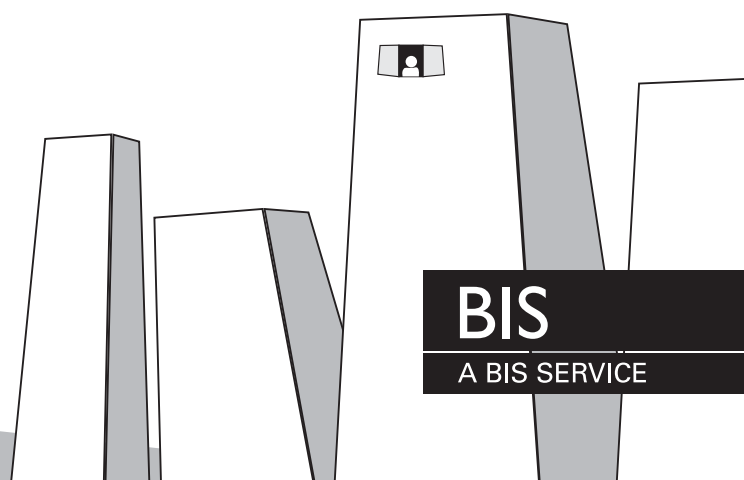
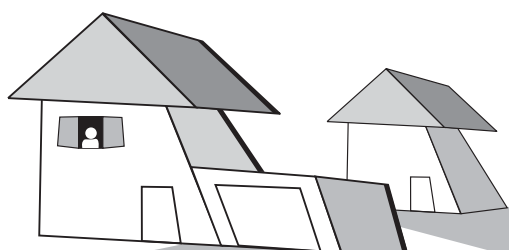




restricting the disclosure of your address if you are at serious risk

GP7 - April 2011



BIS

A BIS SERVICE

This guide is available in alternative formats which include Braille, large print and audio tape. For further details please visit our website or email our enquiries section or telephone our contact centre on 0303 1234 500.

Is this guide for you?

This guide will be relevant to you if:

- you are an individual who is, or proposes to be, an officer of a company, limited liability partnership or overseas company; and
- you (or a person who lives with you) are at serious risk of violence or intimidation as a result of the activities of a company, limited liability partnership or overseas company of which you are, or propose to be, an officer; or
- you are a person who registered a charge and you or your employees (or a person who lives with either you or your employees) are at serious risk of violence or intimidation as a result of the activities of a company or limited liability partnership for which you registered a charge; or
- you act as an adviser to a company, limited liability partnership or overseas company; and
- the officers (or a person who lives with them) of that company, limited liability partnership or overseas company are at serious risk of violence or intimidation as a result of its activities.

Contents

Introduction

Chapter 1. Grounds of the application

Chapter 2. Application by an individual to restrict the disclosure of their residential address

Chapter 3. Application by a company, LLP or overseas company to restrict the disclosure of its officers' addresses

Chapter 4. Application by a subscriber of a proposed company or proposed member of a proposed LLP

Chapter 5. Application by an individual to make an address unavailable for public inspection

Chapter 6. Application by a company to make the addresses of its members unavailable for public inspection

Chapter 7. Application by a person who registers a charge to make an address unavailable for public inspection

Chapter 8. The registrar's decision

Chapter 9 Quality of documents

Chapter 10 Further information

This guide answers many frequently asked questions and provides information on completing the most commonly used filings relating to this area. The guide is not drafted with unusual or complex transactions in mind. Specialist professional advice may be needed in those circumstances.

Introduction

This guide applies to officers of companies, limited liability partnerships (LLPs) and overseas companies registered in the United Kingdom (UK) i.e. England, Wales, Scotland and Northern Ireland.

You will find the relevant legislation in:

- Sections 243 and 1088 of the Companies Act 2006;
- The Companies (Disclosure of Address) Regulations 2009 SI 2009/214;
- The Limited Liability Partnerships (Application of Companies Act 2006) Regulations 2009/1804 which apply parts of the Companies Act 2006 to LLPs; and
- The Overseas Companies Regulations 2009 SI 2009/1801.

