STATUTORY INSTRUMENTS

2002 No. 503

PARTNERSHIP

LIMITED LIABILITY PARTNERSHIPS

The Limited Liability Partnerships (Competent Authority) (Fees) Regulations 2002

Approved by Parliament

Made - - - - -	*7th March 2002*
Laid before Parliament -	*7th March 2002*
Coming into force - -	*2nd April 2002*

The Secretary of State, in exercise of the powers conferred on her by section 708(1) and (2) of the Companies Act 1985(**a**), as applied to limited liability partnerships by regulation 4 of and Schedule 2 to the Limited Liability Partnerships Regulations 2001(**b**), hereby makes the following Regulations:

1. These Regulations may be cited as the Limited Liability Partnerships (Competent Authority) (Fees) Regulations 2002 and shall come into force on 2nd April 2002.

2. In these Regulations:

"the 2002 Regulations" means the Limited Liability Partnerships (Particulars of Usual Residential Address) (Confidentiality Order) Regulations 2002(**c**);

"competent authority" shall have the meaning set out in the 2002 Regulations;

"the Companies (Particulars of Usual Residential Address) Regulations" means the Companies (Particulars of Usual Residential Address) (Confidentiality Orders) Regulations 2002(**d**); and

"the Companies Fees Regulations" means the Companies (Competent Authority) (Fees) Regulations 2002(**e**).

3.—(1) For the making by the registrar of companies of each determination or variation of such determination under regulation 13 of the 2002 Regulations in respect of a competent authority as to the manner in which that competent authority and its officers, servants and representatives may inspect and take copies of the confidential record, the fee payable by that competent authority in respect of the determination or variation shall be calculated as follows:

(**a**) 1985 c. 6; section 708(1) has been amended by sections 127(2) and 212 of, and by Schedule 24 to, the Companies Act 1989 (c. 40).
(**b**) S.I. 2001/1090.
(**c**) S.I. 2002/915.
(**d**) S.I. 2002/912.
(**e**) S.I. 2002/502.

(a) where a point of contact with a competent authority is to be through one or more addresses nominated by such competent authority, the fee shall be £50 in respect of each such new address nominated and included in a determination or variation;

(b) where a point of contact with a competent authority is to be through one or more nominated officers, servants and representatives, the fee shall be £50 in respect of each such new officer, servant or representative of that authority nominated and included in a determination or variation;

save that in either case no such fee shall be payable where a fee has already been paid in accordance with the Companies Fees Regulations in respect of such determination or variation.

(2) Where a variation of a determination removes a previous point of contact with a given competent authority, no fee shall be incurred by such removal.

(3) In relation to the fee payable by a competent authority on each occasion such competent authority inspects or takes copies of the confidential record in relation to an individual beneficiary of a confidentiality order:

(a) the amount of the fee shall be £4 in respect of each named individual in respect of whom an inspection or copy of the confidential record is requested;

(b) such fee shall entitle the competent authority in question to an inspection or copy of both:

(i) the confidential record as maintained in relation to members of limited liability partnerships under the 2002 Regulations; and

(ii) the confidential record as maintained in relation to company directors, company secretaries or permanent representatives under the Companies (Particulars of Usual Residential Address) Regulations;

in respect of such named individual;

(c) the search fee in respect of a named individual shall be payable even if information or a copy supplied by the registrar in response to a request to inspect or take a copy of the confidential record is taken, in the absence of the relevant information on the confidential record, from the information made publicly available by the registrar.

Patricia Hewitt,
Secretary of State for Trade and Industry

7th March 2002

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under section 708 of the Companies Act 1985.

The Limited Liability Partnerships (Particulars of Usual Residential Address) (Confidentiality Orders) Regulations 2002 ("the 2002 Regulations") make provision for the keeping by the registrar of companies of confidential records, containing the usual residential address of those members of a limited liability partnership in respect of whom a confidentiality order has been made under those regulations.

The 2002 Regulations also provide for a competent authority to be able to inspect and take copies of the confidential record and these Regulations prescribe the fees payable by such a competent authority as follows.

(1) Except in the circumstances contemplated in (2) below, the fee in relation to a determination or variation of a prior determination under Regulation 13 as to the manner in which that competent authority and its officers, servants and representatives may inspect and take copies of the confidential record, shall be £50 for:

(i) each new address nominated as a point of contact by such competent authority and included in a determination or variation; and

(ii) each new officer, servant or representative nominated as a point of contact by such competent authority and included in a determination or variation.

(2) Once an address or a person has been included in a determination or variation made in accordance with the Companies (Competent Authority) (Fees) Regulations 2002, no separate fee shall be payable under these Regulations.

(3) In relation to the fee payable by a competent authority on each occasion such competent authority inspects and takes copies of the confidential record in relation to an individual beneficiary of a confidentiality order, the fee shall be £4 for each named individual in respect of whom inspection or copying is requested.

(4) When a competent authority pays the £4 fee for an inspection or copy of the confidential record in relation to a named individual, it shall be entitled to inspect or take a copy of entries relating to the named individual in both:

(i) the confidential record as maintained in relation to members of limited liability partnerships in accordance with the 2002 Regulations; and

(ii) the confidential record as maintained in relation to company directors, company secretaries or permanent representatives in accordance with the Companies (Particulars of Usual Residential Address) (Confidentiality Orders) Regulations 2002.

(5) Where a competent authority requests an inspection or copy of the confidential record in relation to a named individual's usual residential address and such address is not contained in the confidential record, the registrar may facilitate the inspection or taking of copies of information he makes available to the public. In this event, the fee will remain £4.

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