

2002 No. 913

PARTNERSHIP

**The Limited Liability Partnerships (No. 2)
Regulations 2002**

Made - - - - - *31st March 2002*
Coming into force - - - *2nd April 2002*

The Secretary of State, in exercise of the powers conferred on her by sections 15 to 17 of the Limited Liability Partnerships Act 2000^(a) and all other powers enabling her in that behalf hereby makes the following Regulations, of which a draft has been laid before Parliament in accordance with section 17 of that Act and approved by a resolution of each House of Parliament:

Citation and commencement

1.—(1) These Regulations may be cited as the Limited Liability Partnerships (No. 2) Regulations 2002.

(2) These Regulations shall come into force on 2nd April 2002.

Interpretation

2.—(1) In these Regulations—

“the 1985 Act” means the Companies Act 1985^(b);

“the principal Act” means the Limited Liability Partnerships Act 2000; and

“the principal Regulations” means the Limited Liability Partnerships Regulations 2001^(c).

(2) In these Regulations, unless the contrary intention appears, expressions which are also used in the principal Act or the principal Regulations shall have the same meanings as in that Act or in those Regulations.

(a) 2000 c. 12.

(b) 1985 c. 6.

(c) The Limited Liability Partnerships Regulations 2001 (S.I. 2001/1090).

Application of Sections 723B - 723F of the 1985 Act to limited liability partnerships

3. Sections 723B - 723F of the 1985 Act^(a) shall apply to limited liability partnerships with the modifications set out in the Schedule.

Melanie J. Johnson,
Parliamentary Under Secretary of State for
Competition, Consumers and Markets,
Department of Trade and Industry

31st March 2002

^(a) Sections 723B - 723F were inserted into the Companies Act 1985 by section 45 of the Criminal Justice and Police Act 2001 (c. 16).

**MODIFICATIONS TO PROVISIONS OF SECTIONS 723B - 723F of the
1985 Act in their application to limited liability partnerships**

Provision of Part VII	Modification
Section 723B (confidentiality orders)	<p>In subsection (2)(a), for “a director, secretary or permanent representative of a relevant company” substitute “a member or designated member of a relevant limited liability partnership”.</p> <p>In subsection (5), for “company” substitute “limited liability partnership” and for “a director, secretary or permanent representative” substitute “a member or a designated member”.</p>
Section 723C (effect of confidentiality orders)	<p>For subsection (1)(b), substitute “section 364 shall have effect in relation to each affected limited liability partnership of which the individual is a member or designated member as if the reference in subsection (b) of that section to the individual’s usual residential address were a reference to the address for the time being specified by the individual in relation to that limited liability partnership under section 723B(5) or subsection (7) below.”.</p> <p>Omit subsection (6).</p> <p>In subsection (7)(a), for “company of which he becomes a director, secretary or permanent representative” substitute “limited liability partnership of which he becomes a member or a designated member”.</p> <p>In subsection (8), for “A company is an affected company” substitute “A limited liability partnership is an affected limited liability partnership”.</p>
Section 723D (construction of sections 723B and 723C)	<p>In subsection (1), for ““relevant company”” substitute ““relevant limited liability partnership””.</p> <p>In subsection (1)(a) for “a company formed and registered under this Act or an existing company” substitute “a limited liability partnership formed and registered under the Limited Liability Partnerships Act 2000”; and delete the words “or (b) an overseas company”.</p> <p>Omit subsection (2).</p> <p>In subsection (4), omit ““director” and “secretary”, in relation to an overseas company, have the same meanings as in Chapter 1 of Part 23 of this Act;”.</p> <p>In subsection (7), for “company” in the first place where it occurs substitute “limited liability partnership” and for “company or a company to which section 690A applies” substitute “limited liability partnership”.</p>
Section 723F (Regulations under sections 723B to 723E)	<p>Omit the words “In section 288 (register of directors and secretaries), after subsection (6) there shall be inserted—</p> <p>“(7) Subsections (3) and (5) are subject to section 723B.”</p>

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 45 of the Criminal Justice and Police Act 2001 inserted sections 723B - 723F into the Companies Act 1985 with the intention of setting up a structure under which a confidentiality order could be obtained in relation to a company director so that there could be provided to the Registrar of Companies a service address rather than a usual residential address in respect of that director.

The Limited Liability Partnerships Regulations 2001 applied large portions of the Companies Act 1985 to limited liability partnerships and these Regulations apply sections 723B - F to limited liability partnerships, with appropriate modifications. As a result a confidentiality order may also be available for a member of a limited liability partnership.

£1.75

© Crown copyright 2002

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of
Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.
E0467 4/2002 120467 19585-3