Under the Companies Act 2006, and other related legislation, Companies House must be informed of the service address and usual residential address of every director, LLP member and permanent representative. The service address will appear on the public record. Information relating to the residential address (even if it is the same as the service address) will be protected information from 1 October 2009. Protected information will only be disclosed to credit reference agencies and specified public authorities.

If you are at serious risk of violence or intimidation because of the activities of:

- (i) a company of which you are a director;
 - (ii) an overseas company of which you are a director or permanent representative ;or
 - (iii) an LLP of which you are a member;
- then you can apply under section 243 for your protected information not to be disclosed in future to credit reference agencies.

Addresses that already appear on the public record will continue to be available for public inspection. If you are at serious risk of violence or intimidation because of the activities of a company or LLP of which you are an officer, then you can apply under section 1088 for an address that is on the public record to be made unavailable for public inspection.

If, after reading this guide, you are in doubt about your responsibilities, you should consider seeking professional advice from a solicitor.

Chapter 1

Grounds of the application

What would be the grounds for making an application?

Certain companies, LLPs and overseas companies can place their officers (or a person who lives with them) at risk due to their activities. This could be due to their involvement in a particular sector of commerce or industry which may attract the attentions of activists or extremists.

Some examples of when an application may be appropriate include:

- if you are an officer of a company, LLP or overseas company whose business is licensed under the Animal (Scientific Procedures) Act 1986;
- if you are an officer of a company, LLP or overseas company that is a readily traceable supplier, customer or partner of a company, LLP or overseas company in the above category;
- if a company or LLP of which you are an officer has been targeted by animal rights or other activists.

There is not an exhaustive list and it will depend on your own circumstances why you may make an application to restrict the disclosure of the protected information or to make an address unavailable for public inspection.

You will also need to provide evidence to support the grounds of your application and we cover this in Chapter 2 question 4.

Chapter 2

Application by an individual to restrict the disclosure of their residential address

1. Why would I want the registrar to restrict the disclosure of the protected information regarding my residential address?

You may consider that you (or a person who lives with you) are at serious risk of being subjected to violence or intimidation due to the activities of at least one of;

- the companies of which you are or propose to become a director;
- the companies of which you were a director;
- the overseas companies of which you are or were a director, secretary or permanent representative; or
- the LLPs of which you are or have been a member.

You may consider that you (or a person who lives with you) are at serious risk of being subjected to violence or intimidation as you are or have been employed by a relevant organisation i.e. Government Communications Headquarters, the Secret Intelligence Service, the Security Service or a police force.

2. Who can make an application?

An individual who is or proposes to be a director of a company can make an application under section 243 of the Act and regulation 5 of the Companies (Disclosure of Address) Regulations 2009. The form is “Application under section 243 by an individual” – SR04.

An individual who is an LLP member can make an application under section 243, as applied by the Limited Liability Partnerships (Application of Companies Act 2006) Regulations 2009, and regulation 5 of the Companies (Disclosure of Address) Regulations 2009. The form is “Application under section 243 by an individual member of a Limited Liability Partnership (LLP)” – LL SR03.

An individual who is a director or permanent representative of an overseas company can apply for higher protection under the Overseas Companies Regulations 2009. The form is “Application for higher protection by a director or permanent representative of an overseas company to prevent disclosure to a credit reference agency of protected information” – OS SR01.

All these forms are available on request from our contact centre on 0303 1234 500.

3. What information does the application require?

The application requires:

- your name, including any former names;
- your usual residential address;
- your date of birth;
- the name and registered number of:
 - if you are making an application as director, the companies to which you are or propose to be appointed;
 - if you are making an application as an LLP member, the LLPs to which you are or propose to be appointed; or
 - if you are making an application as a director or permanent representative of an overseas company, the overseas companies to which you are or propose to be appointed;

- a statement of the grounds for making your application (this is covered in Chapter 1); and
- the name and registered number of the company, LLP or overseas company whose activities may place you (or a person who lives with you) at serious risk of violence or intimidation.

You will also be required to provide evidence to support your application. Further information on this is in question 4.

Remember: It is an offence to make a false statement.

If you are being appointed at the same time as making this application you should enclose the appropriate appointment form(s) together with the application to ensure your protected information remains restricted.

