STATUTORY INSTRUMENTS

1982 No. 103 (C.5)

COMPANIES
BUSINESS NAMES

The Companies Act 1981 (Commencement No. 3) Order 1982

Made - - -	1*st February* 1982
Coming into Operation	26*th February* 1982

The Secretary of State, in exercise of his powers under section 119(3) of the Companies Act 1981(**a**), hereby makes the following Order:—

1. This Order may be cited as the Companies Act 1981 (Commencement No. 3) Order 1982.

2. The provisions of the Companies Act 1981 specified in the Schedule hereto shall come into operation on 26th February 1982.

Reginald Eyre,
Parliamentary Under-Secretary of State,
Department of Trade.

1st February 1982.

(**a**) 1981 c.62.

SCHEDULE *Article 2*

Provisions Coming into Operation on 26th February 1982

Provisions of the Act	Subject matter of provisions
Section 22.	Prohibition on registration of certain names.
Section 23.	Index of names.
Section 24.	Change of name.
Section 25.	Companies exempt from requirement to use word 'limited' etc.
Section 26.	Additional provisions relating to companies registered under Part VIII of the Companies Act 1948(a).
Section 27.	Names of oversea companies.
Section 28.	Control of business names.
Section 29.	Disclosure of names of persons using business names.
Section 30.	Civil remedies for breach of section 29.
Section 32, in so far as not already in operation.	Regulations.
Section 34, in so far as not already in operation.	Interpretation of Part II.
Section 35.	Transitory provisions.
Section 109.	Channel Islands and Isle of Man companies.
Section 119(4) and (5), in so far as they relate to the provisions of Schedule 3 and 4 hereinafter specified.	Minor and consequental amendments and repeals.
Schedule 3, paragraphs 2, in so far as it relates to sections 1,4,5 and 10 of the 1948 Act, 13, except sub-paragraph (*b*) thereof, 14, 30 and 31.	Minor and consequential amendments and repeals.
Schedule 4, in so far as it provides for the repeal of, or of words in, the following enactments:— (*a*) Registration of Business Names Act 1916(b); (*b*) section 5 of the Fees (Increase) Act 1923(c); (*c*) section 58 and 116 of the Companies Act 1947(d); (*d*) sections 5(6), 17, 18, 19, 388, 389, 456 of and paragraph 4 in Schedule 16 to the 1948 Act; (*e*) sections 30(4) and 32 of the Companies Act 1976(e); (*f*) section 36(10) of the Banking Act 1979(f); (*g*) in Schedule 2 to the Companies Act 1980(g), the entries relating to sections 18 and 19 of the 1948 Act; (*h*) in Schedule 3 to the 1980 Act, paragraphs 2, 5 and 30.	Repeals.

(a) 1948 c.38. (b) 1916 c.58. (c) 1923 c.4. (d) 1947 c.47.
(e) 1976 c.69. (f) 1979 c.37. (g) 1980 c.22.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order brings into force on 26th February 1982 those provisions of the Companies Act 1981 specified in the Schedule to the Order. The provisions in question are as follows:—

Section 22 which prohibits the registration of a company by a name in the circumstances specified in the section, one of the circumstances being that the name is the same as one appearing in the index kept by the registrar of companies under section 23 of the Act;

Section 23 which places a duty on the registrar of companies to keep an index of the names of certain classes of incorporated and unincorporated bodies and gives the Secretary of State power to vary with certain exceptions the classes of body whose names form the index with certain exceptions;

Section 24 which makes provision as to the manner in which a company may change its name and gives the Secretary of State power to direct that a company change its name in certain circumstances;

Section 25 which exempts a private company which fulfils certain conditions from the requirements of the Companies Act 1948 relating to the use of the word "limited" as any part of its name and from certain other requirements of that Act;

Section 26 which makes certain additional provisions relating to the names of companies seeking registration under Part VIII of the Companies Act 1948;

Section 27 which amends section 31 of the Companies Act 1976 (regulation of name under which an oversea company may carry on business in Great Britain);

Section 28 which makes provision as to the business names used by persons carrying on business in Great Britain under a name other than their own;

Section 29 which requires any person to whom section 28 applies to disclose his name and an address at which documents relating to the business may be effectively served in the manner described in the section;

Section 30 which renders contracts entered into by a person who has not complied with the requirements of section 29 unenforceable against another party to the contract in certain circumstances;

Sections 32 and 34, in so far as not already in force, which make provision for Regulations made under and the interpretation of the provisions referred to above;

Section 35 which makes certain transitory provisions with regard to the provisions referred to above;

Section 109 which substitutes a new section for section 416 of the Companies Act 1948 (special provision as to delivery of documents by companies incorporated in the Channel Islands or Isle of Man);

Section 119(4) and (5) in so far as it relates to the minor and consequential amendments and repeals contained in Schedules 3 and 4 to the Act which are specified in the Order; and those amendments and repeals.

Of the repeals brought into operation by the Order the most significant are the repeals of the Registration of Business Names Act 1916, sections 58 and 116 of the Companies Act 1947 (business names) and sections 17, 18, and 19 (Company Names) of the Companies Act 1948. Sections 22 to 25 of the Companies Act 1981 supersede sections 17, 18 and 19 of the Companies Act 1948 and sections 28 and 29 of the Companies Act 1981 make new provisions with regard to persons carrying on business under a business name.

NOTE AS TO EARLIER COMMENCEMENT

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

Sections 33, 36 to 41 and 107 of the Act came into force on Royal Assent (30th October 1981).

The following provisions of the Act have been brought into force by commencement orders made before the date of this Order:—

Provision	*S.I. No.*
s. 16(2) (partially)	1981/1684
s. 31	"
s. 32 (partially)	"
s. 34 (partially)	"
ss. 42 to 44	1981/1621
s. 60 (partially)	"
s. 62(1) (partially)	"
s. 85 (partially)	1981/1684
ss. 86 to 92	"
ss. 96 to 100	"
ss. 103 to 106	"
s. 108	"
ss. 110 to 112	"
ss. 113 to 115	1981/1621
s . 116	1981/1684
ss. 117 and 118	1981/1621
s. 119 (partially), Schedules 3 and 4 (partially)	1981/1621,1684

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