

Assurance update

July 2017

New rules for Persons of Significant Control

Since 26 June and the implementation of the Fourth Money Laundering Directive (4MLD), company secretarial departments must be advised of changes as and when they happen. The back-dating of share transfers and allotments will also no longer be possible.

Private Companies & Limited Liability Partnerships

If information on the PSC register for a company or LLP changes, you have 14 days to update the internal register and a further 14 days to notify Companies House.

The PSC register and any changes to it will no longer form part of the confirmation statement, but will be required to be filed using forms PSC01 to PSC09.

This change is being made as the 4MLD states that information held must be current. Under the old rules, there was no specific time period within which a company needed to update its register. Companies only had to update this information once a year when they submitted their annual confirmation statement.

Scottish Partnerships and Scottish Limited Partnerships

It has been confirmed that Scottish partnerships and limited partnerships will also be subject to the new PSC regime. They will be required to submit PSC information to Companies House from 24th July 2017.

Further details on how the significant control tests will be applied to Scottish partnerships are available from the Companies House website.

AIM Companies

At the moment companies subject to the FCA's Disclosure Guidance and Transparency Rules (DTR5) – which includes AIM companies – are exempt from the PSC regime.

Also exempt are companies that have voting shares admitted to trading on a regulated market in the EEA or on a market specified in Schedule 1 of the Register of People with Significant Control Regulations 2016.

The 4MLD allows an exemption for companies listed on regulated markets, such as the London Stock Exchange. However, there is no longer an exemption for companies listed on prescribed markets such as AIM.

AIM companies will now have to file PSC information after the 26th June 2017.

For further information, please contact your Wilkins Kennedy partner.

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