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## Removing directors' residential addresses from public record

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From 1st October 2009 every director of a company will have an opportunity of removing their residential address from the public record.

### **The Companies Act 2006**

The Companies Act 2006 is being introduced in stages and from 1st October 2009 every director of a company will be able to register a service address for public record.

### **Will a director still have to register their residential address?**

It will still be a requirement to register a residential address but this will be kept private, only accessible to prescribed regulatory authorities such as the police and HM Revenue and Customs. It may also be made available to credit reference agencies for vetting applications for credit and to meet the obligations in the money laundering regulations (but see \* below).

### **Are there any requirements for the service address?**

A director can choose any address as the service address including the registered office address of the company. However, the address must be where documents can be delivered and an acknowledgement or receipt can be provided if required. The address cannot be a PO Box or a DX number.

If the service address is ineffective the Registrar has the power to ban the use of the address and to place the usual residential address on the public register.

### **What happens if a director does not register a service address?**

If no service address is registered it will be assumed that the service address is the same as the residential address. Therefore if a director wishes to have a separate service address they must take positive action to register it.

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## **Will a payment to Companies House be required to file a service address?**

There is no fee for registration.

## **\* Will residential addresses always be made available to credit reference agencies?**

No. Vulnerable directors will be able to apply to the registrar for their addresses not to be provided to credit reference agencies. Applications to the registrar can be made under s243 on the grounds that a director:

- is at serious risk of violence or intimidation as a result of the activities of a company of which he is a director; or
- has been, employed by the police or security services; or
- is providing, or has provided, goods or services to the police or security services.

## **What happens if a confidentiality order is in place?**

If the confidentiality order expires after 1<sup>st</sup> October 2009 it will be treated as a successful application under s243.

Confidentiality orders will cease on implementation of the act on 1st October 2009. Any confidentiality order application received on or before 30 September 2009 will be dealt with but any applications received after that date will be rejected for the new form (i.e. application under s243 as \* above).

If you would like further information or advice on the above, or for information about other changes that will be implemented from the 1<sup>st</sup> October 2009, please contact Steven, Tom or Philip who will be happy to assist you or visit [www.gardandco.com](http://www.gardandco.com).

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