STATUTORY INSTRUMENTS

1977 No. 537

BUSINESS NAMES

The Business Names (Amendment) Rules 1977

Made - - - -	*22nd March* 1977
Coming into Operation	*18th April* 1977

The Secretary of State, with the concurrence of the Treasury as to fees, in exercise of the powers conferred by section 17 of the Registration of Business Names Act 1916**(a)** (hereinafter called "the Act"), as amended by section 5(3) of the Fees (Increase) Act 1923**(b)** and section 32 of the Companies Act 1976**(c)**, and now vested in him**(d)**, and of all other powers enabling him in that behalf, hereby makes the following Rules:—

1.—(1) These Rules may be cited as the Business Names (Amendment) Rules 1977 and shall come into operation on 18th April 1977.

(2) The Interpretation Act 1889**(e)** shall apply for the interpretation of these Rules as it applies for the interpretation of an Act of Parliament.

(3) Any reference to the Act, or to any provision of the Act, in the Business Names Rules 1949**(f)**, as amended by the Business Names (Amendment) Rules 1969**(g)**, or in these Rules, shall, except in so far as the context otherwise requires, be construed as a reference to the Act, or to the provision of the Act, as amended by section 32 of the Companies Act 1976.

2. The fees to be paid to the Registrar

(*a*) by any corporation referred to in section 1(*e*) of the Act in respect of any of the matters specified in paragraphs (*a*), (*c*) and (*f*) of Rule 9 of the Business Names Rules 1949 by reason of the amendment of the Act made by section 32 of the Companies Act 1976; and

(*b*) by any person inspecting any document mentioned in paragraph (*d*) of the said Rule 9, or requiring any certificate or certified copy of or extract from any document mentioned in paragraph (*e*) thereof, in relation to any such corporation by reason of the amendment of the Act made by the said section 32

shall be those specified in the said Rule 9, as amended by the Business Names (Amendment) Rules 1969.

3.—(1) The forms marked R.B.N. 1D and R.B.N. 3D set out in Schedule 1 to these Rules, with such variations as the circumstances in each case require, shall be forms to be used under the Act.

(a) 1916 c. 58.
(b) 1923 c. 4.
(c) 1976 c. 69.
(d) S.I. 1970/1537 (1970 III, p. 5293).
(e) 1889 c. 63.
(f) S.I. 1949/2441 (1949 I, p. 531).
(g) S.I. 1969/1330 (1969 III, p. 3958).

(2) The Business Names Rules 1949, as amended by the Business Names (Amendment) Rules 1969, shall have effect as if for the forms marked R.B.N.4, R.B.N.6 and R.B.N. Cert. 2 in the Appendix thereto there were substituted the forms set out in Schedule 2 to these Rules.

Derek Eagers,
An Under-Secretary,
Department of Trade.

22nd March 1977.

We concur in the making of these Rules so far as they relate to fees.

T. E. Graham,
T. M. Cox,
Two of the Lords Commissioners
of Her Majesty's Treasury.

22nd March 1977.

Rule 3(1)

SCHEDULE 1

Form R.B.N. 1D

No. of Certificate

Registration fee £1

REGISTRATION OF BUSINESS NAMES ACT 1916
as amended by the Companies Acts 1947 *and* 1976

Application by a corporation incorporated outside Great Britain for registration in pursuance of section 1(*e*) of the Registration of Business Names Act 1916.

Application is hereby made for registration in pursuance of section 1(*e*) of the Registration of Business Names Act 1916 and for that purpose the following statement of particulars is furnished:—

(1) The business name. (Note A)	
(2) The general nature of the business	
(3) Principal place of business in Great Britain (Full address)	
(4) Name of the corporation carrying on the business	
(5) Registered or principal office of the corporation	
(6) Date of commencement of business by the corporation if the business was commenced on or after 18th April 1977 under the name given in space (1)	
(7) Any other business name or names under which the business is carried on. If none say "None".	

Signature and Status..... (Note B)

Date.....

Please see notes overleaf

NOTE A—The Registrar of Business Names has the power to refuse to register any name which in his opinion is undesirable (see section 14 of the Act as amended by the Companies Act 1947).

NOTE B—This statement must in all cases be signed by a director or secretary of the corporation or any person responsible for the management of the business carried on by the corporation in Great Britain or any other officer of the corporation applying for registration and must be sent by post or delivered to the Registrar within fourteen days of commencing to carry on the business. But if the corporation carried on with business before 18th April 1977, or commences business within two months after that date, the statement must be furnished after the expiration of two months and before the expiration of three months from 18th April. If at the expiration of the said two months the conditions affecting the corporation have ceased to be such as to require registration under the Act, the corporation need not be registered so long as such conditions continue.

