

Information Released under Freedom of Information Act

Subject: Statistics relating to the number of companies struck off for non filing of Annual Returns and enforcement action taken

Date Released: 12 November 2008

Summary of request: The enquirer requested the number of companies struck off for non filing of Annual Returns, what action we take and what enforcement action was taken during a recent reporting period

Information released:

1. How many companies have been struck off in your most recent complete reporting period, exclusively for not filing an annual return?

Having made enquiries with the relevant sections within Companies House, I have been informed that we do not hold statistics in the format you have requested. Unfortunately, we do not collate statistics on the type of documents that we were pursuing the companies for prior to their removal from the register.

2. Specifically what action do you take to proactively get annual returns filed; and if different, what action do you take for same when a complaint is made about non filing of an annual return?

All companies receive a reminder letter shortly before their Annual Return is due for filing. Any company which does not file on time receives a further letter shortly after the deadline.

In cases where a lack of response from the company suggests that it is defunct, Companies House makes a formal statutory enquiry to the company under section 652 of the Companies Act 1985 to seek to establish whether it remains in business or operation. In the event of the company failing to respond, Companies House initiates the process which leads to the company being struck off the register and dissolved (although this process is halted if the company shows a credible sign of life).

In cases where the company is obviously still active but continues not to meet its legal obligations, Companies House will - after due warning - consider whether the company's directors should be prosecuted. All prosecutions are considered against the guidelines laid down in the Code of Practice for Crown Prosecutors, which stress the need to assess the likelihood of a conviction being secured and the question of whether a prosecution is in the public interest.

Should Companies House receive a complaint regarding the failure of a specific company to file its statutory documents, it would not alter this process, but would cause us to consider the case for action with greater urgency.

3. What, if any, enforcement action was taken in your most recent complete reporting period, exclusively for not filing an annual return; and how many companies were involved?

Companies House produces a statistical table on Companies Registration Activities. The report can be accessed by the following link:

http://www.companieshouse.gov.uk/about/pdf/companiesRegActivities2007_2008.pdf
Table D2 - Prosecutions by the Department under the Companies Act 1985 on page 19 of the report outlines the number of companies prosecuted and convicted during the last five years for non filing of accounts and annual returns.

I must therefore refuse your request in question 3 as, under section 21 of the Freedom of Information Act, any information that is reasonably accessible to the applicant, albeit on payment of a fee, is exempt information under the Act.