

SCHEDULE

Transitional arrangements

PART 3

Transitional arrangements in relation to Part 4

Postponement of obligation to keep register of people with significant control

11. An unregistered company is not required to comply with regulation 12B of the Unregistered Companies Regulations (register of people with significant control and alternative method of record-keeping) until 24th July 2017.

Application of amendments to Part 24 of the Companies Act

12.—(1) The amendments to Part 24 of the Companies Act (annual confirmation of accuracy of information on register) made by regulation 10 apply to an unregistered company which delivers a confirmation statement to the registrar under section 853A of that Act on or after the commencement day, whether the confirmation period to which the statement relates ended before, on or after the commencement day.

(2) In this paragraph—

“confirmation statement” has the meaning given in section 853A(1)(b) of the Companies Act;

“confirmation period” has the meaning given in section 853A(3) of the Companies Act.

Protection for registrable persons applying for protection of secured information

13.—(1) This paragraph applies where—

(a) an individual is a registrable person in relation to a unregistered company on the commencement day,

(b) before 24th July 2017 an application is made under regulation 36 or 37 of the PSC Regulations for the protection of secured information relating to the individual, and

(c) the registrar determines that the application is unsuccessful.

(2) Subject to sub-paragraph (3), during the protected period, the registrar—

(a) must not use or disclose secured information relating to the individual, and

(b) must omit the information referred to in paragraph (a) from the material on the register that is available for public inspection.

(3) The registrar may use or disclose secured information relating to the individual—

(a) for communicating with the individual, and

(b) where the application was made under regulation 37 of the PSC Regulations, for communicating with the unregistered company which made the application.

(4) Sub-paragraph (5) applies where the individual ceases to be a registrable person in relation to the unregistered company before the end of the protected period.

(5) If, before the end of the protected period, the registrar receives notice from the individual setting out the date on which the individual ceased to be a registrable person in relation to the unregistered company, the registrar—

Status: This is the original version (as it was originally made).

- (a) must not use or disclose secured information relating to the individual which the registrar obtained before the end of the protected period, and
 - (b) must omit the information referred to in paragraph (a) from the material on the register that is available for public inspection.
- (6) Where the registrar does not receive notice under sub-paragraph (5), the registrar must as soon as reasonably practicable after the end of the protected period—
- (a) make the secured information on the register available for public inspection, and
 - (b) notify the individual and the unregistered company to which the application under regulation 36 or 37 related of the action taken under paragraph (a).
- (7) Where this paragraph applies—
- (a) regulation 42 (unsuccessful determination of application for protection of secured information) of the PSC Regulations does not apply, and
 - (b) in regulation 45 (protection by a company of secured information) of the PSC Regulations, paragraph (1)(b) (notifications which bring the protection to an end) has effect as if the reference to notification under regulation 42(3) were a reference to notification under sub-paragraph (6)(b) of this paragraph.
- (8) For the purposes of this paragraph an application under regulation 36 or 37 of the PSC Regulations is made when it is registered by the registrar.
- (9) In this paragraph—
- “protected period” means—
- (a) where an appeal under regulation 41 of the PSC Regulations (appeal against unsuccessful application under regulation 36, 37 or 38) has not been brought, 12 weeks beginning with the date on which notice of the registrar’s determination was sent under regulation 36(5) or 37(5) of those regulations,
 - (b) where an appeal under regulation 41 of the PSC Regulations has been brought and dismissed, 12 weeks beginning with the date on which the court dismissed the appeal in accordance with regulation 41(5) of those regulations, or
 - (c) where an appeal under regulation 41 of the PSC Regulations has been brought and subsequently withdrawn or abandoned, 12 weeks beginning with the date on which the registrar became aware that the appeal had been withdrawn or abandoned;
- “the register” has the meaning given in section 1080(2) of the Companies Act;
- “registrable person” has the meaning given in section 790C(4) of the Companies Act;
- “secured information” means the required particulars of a registrable person in relation to a company, other than the particular required by section 790K(1)(i) of the Companies Act.
- 14.** In this Part of this Schedule “the registrar” has the meaning given in section 1060(3) of the Companies Act.