

- (a) any section 243 application; or
- (b) any documents provided in support of that application.

(3) For the purpose of determining any section 243 application the registrar may accept any answer to a question referred in accordance with regulation 5(4), 6(4) or 7(4) as providing sufficient evidence of—

- (a) the nature and extent of any risk relevant to—
 - (i) where the grounds of the application are those described in regulation 5(2)(a), the applicant;
 - (ii) where the grounds of the application are those described in regulation 6(2), the directors on behalf of whom the application is made;
 - (iii) where the grounds of the application are those described in regulation 7(2), the proposed directors on behalf of whom the application is made,or to persons who live with any of the above individuals, or
- (b) whether an applicant is or has been employed by a relevant organisation.

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Changes and effects yet to be applied to :

- Regulations amendment to earlier affecting provision S.I. 2021/716, reg. 5 by S.I. 2023/1399 reg. 4
- Regulations applied (with modifications) by S.I. 2011/245 Sch. 6 Pt. 1
- Regulations applied (with modifications) by S.I. 2021/716 Sch. 3 para. 23

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

- Blanket amendment words substituted by S.I. 2011/1043 art. 3-68-10

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 2 para. 6(1) Sch. 2 para. 6 renumbered as Sch. 2 para. 6(1) by 2018 c. 12 Sch. 19 para. 339(2)
- Sch. 2 para. 6(1)(c)(iii) and word inserted by 2018 c. 12 Sch. 19 para. 339(4)(b)
- Sch. 2 para. 6(1)(d) inserted by 2018 c. 12 Sch. 19 para. 339(5)
- Sch. 2 para. 6(2) inserted by 2018 c. 12 Sch. 19 para. 339(6)
- Sch. 2 para. 6(2) omitted by S.I. 2019/348 Sch. 2 para. 10(b)(iii)
- Sch. 2 para. 11(b) omitted by S.I. 2019/348 Sch. 2 para. 10(f)
- Sch. 2 para. 6(1)(b)(ii) substituted by 2018 c. 12 Sch. 19 para. 339(3)
- Sch. 2 para. 6(1)(c)(i) substituted by S.I. 2024/410 Sch. 2 para. 3(4)(a)
- Sch. 2 para. 6(1)(c)(i) word omitted by 2018 c. 12 Sch. 19 para. 339(4)(a)
- Sch. 2 para. 6(1)(a) words omitted by S.I. 2019/348 Sch. 2 para. 10(b)(i)
- Sch. 2 para. 6(1)(b)(ii) words substituted by S.I. 2019/348 Sch. 2 para. 10(b)(ii)
- reg. 5(2)(a)(iia)(iib) inserted by S.I. 2016/339 Sch. 5 para. 3(2)(b)
- reg. 5(2)(a)(v)-(vii) inserted by S.I. 2016/340 Sch. 3 reg. 8
- reg. 5(2)(c) and words substituted for word by S.I. 2016/339 Sch. 5 para. 3(2)(d)
- reg. 5(3)(a)(iva) inserted by S.I. 2016/339 Sch. 5 para. 3(3)(a)
- reg. 5(3)(a)(via) inserted by S.I. 2016/339 Sch. 5 para. 3(3)(b)
- reg. 5(3)(a)(viii) inserted by S.I. 2016/339 Sch. 5 para. 3(3)(e)
- reg. 5(5)(6) substituted for reg. 5(5) by S.I. 2016/339 Sch. 5 para. 3(4)
- reg. 9(1)(d)-(f) inserted by S.I. 2016/339 Sch. 5 para. 6(2)(c)
- reg. 9(1)(d) words inserted by S.I. 2019/685 Sch. 3 para. 21(b)
- reg. 9(1)(e) word omitted by S.I. 2016/599 Sch. 3 para. 5(a)
- reg. 9(1)(f) omitted by S.I. 2017/693 reg. 37(b)
- reg. 9(1)(f) word inserted by S.I. 2016/599 Sch. 3 para. 5(b)
- reg. 9(1)(g) inserted by S.I. 2016/599 Sch. 3 para. 5(c)
- reg. 9(1)(ba)(bb) inserted by S.I. 2009/2400 reg. 42(3)
- reg. 9(1)(bb) word omitted by S.I. 2016/339 Sch. 5 para. 6(2)(a)
- reg. 9(1)(da) inserted by S.I. 2017/693 reg. 37(a)
- reg. 9(2)(a)(iii)(iv) inserted by S.I. 2016/339 Sch. 5 para. 6(3)(b)
- reg. 9(2)(d) and words substituted for word by S.I. 2016/339 Sch. 5 para. 6(3)(c)
- reg. 9(3)(a)(vii)(cc) word omitted by S.I. 2016/339 Sch. 5 para. 6(4)(c)
- reg. 9(3)(a)(vii)(bb) words inserted by S.I. 2016/339 Sch. 5 para. 6(4)(b)
- reg. 9(3)(a)(viii) inserted by S.I. 2016/339 Sch. 5 para. 6(4)(d)
- reg. 14(3)(3A) substituted for reg. 14(3) by S.I. 2016/339 Sch. 5 para. 7(4)