Application may be made before the business has commenced.

If the principal place of business in Great Britain is situated in:

(*a*) England or Wales, the statement must be sent or delivered to the Registrar of Business Names, Pembroke House, 40-56 City Road, London EC1Y 2DN.

(*b*) Scotland, the statement must be sent or delivered to the Registrar of Business Names, 102 George Street, Edinburgh EH2 3DJ.

Failure, without reasonable excuse, to furnish the required statement of particulars within the time specified will, in addition to any disability imposed by the Act, entail liability on conviction to a fine not exceeding £5 for every day during which the default continues, any statement which contains any matter which is false in any material particular to the knowledge of any person signing it will entail liablity on conviction to imprisonment for a term not exceeding three months or to a fine not exceeding £20, or to both such imprisonment and fine.

Form R.B.N. 3D

Registration Number

Registration fee £1

REGISTRATION OF BUSINESS NAMES ACT 1916

as amended by the Companies Acts 1947 *and* 1976

Statement, in pursuance of section 6 of the Registration of Business Names Act 1916, by a corporation incorporated outside Great Britain of a change in particulars registered in pursuance of section 1(*e*) of the Registration of Business Names Act 1916.

The following is a statement of a change (and of the date of such change) which has been made or has occurred in the particulars registered in pursuance of section 1(*e*) of the Registration of Business Names Act 1916 in respect of:—

Business Name.....

Nature of Change.....

.....

.....

.....

Date of Change.....

Name of Corporation.....

Signature and Status.....

Date .....

Please see notes overleaf

NOTE: This statement must be signed by a director or secretary of the corporation or any person responsible for the management of the business carried on by the corporation in Great Britain or any other officer of the corporation and when signed must be sent by post or delivered to the Registrar within fourteen days after any change in any of the particulars registered, or within such longer period as the Department of Trade may, on application being made in any particular case whether before or after the expiration of such fourteen days, allow.

If the principal place of business in Great Britain is situated in

(*a*) England or Wales, the statement must be sent or delivered to the Registrar of Business Names, Pembroke House, 40-56 City Road, London EC1Y 2DN.

(*b*) Scotland, the statement must be sent or delivered to the Registrar of Business Names, 102 George Street, Edinburgh EH2 3DJ.

Failure, without reasonable excuse, to furnish the required statement of any change in particulars within the time specified will in addition to any disability imposed by the Act, entail liability on conviction to a fine not exceeding £5 for every day during which the default continues. Any statement which contains any matter which is false in any material particular to the knowledge of any person signing it will entail liability on conviction to imprisonment for a term not exceeding three months or to a fine not exceeding £20 or to both such imprisonment and fine.

INSTRUCTIONS

The foregoing statement must be forwarded whenever any change is made or occurs in the particulars registered under Section 1(*e*) of the above Act, i.e. in:—

(1) The business name.

(2) The general nature of the business.

(3) The principal place of the business in Great Britain.

(4) The other name or names (if any) under which the business is carried on.

(5) The corporate name of the corporation.

(6) The registered or principal office of the corporation.

Note:—The Registrar of Business Names has the power to refuse to register any name which in his opinion is undesirable (see Section 14 of the Act as amended by the Companies Act 1947).

Rule 3(2)

SCHEDULE 2

Form R.B.N4.

Registration Number

No registration fee payable

REGISTRATION OF BUSINESS NAMES ACTS 1916

as amended by the Companies Acts 1947 *and* 1976

Notice of Cessation of Business by a Registered Firm, Individual, Company incorporated under the Companies Acts or Corporation incorporated outside Great Britain.

The Business Name.....

Former principal place of business*.....

.....

Notice is hereby given that (insert name of each partner or of the individual or the corporate name, as the case may be)

.....

.....

.....

Delete as appropriate

(*a*) in the case of a firm or individual, ceased to carry on business;

(*b*) in the case of a company incorporated under the Companies Acts, ceased to carry on business in such circumstances as to require registration under the Act;

(*c*) in the case of a corporation incorporated outside Great Britain, ceased to carry on business in Great Britain

on the.....

.....

Signatures .....

.....

Date.....

*In the case of a corporation incorporated outside Great Britain, the former principal place of business in Great Britain should be given.