4. What evidence must I supply?

You must supply evidence that supports the statement of the grounds of your application. Some examples might include:

- a police incident number if a previous attack has occurred;
- documentary evidence of a threat or attack; or
- evidence of disruption, violence, intimidation or other targeting by animal rights or other activists.

It will depend on your circumstances what evidence you can provide. This may be in the form of a written document or photographs if these clearly show the risk.

If you are making an application on the grounds that you are employed by a relevant organisation, i.e. Government Communications Headquarters, the Secret Intelligence Service, the Security Service or a police force, then you should submit evidence to establish this.

5. Is there a fee for making the application?

Yes there is a fee of £100 for making the application. Cheques should be made payable to Companies House. Your form will be rejected if it is not accompanied by the correct fee.

6. Where do I send my application?

Your application must be sent to **The Registrar of Companies, PO Box 4082, Cardiff CF14 3WE** together with the appropriate fee and supporting evidence. This will ensure it is processed by the appropriate team.

7. What happens when you receive my application?

We will check the details you provide and review the grounds for making the application. We may ask you to provide additional evidence if we feel that you have not supplied sufficient information. To assist us in reaching a decision we will seek an assessment from a relevant authority of the nature and extent of the risk to you of violence or intimidation.

We cover information on the registrar's decision and how you will be notified in Chapter 8.

Chapter 3

Application by a company, LLP or overseas company to restrict the disclosure of its officers' addresses

1. Why would I want the registrar to restrict the disclosure of the officers' protected information regarding their addresses?

As a result of the activities of your company, LLP or overseas company you may consider the officers (or a person who lives with them) are at serious risk of being subjected to violence or intimidation.

2. Who can make an application?

A company can make an application under section 243 and regulation 6 of the Companies (Disclosure of Address) Regulations 2009 on behalf of any of its directors who are individuals. The form is "Application under section 243 by a company" – SR05.

An LLP can make an application on behalf of any of its members who are individuals under section 243, as applied by the Limited liability Partnerships (Application of Companies Act 2006) Regulations 2009, and regulation 6 of the Companies (Disclosure of Address) Regulations 2009. The form is "Application under section 243 by a Limited Liability Partnership (LLP)" – LL SR04.

An overseas company can apply for higher protection under the Overseas Companies Regulations 2009 on behalf of any of its directors or permanent representatives who are individuals. The form is "Application for higher protection by an overseas company to prevent disclosure to a credit reference agency of protected information" – OS SR02.

All these forms are available on request from our contact centre on 0303 1234 500.

3. What information does the application require?

The application requires:

- the name and registered number of the applicant, i.e. company, LLP or overseas company;
- the name and any former name of the officers for which the application is being made;
- the usual residential address for each officer;
- the date of birth for each officer;
- the name and registered number of:
 - for a company application – every company to which each director is appointed;
 - for an LLP application – every LLP to which each member is appointed; and
 - for an overseas company application – every UK-registered company or overseas company to which each director or permanent representative is appointed; and
- a statement of the grounds for making the application, this is covered in Chapter 1.

You will also be required to provide evidence to support your application. Further information on this is in question 4.

Remember: It is an offence to make a false statement.

4. What evidence must I supply?

You must supply evidence that supports the statement of the grounds of your application. Some examples might include:

- a police incident number if a previous attack has occurred;
- documentary evidence of a threat or attack; or
- evidence of disruption, violence, intimidation or other targeting by animal rights or other activists.

It will depend on your circumstances what evidence you can provide. This may be in the form of a written document or photographs if these clearly show the risk.

5. Is there a fee for making the application?

Yes there is a fee of £100 for making the application. Cheques should be made payable to Companies House. Your form will be rejected if it is not accompanied by the correct fee.

6. Where do I send my application?

Your application must be sent to **The Registrar of Companies, PO Box 4082, Cardiff CF14 3WE** together with the appropriate fee and supporting evidence. This will ensure it is processed by the appropriate team.

7. What happens when you receive my application?

We will check the details you provide and review the grounds for making the application. We may ask you to provide additional evidence if we feel that you have not supplied sufficient information. To assist us in reaching a decision we will seek an assessment from a relevant authority of the nature and extent of the risk to you of violence or intimidation.

We cover information on the registrar's decision and how you will be notified in Chapter 8.

