

Oakwood Alert

Directors' Service Addresses

March 2010

Directors have been able to provide a service address for registration on the public record (in place of a residential address) since 1 October 2009, yet many directors still have a residential address registered and therefore publicly available. This alert sets out how companies and their directors can take advantage of this welcome change in disclosure obligations and reduce potential risk from public disclosure of residential addresses.

Directors' service addresses

Under the Companies Act 2006 (**CA 2006**), directors are no longer required to make their residential addresses available on the public record. Instead, they can provide a service address (which can be the company's registered office or other business address), while their residential addresses are held separately on a secure part of the public register to which access is restricted (to certain public authorities and credit reference agencies).

Registration of a service address

A director who was appointed prior to 1 October 2009 and, accordingly, had previously registered a residential address, can change his or her registered address simply by filing a form CH01 (in respect of each relevant company) with the Registrar of Companies. A service address must be an address at which documents can be effectively served on the director and cannot be a PO Box or DX address. Popular choices include a company's registered office or other business address.

A director's service address is deemed to be the same as his or her usual residential address if an alternative service address has not been provided, in which case a note of this fact will be recorded by the Registrar on the separate, secure, part of the register.

Disclosure of addresses

Once a service address has been registered, a director's residential address will no longer be directly available on the public record and will only be disclosed to certain government agencies and credit reference agencies. However, historical documents that show a director's usual residential address will still be available. This will not, of course, be an issue for any directors appointed after 1 October 2009 who have not previously registered their usual residential address.

In certain circumstances, directors can apply, under section 243 CA 2006, to have their usual residential address protected from disclosure to credit reference agencies, where they or their family members are considered to be at risk of violence or intimidation. Directors who previously had confidentiality orders in place will not currently have their residential addresses registered on the public record in any event and are automatically given the additional protection from disclosure of their residential addresses to credit reference agencies.

Successful applicants under section 243 (and directors who previously had confidentiality orders in place) may also apply to have a residential address placed on the public record on or after 1 January 2003 (for example, on a previously filed form 288a or annual return) to be made unavailable for public inspection.

Company registers and public inspection

A company's register of directors, which is open to public inspection, is only required to include a director's service address, whilst residential addresses are recorded by the company in a separate register of directors' usual residential addresses, which is not open to inspection.

Company secretaries

Company secretaries are now only required to register a service address – there is no requirement for them to supply a residential address, unless they still wish to use their usual residential address as their service address.

As with directors, a secretary who was appointed prior to 1 October 2009 and who had previously registered a residential address can change his or her registered address by filing a form CH03 (in respect of each relevant company) with the Registrar of Companies.

If you would like assistance in changing a director's registered address or making an application for protection from disclosure to credit reference agencies, or would like to talk through any of these issues in greater detail, please do give us a call:

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