Please see notes overleaf

NOTES:

This notice must be signed in the case of:

(*a*) an INDIVIDUAL, by that individual except in the case of the death of the individual when it must be signed by a personal representative of the deceased;

(*b*) A FIRM, by the persons who were partners at the time when the firm ceased to carry on business;

(*c*) a COMPANY incorporated under the Companies Acts, by a director or liquidator of the company;

(*d*) a CORPORATION incorporated outside Great Britain, by a director or secretary of the corporation or any person responsible for the management of the business in Great Britain or any other officer of the corporation.

The notice must in all cases be sent by post or delivered to the Registrar within three calendar months after the business has ceased to be carried on.

Failure to give the required notice within the time above specified entails liability on conviction to a fine not exceeding £20.

If the principal place of business (or, in the case of a corporation incorporated outside Great Britain, the principal place of business in Great Britain) was situated in:—

(1) England or Wales, the notice must be sent or delivered to the Registrar of Business Names, Pembroke House, 40-56 City Road, London EC1Y 2DN;

(2) Scotland, the notice must be sent or delivered to the Registrar of Business Names, 102 George Street, Edinburgh EH2 3DJ.

FORM R.B.N.6

REGISTRATION OF BUSINESS NAMES ACT 1916
as amended by the Companies Acts 1947 *and* 1976

FORM OF APPEAL FROM A DECISION OF THE REGISTRAR UNDER SECTION 14(1)

(*a*) Insert full name and address of appellant.

I(We)(*a*)
of(*a*)

hereby give notice of appeal to the Secretary of State from the decision of the Registrar of the day of 19 ,

(*b*) Insert the decision complained of.

whereby he decided(*b*)

(*c*) Strike out if not so desired.

(*d*) All individuals who are partners of an appellant firm, a director or the secretary of each corporation which is a partner of such firm, and a director or the secretary of an appellant company must sign.
If the appellant is a corporation incorporated outside Great Britain, a director or secretary of the corporation or any person responsible for the management of the business carried on in Great Britain or any other officer of the corporation must sign.

Accompanying this notice is a statement of the grounds of appeal and of my (our) case for the decision of the Secretary of State.
(*c*) I(We) desire to be heard by the Secretary of State on this appeal.

Dated the day of 19

(*d*)(Signed)

To the Registrar of Business Names:

(*e*) Strike out any address which is not that of the Registrar whose decision is appealed from.

(*e*)Pembroke House, 40-56 City Road, London EC1Y 2DN.

102 George Street, Edinburgh EH2 3DJ.

(*f*) The fee is payable by cheque or postal order which should be crossed and made payable to The Registrar of Business Names. Cash may be tendered with a notice delivered by hand.

This notice must be accompanied by a fee of £1 (*f*), and must be sent by post or delivered within twenty-one days of the date of the notice of the Registrar's decision, to the Registrar from whose decision the appellant appeals, together with a statement of the grounds of appeal and of the appellant's case in support thereof.

A copy of this notice of appeal, together with copies of the statement of the grounds of appeal and the case in support thereof, and a copy of the Registrar's decision must at the same time be sent by the appellant to the Assistant Secretary, Companies Administration Division, Department of Trade, Sanctuary Buildings, 16/20 Great Smith Street, London SW1P 3DB.

R.B.N. CERT. 2

REGISTRATION OF BUSINESS NAMES ACT 1916
as amended by the Companies Acts 1947 *and* 1976

CERTIFICATE OF REGISTRATION

I hereby certify that pursuant to section 3 of the above-mentioned Act a statement of particulars in respect of

was this day registered.

Dated the

Regn. No.

Registrar of
Business Names

This certificate is required by the Act to be exhibited in a conspicuous position at the principal place of business or, in the case of a corporation incorporated outside Great Britain and registered under section 1(e) of the Act, at the principal place of business in Great Britain.

If a change occurs in any of the particulars registered the Act requires such change to be notified to the Registrar of Business Names on the prescribed form within fourteen days of its occurrence, or such longer period as the Department of Trade may, in any case, whether before or after the expiration of such fourteen days, allow.

EXPLANATORY NOTE

(*This Note is not part of the Rules.*)

These Rules prescribe forms to be used by a corporation incorporated outside Great Britain having a place of business in Great Britain and carrying on business under a business name which does not consist of its corporate name without any addition, for the purposes of the Registration of Business Names Act 1916 as amended by section 32 of the Companies Act 1976. They also amend the Business Names Rules 1949 as amended, so as to apply those Rules to such oversea corporations and provide for fees to be paid by or in relation to such corporations under the Act.

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