Chapter 4

Application by a subscriber of a proposed company or a proposed member of a proposed LLP

1. Why would I want the registrar to restrict the disclosure of the proposed officers' protected information regarding their addresses?

You may consider the proposed officers (or a person that lives with them) are at serious risk of being subjected to violence or intimidation as a result of the proposed activities of your proposed company or proposed LLP.

2. Who can make an application?

A subscriber to the memorandum of association can make an application under section 243 and regulation 7 of the Companies (Disclosure of Address) Regulations 2009 on behalf of any of the proposed directors of a proposed company who are individuals. The form is "Application under section 243 by a subscriber to a memorandum of association" – SR06.

A proposed member of a proposed LLP can make an application on behalf of any of its proposed members who are individuals under section 243, as applied by the Limited liability Partnerships (Application of Companies Act 2006) Regulations 2009, and regulation 7 of the Companies (Disclosure of Address) Regulations 2009. The form is "Application under section 243 by a proposed member of a proposed Limited

Liability Partnership (LLP)” – LL SR05

Both these forms are available on request from our contact centre on 0303 1234 500.

3. What information does the application require?

The application requires:

- the name and address of the applicant;
- the name of the proposed company or proposed LLP;
- the name and any former name of each of the proposed officers for which the application is made;
- the usual residential address for each proposed officer;
- the date of birth for each proposed officer;
- the name and registered number of;
 - for a subscriber’s application - every company to which each proposed director is appointed;
 - or for a proposed member’s application – every LLP to which each member is appointed; and
- a statement of the grounds for making the application, this is covered in Chapter 1.

You will also be required to provide evidence to support your application. Further information on this is in question 4.

Remember: It is an offence to make a false statement.

4. What evidence must I supply?

You must supply evidence that supports the statement of the grounds of your application. Some examples might include:

- a police incident number if a previous attack has occurred;
- documentary evidence of a threat or attack; or
- evidence of disruption, violence, intimidation or other targeting by animal rights or other activists.

It will depend on your circumstances what evidence you can provide. This may be in the form of a written document or photographs if these clearly show the risk.

5. Is there a fee for making the application?

Yes there is a fee of £100 for making the application. Cheques should be made payable to Companies House. Your form will be rejected if it is not accompanied by the correct fee.

6. Where do I send my application?

Your application must be sent to **The Registrar of Companies, PO Box 4082, Cardiff CF14 3WE** together with the appropriate fee and supporting evidence. This will ensure it is processed by the appropriate team.

7. What happens when you receive my application?

We will check the details you provide and review the grounds for making the application. We may ask you to provide additional evidence if we feel that you have not supplied sufficient information. To assist us in reaching a decision we will seek an assessment from a relevant authority of the nature and extent of the risk to you of violence or intimidation.

We cover information on the registrar's decision and how you will be notified in Chapter 8.

Chapter 5

Application by an individual to make an address unavailable for public inspection

1. Why would I want the registrar to make an address unavailable for public inspection?

You may consider that you (or a person who lives with you) are at serious risk of being subjected to violence or intimidation due to the activities of at least one of;

- the companies of which you are or propose to become a director;
- the companies of which you are not a director but were a director, secretary or permanent representative;
- the LLPs of which you are, propose to become or have been a member;
- the LLPs of which you are not a member but were a member;
- you are or have been employed by a relevant organisation i.e. Government Communications Headquarters, the Secret Intelligence Service, the Security Service or a police force; or

- you are a “section 243 beneficiary”. We define a “section 243 beneficiary” in Chapter 8 question 2.

2. Who can make an application?

An application can be made under section 1088 of the Act and regulation 9 of the Companies (Disclosure of Address) Regulations 2009 by an individual whose usual residential address was placed on the register in respect of a company on or after 1 January 2003. The form is “Application under section 1088 to make an address unavailable for a public inspection by an individual” – SR01.

An individual whose usual residential address was placed on the register in respect of an LLP on or after 1 January 2003 can make an application under section 1088, as applied by the Limited Liability Partnerships (Application of Companies Act 2006) Regulations 2009, and regulation 9 of the Companies (Disclosure of Address) Regulations 2009. The form is “Application under section 1088 to make an address unavailable for public inspection by an individual member of a Limited Liability Partnership (LLP)” – LL SR01.

