



Department of Trade and Industry

news release

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NEW MEASURES FOR THREATENED DIRECTORS COME INTO FORCE
TODAY

New Regulations come into force today allowing directors under threat of violence or intimidation to apply for a Confidentiality Order to prevent their home address appearing in future on public records at Companies House.

The Regulations will only apply to individuals who can demonstrate that they (or someone who lives with them) may be at risk of violence or intimidation if their address is publicly available. They will be allowed to file a service address for the public record. Home addresses will still have to be supplied but will only be available to the police and certain regulatory authorities. The Regulations follow consultation by DTI last year.

Consumer and Competition Minister, Melanie Johnson, said the new Regulations had been introduced to help to prevent the sort of abuse and threats which were made against directors in companies in a variety of sectors, but particularly the pharmaceutical, biotech, research, chemicals, oil and defence industries.

"These industries are a vital part of the UK economy. We are determined to support them, and protect their employees from further intimidation. I am very pleased that these vital Regulations have been approved by Parliament and that directors at risk will be able to receive the protection they need.

"Only those directors who are at genuine risk will be able to benefit from these Regulations. The Secretary of State will not grant Confidentiality Orders in other circumstances. The vast majority of directors will still have to supply their home address for the public record which is needed for reasons of transparency and accountability."

Notes to Editors

The new Regulations which come into force today are:-

- i) The Companies (Particulars of Usual Residential Address) (Confidentiality Orders) Regulations 2002;
- ii) The Limited Liability Partnerships (Particulars of Usual Residential Address) (Confidentiality Orders) Regulations 2002;
- iii) The Limited Liability Partnerships (No. 2) Regulations 2002;
- iv) The Companies (Competent Authority) (Fees) Regulations 2002;
- v) The Limited Liability Partnerships (Competent Authority) (Fees) Regulations 2002.

The Regulations set out detailed provisions following amendments to the Companies Act 1985 which were introduced by section 45 of the Criminal Justice and Police Act and which obtained Royal Assent in May 2001.

The consultative document: "Directors' Home Addresses - a Consultative Document" together with a summary of responses is available from the DTI website at <http://www2.dti.gov.uk/cld/awaiting.htm>.

At present, directors must file details of their usual residential addresses which are recorded on the company's own register and notified to Companies House. This information is publicly available from Companies House. The Regulations allow a service address to be filed instead of a home address. Home addresses will still have to be filed but will be kept on a separate, secure register with access restricted to the police and certain regulatory authorities.

The Regulations describe how an application for a Confidentiality Order may be made and set the application fee of £100. Although it will ultimately be for the Secretary of State to determine whether a Confidentiality Order should be granted, unsuccessful applicants may appeal to the Court against a decision on certain grounds. The Regulations also deal with service addresses, and describe the criteria for a service address to be valid, and make provision for the duration, renewal and revocation of a Confidentiality Order. A Confidentiality Order will normally last for five years and may be renewed by application prior to its expiry. It may be revoked where false, misleading or inaccurate information has been provided in support of an application. The Regulations also deal with access to the confidential record containing the beneficiary of a Confidentiality Order's home address together with disclosure provisions. Disclosure is generally prohibited except to competent authorities - which consist mainly of bodies such as the police and certain other regulatory authorities.

Under the Regulations company secretaries, permanent representatives of overseas companies and partners of limited liability partnerships may apply for a Confidentiality Order as well as directors.

The Regulations do not provide for the expunging or removing of existing records at Companies House. All historical records on companies - whether paper, microfiche, electronic images or data format - held at Companies House will continue to be available for public inspection.

Individuals who wish to apply for an application for a Confidentiality Order form should apply for Form 723B available from:

The Administrator
PO Box 4082
Cardiff
CF14 3WE.

A leaflet giving guidance on Confidentiality Orders is also available from the same address.

Press Enquiries: 020-7215 5973
(Out of Hours : 0207 215 3234/ 3505)
Public Enquiries: 020-7215 5000
Textphone (for people with hearing impairments): 020-7215 6740
<http://www.dti.gov.uk>