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Our ref:

11 March 2015

*Dear Michael,*

## **SMALL BUSINESS, ENTERPRISE AND EMPLOYMENT BILL: PSC REGISTER**

I would like to thank you for your contributions to the Report stage debates on the register of people with significant control ('PSC register') on 9<sup>th</sup> March.

You raised some very valid questions about the inspection regime for the company's own PSC register and I undertook to provide further detail in writing. It may be helpful if I briefly set out the broad regime before turning to your specific question.

A company must maintain its own register of PSC information at its registered office or other specified location. With the exception of information of people at serious risk of violence or intimidation (who may apply to the registrar for their information to be withheld from public disclosure by the company and Companies House) and residential address information, the company must make this information available for inspection on request.

A person making such a request must provide the company with their name and address and the purpose for which the information is to be used.

Should the company feel that the purpose in question is not a 'proper purpose', it may apply to the court to refuse inspection. Although there is no definition in the Bill of 'proper purpose', it should be given a wide interpretation in view of the fact that the purpose of the register is to provide information about the people who have significant control over the company.

It is a criminal offence for a person to lie in making such a request; or to do (or fail to do) anything that results in the information being disclosed to another person if they know or suspect that other person may use the information for an improper purpose.

Turning to the specific question you raised during the debate, I agree that using information in the PSC register to inform a newspaper article to which the beneficial

ownership of a company was relevant would constitute a proper purpose, providing the request was made on that basis. If the information was used for another purpose by the requestor, or the requestor passed the information to someone else who then used the information for another purpose; that would not constitute a proper purpose. In both cases the person who had requested access to the information would be liable for the offence in section 790R, which is punishable by up to two years in prison.

Ultimately such matters will be for a court to decide, but I hope this provides some clarity. I am placing copies of this letter in the House Libraries and sending copies to Lord Naseby, Lord Flight, Lord Borwick, Lord Watson of Invergowrie, Lord Stevenson of Balmacara, Lord Mendelsohn and Lord Popat.

*Warm regards*

*Luy*

**BARONESS NEVILLE-ROLFE DBE CMG**