Both these forms are available on request from our contact centre on 0303 1234 500.

3. From which documents can the address be made unavailable for public inspection?

For companies and overseas companies it is the individual’s usual residential address that was placed on the register either:

- under section 10; 288; 363; 691; 692 or of paragraph 2 of Schedule 21A of the Companies Act 1985;
- under Article 21; 296; 371, 641 or 642 of the Companies Northern Ireland Order 1986;
- as a service address under section 12; 167 or 855 of the Companies Act 2006; or
- under regulations made under section 1046 (for overseas companies).

For LLPs it is the member’s usual residential address that was placed on the register under:

- section 2 or 9 of the LLP Act 2000;
- section 288 or 363 of the Companies Act 1985, as applied to LLPs;
- Article 296 or 371 of the Companies Northern Ireland Order 1986, as applied to LLPs; or

- Under section 855 of the Companies Act 2006, as applied to LLPs.

4. What information does the application require?

The application requires:

- your name, including any former names;
- the usual residential address that is to be made unavailable for public inspection;
- the service address that is to replace the usual residential address on the register;
- an address for correspondence;
- the name and registered number of:
 - the companies to which you are or have been, since 1 January 2003, appointed a director, secretary or permanent representative; or
 - the LLPs to which you are or have been, since 1 January 2003, a member;
- details of each document where the address appears on the register and the date each document was registered;
- your date of birth and:
 - the company name for each company of which you propose to become a director; or
 - the LLP name for each LLP of which you propose to become a member. Neither this LLP nor company information is required if you are enclosing an application under section 243 to restrict the disclosure of the protected information regarding your address; and
- a statement of the grounds for making your application, this is covered in Chapter 1.

You will also be required to provide evidence to support your application. Further information on this is in question 5.

Remember: It is an offence to make a false statement.

5. What evidence must I supply?

You must supply evidence that supports the statement of the grounds of your application. Some examples might include:

- a police incident number if a previous attack has occurred;

- documentary evidence of a threat or attack; or
- evidence of disruption, violence, intimidation or other targeting by animal rights or other activists.

It will depend on your circumstances what evidence you can provide. This may be in the form of a written document or photographs if these clearly show the risk.

If you are making an application as you are employed by a relevant organisation then you should submit evidence to establish this.

If you are making an application as you are a “section 243 beneficiary” then you should submit evidence to establish this.

6. Is there a fee for making the application?

Yes there is a fee of £55 for each document from which the address is to be made unavailable. Cheques should be made payable to Companies House. Your form will be rejected if it is not accompanied by the correct fee.

7. Where do I send my application?

Your application must be sent to **The Registrar of Companies, PO Box 4082, Cardiff CF14 3WE** together with the appropriate fee and supporting evidence. This will ensure it is processed by the appropriate team.

8. What happens when you receive my application?

We will check the details you provide and review the grounds for making the application. We may ask to you provide additional evidence if we feel that you have not supplied sufficient information. To assist us in reaching a decision we will seek an assessment from a relevant authority of the nature and extent of the risk to you of violence or intimidation.

We cover information on the registrar’s decision and how you will be notified in Chapter 8.

Chapter 6

Application by a company to make the addresses of its members unavailable for public inspection

1. Why would I want the registrar to make all the addresses of the company’s members or former members unavailable for public inspection?

You may consider that the members or former member or subscribers to the memorandum of association (or a person who lives at their addresses) are at

serious risk of being subjected to violence or intimidation due the activities the

company.

2. Who can make an application?

An application can be made under section 1088 of the Act and regulation 10 of the Companies (Disclosure of Address) Regulations 2009 by a company in respect of;

- all the members, or former members, whose addresses were contained in an annual return or a return of allotment of shares delivered to the registrar on or after 1 January 2003; or
- the subscribers to the memorandum of association where the memorandum was delivered to the registrar on or after 1 January 2003.

The form is “Application under section 1088 to make an address unavailable for a public inspection by a company” – SR02.

The form is available on request from our contact centre on 0303 1234 500.

