



Economic Crime and Corporate Transparency Act 2023

2023 CHAPTER 56

PART 1

COMPANIES ETC

Information sharing and use

96 Use or disclosure of PSC information by companies

- (1) The Companies Act 2006 is amended as follows.
- (2) For section 790ZG substitute—

“790ZG Power to make regulations protecting material

- (1) The Secretary of State may by regulations—
 - (a) require a company to refrain from using, or refrain from disclosing, relevant PSC particulars except in circumstances specified in the regulations;
 - (b) confer power on the registrar, on application, to make an order requiring a company to refrain from using, or refrain from disclosing, relevant PSC particulars except in circumstances specified in the regulations.
- (2) “Relevant PSC particulars” means such particulars of a person with significant control over the company as may be prescribed.
- (3) The reference in subsection (2) to a person with significant control over the company—
 - (a) includes a person who used to be such a person, but

Changes to legislation: There are currently no known outstanding effects for the Economic Crime and Corporate Transparency Act 2023, Section 96. (See end of Document for details)

- (b) does not include any person in relation to which this Part has effect by virtue of section 790C(12) as if the person were an individual.
- (4) Regulations under subsection (1)(b) may make provision as to—
 - (a) who may make an application;
 - (b) the grounds on which an application may be made;
 - (c) the information to be included in and documents to accompany an application;
 - (d) how an application is to be determined;
 - (e) the notice to be given of an application and its outcome;
 - (f) the duration of and procedures for revoking the restrictions on use and disclosure.
- (5) Provision under subsection (4) may in particular—
 - (a) confer a discretion on the registrar;
 - (b) provide for a question to be referred to a person other than the registrar for the purposes of determining the application or revoking the restrictions.
- (6) Regulations under this section are subject to affirmative resolution procedure.
- (7) Nothing in this section or in regulations made under it affects the use or disclosure of particulars of a person in any other capacity (for example, the use or disclosure of particulars of a person in that person’s capacity as a member or director of the company).

790ZH Offence of failing to comply with regulations under section 790ZG

- (1) If a company contravenes a restriction on the use or disclosure of information imposed by virtue of regulations under subsection 790ZG, an offence is committed by—
 - (a) the company, and
 - (b) every officer of the company who is in default.
- (2) A person guilty of an offence under this section is liable on summary conviction—
 - (a) in England and Wales, to a fine;
 - (b) in Scotland or Northern Ireland, to a fine not exceeding level 5 on the standard scale and, for continued contravention, a daily default fine not exceeding one-tenth of level 5 on the standard scale.”
- (3) In section 1087 (material not available for public inspection), in subsection (1), for paragraph (bc) substitute—
 - “(bc) any application or other document delivered to the registrar under regulations under section 790ZG (protection of PSC information);”.

Commencement Information

- I1** S. 96 in force at Royal Assent for specified purposes, see **s. 219(1)(2)(b)**
- I2** S. 96 in force at 4.3.2024 in so far as not already in force by **S.I. 2024/269, reg. 2(z38)**

Changes to legislation:

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