

## Questions

1. **Do you agree that all legal forms that can hold properties should be in the scope of the new register's requirements? If not, what legal forms should we consider an exemption for and why?**

2. **Is the suggested definition of leasehold appropriate?**

3. **Will setting the leasehold definition at leases over 21 years create any unintended consequences?**

4. **Do you agree that the definition of beneficial owner for the new overseas register should be aligned to the definition of PSC in the PSC regime?**

There are some difficulties with the interpretation of the current PSC legislation which we believe should be considered before replicating the PSC legislation for the new overseas register. Examples include:

(1) whether the fifth condition can apply indirectly eg if a person controls a protector or appointor in a trust structure or an equivalent entity in relation to foundations and other fiduciary structures;

(2) the extent to which trustees can be controlled in the context of the PSC legislation and whether this should be analysed on trust law principles or in line with the case law on shadow directorship;

(3) whether the test of not taking part in the management of a foreign limited partnership is considered under local law or English law.

5. **Do you agree that entities that are not similar to UK companies limited by shares should use these adaptations to identify their beneficial owners?**

Yes

6. **Do these adaptations provide sufficient flexibility in the beneficial owner conditions to apply to most legal entities? If not, what additional adaptations should there be?**

7. **What methods of raising awareness would be most effective?**

8. **Do you have any information that is relevant to our assessment of the cost and benefits of the policy to businesses, society and the economy?**

9. **What, if any, impact do you think that the proposed policy will have on the UK property market (residential and commercial)? Please describe the impacts and provide evidence.**
10. **Do you agree that the duration of the period given to overseas entities to comply with the new requirements should be one year?**
11. **Is a system of statutory restrictions and putting notes on the register, backed up by criminal offences, a comprehensive way to ensure compliance?**
12. **Do you agree that we should prevent any beneficial interest in the property passing to an overseas legal entity that does not have a valid registration number at completion or settlement?**
13. **Do you agree that the most appropriate way to do this would be to void the transfer document?**
14. **Is there another way that we could achieve this result?**
15. **Which is your preferred option for procurement and why?**
16. **Do you agree that the information on the new register for overseas entities should be the same as the information required under the PSC regime?**
17. **Do you agree that entities unable to give information about beneficial owners should be asked to provide information about their managing officers?**
18. **Is there any additional information that we should ask for from entities that are unable to give information about their beneficial owners?**
19. **Is a requirement for an update every two years appropriate?**
20. **Would a criminal offence be an appropriate way of enforcing the requirement to update information?**

21. **Do our proposals achieve the right balance between ensuring compliance and enabling overseas entities to maintain existing assets?**
22. **Are these mechanisms enough to deal with situations where bidders provide false beneficial ownership information or do not keep their information up to date?**
23. **Do you think that this provides the correct balance between protecting individuals from harm and ensuring transparency of how properties are owned?**

We believe that there are a considerable number of individuals who would be legitimately concerned about their home/private residential addresses being made public. A careful balance needs to be achieved between the desire for information of this nature to be made public and the fundamental right to respect for the right to a private life, and the right to safety and security at home, given that information shared online can lead to serious threats to both. We would therefore urge that the criteria for a person's details being private and excluded from the register not be set too narrowly and that the criteria be reviewed after a period of time if it was perceived that the protection regime was being abused.

24. **Are there additional situations we should consider where protections should be granted?**
25. **Are there other situations where exemption from putting information on the register should be permitted for entities participating in procurement?**
26. **How can we best ensure that only legitimate lenders are able to repossess and dispose of a property with a restriction against it?**
27. **We are interested in views and evidence of other commercial transactions that could be disrupted by the proposed restrictions regime.**
28. **Are there additional third party impacts that should also be addressed?**