3. What information does the application require?

The application requires:

- the name and registered number of the company;
- details of each document and the date each document was registered; and
- a statement of the grounds for making your application, this is covered in Chapter 1.

You will also be required to provide evidence to support your application. Further information on this is in question 4.

Remember: It is an offence to make a false statement.

4. What evidence must I supply?

You must supply evidence that supports the statement of the grounds of your application. Some examples might include:

- a police incident number if a previous attack has occurred;
- documentary evidence of a threat or attack; or
- evidence of disruption, violence, intimidation or other targeting by animal rights or other activists.

It will depend on your circumstances what evidence you can provide us. This may be in the form of a written document or photographs if these clearly show the risk.

5. Is there a fee for making the application?

Yes there is a fee of £55 for each document from which the addresses are to be made unavailable. Cheques should be made payable to Companies House. Your form will be rejected if it is not accompanied by the correct fee.

6. Where do I send my application?

Your application must be sent to **The Registrar of Companies, PO Box 4082, Cardiff CF14 3WE** together with the appropriate fee and supporting evidence. This will ensure it is processed by the appropriate team.

7. What happens when you receive my application?

We will check the details you provide and review the grounds for making the application. We may ask you to provide additional evidence if we feel that you have not supplied sufficient information. To assist us in reaching a decision we will seek an assessment from a relevant authority of the nature and extent of the risk to you of violence or intimidation.

We cover information on the registrar's decision and how you will be notified in Chapter 8.

Chapter 7

Application by a person who registers a charge to make an address unavailable for public inspection

1. Why would I want the registrar to make an address unavailable for public inspection?

You may consider that you, your employees or persons who live with either you or your employees, are at serious risk of being subjected to violence or intimidation due the activities of the company or LLP that is or was subject to the charge.

2. Who can make an application?

An application can be made by a person who registered a charge on or after 1 January 2003 under:

- Part 12 of the Companies Act 1985;
- Part 13 of the Companies Northern Ireland Order 1986;
- Part 25 of the Companies Act 2006; or
- regulations under section 1052 (for overseas companies).

The person cannot be the company that created the charge or acquired the property subject to the charge.

Where a company is subject to the charge the form is “Application under section 1088 to make an address unavailable for a public inspection by a person who registers a charge” – SR03.

Where an LLP is subject to the charge the form is “Application under section 1088 to make an address unavailable for public inspection by a person who registers a charge for a Limited Liability Partnership (LLP)” – LL SR02.

Both these forms are available on request from our contact centre on 0303 1234 500.

3. What information does the application require?

The application requires:

- the name of the applicant, and where the applicant is a company or LLP its registered number;
- the address that is to be made unavailable for public inspection;
- an address for correspondence;
- the name and registered number of the company or LLP that is or was subject to the charge;
- where the applicant is the chargee the service address that is to replace the address on the register; and
- a statement of the grounds for making your application, this is covered in Chapter 1.

You will also be required to provide evidence to support your application. Further information on this is in question 4.

Remember: It is an offence to make a false statement.

4. What evidence must I supply?

You must supply evidence that supports the statement of the grounds of your application. Some examples might include:

- a police incident number if a previous attack has occurred;
- documentary evidence of a threat or attack; or
- evidence of disruption, violence, intimidation or other targeting by animal rights or other activists.

It will depend on your circumstances what evidence you can provide us. This may be

in the form of a written document or photographs if these clearly show the risk.

5. Is there a fee for making the application?

Yes there is a fee of £55 for each document from which the address is to be made unavailable. Cheques should be made payable to Companies House. Your form will be rejected if it is not accompanied by the correct fee.

6. Where do I send my application?

Your application must be sent to **The Registrar of Companies, PO Box 4082, Cardiff CF14 3WE** together with the appropriate fee and supporting evidence. This will ensure it is processed by the appropriate team.

7. What happens when you receive my application?

We will check the details you provide and review the grounds for making the application. We may ask you to provide additional evidence if we feel that you have not supplied sufficient information. To assist us in reaching a decision we will seek an assessment from a relevant authority of the nature and extent of the risk to you of violence or intimidation.

We cover information on the registrar's decision and how you will be notified in Chapter 8.

