

Proposed changes to disclosure of company directors' addresses and implications for charities

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Directors of companies are often unaware that their residential addresses may be publically available on the Companies House register. The draft Companies (Disclosure of Address) (Amendment) Regulations 2018 (the '*Draft Regulation*'), which was published in February 2018, proposes a change to the current law to make it easier for directors to have their residential address removed permanently from the public record.

The current law, under section 1088 Companies Act 2006 and the Companies (Disclosure of Address) Regulations 2009, permits a director to remove his or her residential address from the register provided he or she can show certain specified grounds, one of which is a requirement of the director to show that there is a serious risk of intimidation or violence (associated with the company's activities) against that director or against a family member. The Draft Regulation removes this requirement, amongst others, of the individual director and also allows for a director to be able to remove a personal address placed on the register prior to 1 January 2003. In cases where an applicant's current address must be provided, this will be replaced by a '*service address*' and where there is no requirement, the information provided for a director's address will be limited to the first half of the postcode, or, if there is no postcode, an equivalent geographical area.

How does this apply to charities?

Many charities are established as companies and consequently governed by the Companies Act 2006. For such charities, certain information is required by Companies House at incorporation, including a '*service address*'. Often with smaller charities which have been set up as companies, directors unknowingly provide their residential address meaning it is common to have the registered office of a charity as a director's residential home. With this comes not only publically accessible information regarding a director's personal address, but potentially an unintentional administrative burden to manage a charity's compliance with the Companies Act 2006.

The government has proposed that the Draft Regulation is to come into force towards the end of summer 2018. Directors /trustees of charities may therefore wish to take steps to remove their personal information from the public domain.

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