

Information Released under Freedom of Information Act

Subject: Request for statistics and information relating to the rectification of the register

Date Released: 21 March 2016

Summary of request: The enquirer requested statistics and information relating to the rectification of the register

Information Released

I have answered your questions below

1. How many times have full accounts been removed completely where there has been a filing mistake of filing those rather than abbreviated accounts/accounts for a small company, and how has that request been actioned (Court Order or without a Court Order), and which circumstances have dictated which approach (ie need for Court Order or not);

A complete set of accounts (whether full or abbreviated) can only be removed with the authority of a Court Order.

Companies House (CH) does not hold statistics on the content of Court Orders i.e. the reason for the Court order or what the Court Order is requesting.

2. Where there has been the above type of filing mistake, on how many occasions has the request been dealt with by deleting or replacing certain pages of full accounts (rather than the whole set of accounts), and was this done by Court Order or without Court Order;

The Companies Act 2006 (the Act) permits information to be removed when it falls into the category of 'unnecessary material'. CH has dealt with 102 Administrative Removals since November 2014 (Figures are not held prior to November 2014). This is broken down to:

17 Administrative Removals from November 2014 - March 2015

85 Administrative Removals from April 2015 -11 March 2016.

It is estimated that the vast majority (95%) would be to remove pages from accounts that are easily removed e.g. detailed profit and loss or, pages clearly headed 'Management Information'.

Please note that these figures are held for management purposes only and have not been audited in any way.

If a company determines that a set of accounts has been filed in error, or part of a set of accounts has been filed in error, then only 'unnecessary material' can be removed, as defined in section 1074 of the Act, i.e. if the Act determines that the information requested to be removed is 'not' considered to be unnecessary material, then it cannot be removed. A complete set of accounts (whether full or abbreviated) would never be replaced in this way, in these circumstances the entire set of accounts would need to be removed with a Court Order.

3. In which circumstances was the above undertaken without a Court Order, and why was it permitted without a Court Order;

As explained above, pages within a set of accounts can be removed without a Court Order if those pages are unnecessary material but under no circumstances would those pages be replaced.

4. Where Companies House have requested the originator of the request to obtain a Court Order, the number of occasions that Companies House have agreed to a draft form of Consent Order for the applicant, and what form it has taken, and how many such Consent Orders approved by the Court have been furnished to Companies House to require removal of the full accounts due to the filing mistake referred to above;

The Registrar would not consent to an order made under section 1096 of the Companies Act 2006 as he believes it is up to the court to make a determination based on the facts presented before them. Section 1096(1) states "the Registrar shall remove from the register any material –

(a) that derives from anything that the court has declared to be invalid or ineffective, or to have been done without the authority of the company, or

(b) that a court declares to be factually inaccurate, or to be derived from something that is factually inaccurate, or forged."

The Registrar would wish to be added as an interested party in any claim of this nature and would expect sight of the proposed draft order prior to the hearing. Once the wording of the draft order has been agreed with our legal team we would be in a position to provide the Claimant with a letter of non-objection, on behalf of the Registrar, which would show his standing in the matter.

The following are the numbers of Court Orders that have CH has received so far this financial year to rectify the register. CH does not hold statistics prior to 2012. All figures are for financial years:

2015 - 2016: 97

2014 - 2015: 101

2013 - 2014: 65

2012 - 2013: 94

Again, these figures are held for management purposes only and have not been audited in any way.

Please note that these figures do not include Court Orders concerning the Restoration or Mortgage process.

You may also wish to refer to the following guidance, which is on our website, concerning Company registrar's rules and powers

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/533360/GP6_The_Registrars_Rules_and_Powers_V3.6-ver0.1.pdf