Chapter 8

The registrar's decision

1. How long does it take for the registrar to reach a decision?

We may refer to a relevant body any question relating to the assessment of the nature and extent of the risk of violence or intimidation you face. This can take up to 4 weeks and the registrar cannot make a determination until this information is supplied.

If you have included any documents for registration with your "section 243" application we will register the documents but temporarily restrict the disclosure of your protected information until a decision is reached.

Once a decision has been determined we will notify you within 5 working days of that date.

The notice will be sent to:

- where a section 243 application is made by an individual, that person's usual residential address;
- where a section 1088 application is made by an individual, the address for correspondence given in the application;

- where a section 243 application is made by a company, LLP or overseas company – the registered office and the usual residential address of each officer listed in the application;
- where a section 1088 application is made by a company, the registered office;
- where a section 243 application is made by the subscriber to the memorandum of association or by a proposed LLP member – the person making the application and the usual residential address of each proposed officer listed in the application; and
- where a section 1088 application is made by a person who registers a charge, the address for correspondence given in the application.

2. What is the effect of a successful “section 243” or “higher protection” application?

When a decision has been granted in your favour you will be known as a “section 243 beneficiary” or in the case of an overseas company an officer with “higher protection”.

This means any forms you deliver to Companies House must show that you are a “section 243 beneficiary” or an officer with “higher protection”, for overseas companies. On paper forms you need to tick the box on the page where you give your usual residential address information. These forms must then be sent to **The Registrar of Companies, PO Box 4082, Cardiff CF14 3WE** to ensure it is processed by the appropriate team.

For companies making electronic filings there will be a similar marker on the screen which you must complete to ensure this is passed to the appropriate area. This facility is not available for LLPs and overseas companies because they cannot file electronically.

If you fail to mark your filings we may not be aware you are a “section 243 beneficiary” or an officer with “higher protection” and you risk the protected information being disclosed to credit reference agencies.

You should also inform anyone that files on your behalf of this requirement to ensure continued protection.

3. What is the effect of a successful “section 1088” application?

When a decision has been granted in your favour Companies House will:

- make the address specified in the application unavailable for public inspection from the documents listed in the application; and
- where the section 1088 application has been made by a company; make all the members’ or former members’ addresses unavailable for public

inspection from the documents listed in the application.

4. What if my application is unsuccessful?

If your application is unsuccessful you may appeal to the High Court – or in Scotland to the Court of Session – on the grounds that the decision is unlawful, irrational or unreasonable, or has been made on the basis of impropriety or otherwise contravenes the rules of natural justice. You can only make an appeal if the leave of the court has been obtained.

An appeal should be made within 21 days of the date of the notice or with the court's permission at a later date. Where permission is sought within the 21 days the court would need to be satisfied that there is good reason why an appeal cannot be made within that time. Where permission is sought outside the 21 days the court would need to be satisfied that there is good reason for the failure to make the appeal in time and the delay in applying for permission.

The court may dismiss the appeal or quash the decision. If the court quashes the decision the matter is referred back to the registrar.

5. How long does the decision last?

The “section 243” decision is indefinite unless either:

- the “section 243 beneficiary” or their personal representative notifies the registrar in writing that they wish the decision to cease; or
- the registrar has made a revocation decision.

The “section 1088” decision continues until the registrar makes a revocation decision.

6. What happens when the decision is revoked?

The registrar may revoke a decision at any time if he is satisfied that the beneficiary, or any other person, is found guilty of a general false statement offence under section 1112 of the Companies Act 2006, and related legislation.

Before revoking a decision the registrar will send a notice to the beneficiary of the intention to revoke their decision. This notice will invite you to make representations to why the decision should not be revoked. You will have 28 days from the date of the notice in which to respond. If you do not do so then a decision will be made at the end of that time and the usual residential address will be placed on the public file.

If you do make representations then they will be taken into consideration as to whether the decision is to be revoked or not. The registrar will issue a notice of his decision to the beneficiary within 5 working days of making the decision.

Chapter 9

Quality of documents

1. What happens to the documents I send to Companies House?

We scan the documents and forms you deliver to us to produce an electronic image. We then store the original, paper documents and use the electronic image as the working document.

When a customer searches the public record, they see the electronic image reproduced on-line. So it is important not only that the original is legible, but that it can also produce a clear copy.

