Draft Regulations laid before Parliament under sections 82(5) and 1290 of the Companies Act 2006 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2008 No. 0000

COMPANIES

The Companies (Trading Disclosures) (Amendment) Regulations 2008

Made - - - -	**** 2008*
Coming into force - -	*1st October 2009*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 82 and 1292(1)(a) of the Companies Act 2006(**a**).

In accordance with sections 82(5) and 1290 of the Companies Act 2006, a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Companies (Trading Disclosures) (Amendment) Regulations 2008 and come into force on 1st October 2009.

(2) In these Regulations "the Regulations" means the Companies (Trading Disclosures) Regulations 2008(**b**).

Requirement to display registered name at registered office and inspection place

2.—(1) Regulation 3 of the Regulations is amended as follows.

(2) After regulation 3(2) insert—

"(3) Paragraph (1) shall also not apply to the registered office or an inspection place of a company where—

(a) in respect of that company, a liquidator, administrator or administrative receiver has been appointed; and

(b) the registered office or inspection place is also a place of business of that liquidator, administrator or administrative receiver.".

Requirement to display registered name at other business locations

3.—(1) Regulation 4 of the Regulations is amended as follows.

(2) After regulation 4(3) insert—

(**a**) 2006 c.46.
(**b**) S.I. 2008/495.

"(4) Paragraph (2) shall also not apply to any location at which business is carried on by a company where—

(a) in respect of that company, a liquidator, administrator or administrative receiver has been appointed; and

(b) the location is also a place of business of that liquidator, administrator or administrative receiver.

(5) Paragraph (2) shall also not apply to any location at which business is carried on by a company of which every director who is an individual is a relevant director.

(6) In this regulation—

(a) "administrative receiver" has the meaning given—

(i) in England and Wales or Scotland, by section 251 of the Insolvency Act 1986(**a**), and

(ii) in Northern Ireland, by Article 5 of the Insolvency (Northern Ireland) Order 1989(**b**);

(b) "credit reference agency" has the meaning given in section 243(7) of the Act;

(c) "protected information" has the meaning given in section 240 of the Act; and

(d) "relevant director" means an individual in respect of whom the registrar is required by regulations made pursuant to section 243(4) of the Act to refrain from disclosing protected information to a credit reference agency.".

Minor amendment to regulation 7 of the Regulations

4. In regulation 7(2)(d) of the Regulations omit from "section 30" to "Order 1986" and substitute "section 60 of the Act".

Name
Economic and Business Minister,
Date Department for Business, Enterprise and Regulatory Reform

(**a**) 1986 c.45.
(**b**) S.I. 1989/2405 (N.I. 19).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations deal with trading disclosures to be made by a company. These Regulations amend the Companies (Trading Disclosures) Regulations 2008 (S.I. 2008/495) to provide two further exceptions from the obligation on a company to display its registered name at business premises.

The first exception applies if a company has had a liquidator, administrator or administrative receiver appointed and the registered office, inspection place or place of business of the company is also a place of business of that liquidator, administrator or administrative receiver (regulations 2 and 3).

Regulation 3 provides an exception from the obligation on a company to display its registered name at any location (other than its registered office and any place at which it makes its company records available for inspection) at which it carries on business. This exception depends on whether the registrar of companies is prevented from disclosing to a credit reference agency the residential address of every director of the company who is an individual. A director in respect of whom a confidentiality order under section 723B of the Companies Act 1985 (c.6) ("the 1985 Act") was in force immediately before 1st October 2009 is treated on or after that date as if he had made a successful application under section 243(4) of the Companies Act 2006 (c.46) (see the Companies Act 2006 (Commencement No. 8, Transitional Provisions and Savings) Order 2008 S.I. 2008/2860 (C. 126), Schedule 2, paragraph 37).

Regulation 4 of this instrument amends regulation 7(2)(d) of S.I. 2008/495 by substituting a reference to section 60 of the Companies Act 2006 which comes into force on 1st October 2009. References to section 30 of the 1985 Act and Article 40 of the Companies (Northern) Ireland Order 1986 (S.I. 1986/1032 (N.I. 6)) are omitted as these provisions are repealed on 1st October 2009.

An Impact Assessment in respect of these Regulations has been produced and copies are available from the Company Law and Governance Directorate, Department for Business, Enterprise and Regulatory Reform, 1 Victoria Street, London, SW1H 0ET or on www.berr.gov.uk/bbf/co-act-2006.

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