When you file a document electronically, we automatically create an electronic image from the data you have provided us with.

This chapter sets out some guidelines to follow when preparing a document for filing at Companies House.

2. How should I set out documents?

Documents filed electronically

Documents filed electronically must comply with the specifications set out by the registrar in his rules on electronic filing. The formats for software filing are contained in the rules published on the website, and our website contains all the formats you will need to file via that method. This facility is not currently available for LLPs or overseas companies.

Paper documents

Generally, every paper document sent to Companies House must state in a prominent position the registered name and number of the company, LLP or overseas company. There are a few exceptions to this rule, which are set out in the published registrar's rules.

Paper documents should be on A4 size, plain white paper with a matt finish. The text should be black, clear, legible, and of uniform density. Letters and numbers must be clear and legible so that we can make an acceptable copy of the document. The following guidelines may help:

When you fill in a form please:

- use black ink or black type;
- use bold lettering (some elegant thin typefaces and pens give poor quality copies);
- don't send a carbon copy;
- don't use a dot matrix printer; and

- remember - photocopies can result in a grey shade that will not scan well.

When you complete other documents, please remember:

- the points already made relating to completing forms;
- to use A4 size paper with a good margin;
- to supply them in portrait format (that is with the shorter edge across the top);
and
- to include the company/LLP/overseas company number and name.

3. Where can I find out more about this?

For further guidance on print requirements please see our website or telephone 0303 1234 500.

**Chapter 10
Further Information**

1. How do I deliver information to Companies House?

For full details of all the ways of delivering documents to Companies House, electronically or on paper, please refer to the registrar's rules which appear on our website. The safest and most secure way to deliver statutory information to Companies House is to use our online filing services. This facility is not currently available for LLPs or overseas companies.

If you are delivering documents by post, courier, Document Exchange Service (DX) or Legal Post (in Scotland) and would like a receipt, Companies House will provide an acknowledgement if you enclose a copy of your covering letter with a pre-paid addressed return envelope. We will barcode your copy letter with the date of receipt and return it to you in the envelope provided.

Please note: an acknowledgement of receipt does not mean that a document has been accepted for registration at Companies House.

Please note: Companies House does not accept any statutory documents by fax, PDF or by email.

2. Do I have to pay to file documents at Companies House?

You do not have to pay a fee for many of the documents that you have to send to Companies House, **but some do require a fee and we will not accept them for registration without it.** For full details you should refer to our website.

3. Can I file documents in other languages?

As a general rule the law requires that you file documents sent to Companies House in English. There are exceptions as detailed below. You can draw up and deliver documents in Welsh if you are a company or LLP with its registered office situated in Wales.

Companies and LLPs can deliver the following documents in other languages if the document is accompanied by a certified translation into English:

- For a company/LLP included in accounts of larger EEA or non-EEA groups, the group accounts and parent undertaking annual report;
- Charge instruments (or copy charge instruments);and
- Court Orders.

In addition, Companies and LLPs may also file voluntary certified translations. Further information on this is covered in our other guides.

4. Where do I get forms and guides?

This is one in a series of Companies House publications which provides a simple guide to the Companies Act and other related legislation.

All statutory forms and guides are available free of charge from Companies House. The quickest way to get them is on our website or by telephoning 0303 1234 500.

You can also obtain forms from company law stationers, accountants, solicitors and company formation agents.

how to contact us

Version 4.0 (04/11)

contact centre: **0303 1234 500**

(For training and quality purposes your call may be monitored)

mini-com: 029 2038 1245

enquiries@companieshouse.gov.uk

www.companieshouse.gov.uk

- Cardiff:** Companies House
Crown Way, Cardiff CF14 3UZ
- Edinburgh:** Companies House
Fourth Floor, Edinburgh Quay 2,
139 Fountainbridge, Edinburgh, EH3 9FF
- London:** Companies House
21 Bloomsbury Street, London, WC1B 3XD
- Belfast:** Companies House,
Second Floor, The Linenhall,
32-38 Linenhall Street, Belfast, BT2 8BG

For the most up to date version of this booklet please visit our website at:

www.companieshouse.gov.uk



Awarded for excellence