Draft Regulations laid before Parliament under sections 54(3), 1193(3) and 1290 of the Companies Act 2006, and section 54(3) of that Act as applied by regulation 8 of the Limited Liability Partnerships (Application of Companies Act 2006) Regulations 2009 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2009 No. 0000

COMPANIES

LIMITED LIABILITY PARTNERSHIPS

BUSINESS NAMES

The Company, Limited Liability Partnership and Business Names (Public Authorities) Regulations 2009

Made - - - - **** 2009*

Coming into force immediately after it is made

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 54(1)(c), 56(1)(a), 1193(1)(c), 1195(1)(a) and 1292(1) of the Companies Act 2006(**a**) and sections 54(1)(c) and 56(1)(a) and 1292(1) of the Companies Act 2006 as applied to limited liability partnerships by regulations 8 and 81 of the Limited Liability Partnerships (Application of Companies Act 2006) Regulations 2009(**b**).

In accordance with sections 54(3), 1193(3) and 1290 of the Companies Act 2006 and section 54(3) of that Act as applied by regulation 8 of the Limited Liability Partnerships (Application of Companies Act 2006) Regulations 2009 a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament.

Citation and commencement

1. These Regulations may be cited as the Company, Limited Liability Partnership and Business Names (Public Authorities) Regulations 2009 and come into force immediately after they are made.

Interpretation

2.—(1) In these Regulations "the 2006 Act" means the Companies Act 2006.

(**a**) 2006 c.46.
(**b**) S.I. 2009/1804.

(2) Any reference to section 54 of the 2006 Act in these Regulations includes a reference to that section as applied by regulation 8 of the Limited Liability Partnerships (Application of Companies Act 2006) Regulations 2009.

Specified "public authorities"

3. Each of the persons and bodies set out in column (1) of the Schedule is specified for the purposes of sections 54 and 1193 of the 2006 Act.

Specified Government department or other body whose view must be sought

4. In connection with an application for the approval of the Secretary of State under section 54 or 1193 of the 2006 Act in relation to a name that would be likely to give the impression of a connection with a public authority set out in column (1) of the Schedule the applicant must seek the view of the Government department or other body set out opposite that public authority in column (2) of the Schedule.

Savings for existing lawful business names

5.—(1) This Regulation has effect in relation to section 1193 of the 2006 Act.

(2) These Regulations do not apply to the carrying on of a business by a person who—

(a) carried on the business immediately before the date on which these Regulations came into force, and

(b) continues to carry it on under the name that immediately before that date was its lawful business name.

(3) Where—

(a) a business is transferred to a person on or after the date on which these Regulations came into force, and

(b) that person carries on the business under the name that was its lawful business name immediately before the transfer,

these Regulations do not apply in relation to the carrying on of the business under that name during the period of twelve months beginning with the date of the transfer.

(4) In this regulation "lawful business name", in relation to a business, means a name under which the business was carried on without contravening the provisions of Chapter 1 of Part 41 of the 2006 Act.

Name
[Minister]
Date
Department for Business, Innovation and Skills

SCHEDULE

Specified "public authorities" and list of Government departments and other bodies whose views must be sought

Column (1) *Public authority*	*Column (2)* *Government department or other body whose view must be sought*

Accounts Commission for Scotland	Accounts Commission for Scotland
Audit Commission for Local Authorities and the National Health Service in England	Audit Commission for Local Authorities and the National Health Service in England
Audit Scotland	Audit Scotland
Auditor General for Scotland	Auditor General For Scotland
Auditor General for Wales (known in Welsh as "Archwilydd Cyffredinol Cymru")	Auditor General for Wales (known in Welsh as "Archwilydd Cyffredinol Cymru")
Child Maintenance and Enforcement Commission	Child Maintenance and Enforcement Commission
Comptroller and Auditor General	Comptroller and Auditor General
Comptroller and Auditor General for Northern Ireland	Comptroller and Auditor General for Northern Ireland
Financial Reporting Council	Financial Reporting Council
Financial Services Authority	Financial Services Authority
Health and Safety Executive	Health and Safety Executive
House of Commons	The Corporate Officer of the House of Commons
House of Lords	The Corporate Officer of the House of Lords
Law Commission	Ministry of Justice
National Assembly for Wales (known in Welsh as "Cynulliad Cenedlaethol Cymru")	National Assembly for Wales Commission (known in Welsh as "Comisiwn Cynulliad Cenedlaethol Cymru")
National Assembly for Wales Commission (known in Welsh as "Comisiwn Cynulliad Cenedlaethol Cymru")	National Assembly for Wales Commission (known in Welsh as "Comisiwn Cynulliad Cenedlaethol Cymru")
Northern Ireland Assembly	Northern Ireland Assembly Commission
Northern Ireland Assembly Commission	Northern Ireland Assembly Commission
Northern Ireland Audit Office	Northern Ireland Audit Office
Regional Agency for Public Health and Social Well-being.	Regional Agency for Public Health and Social Well-being.
Regional Health and Social Care Board	Regional Health and Social Care Board
Scottish Law Commission	Scottish Law Commission
The Governor and Company of the Bank of England	The Governor and Company of the Bank of England
The Pensions Advisory Service	Department for Work and Pensions
The Scottish Parliament	The Scottish Parliamentary Corporate Body
The Scottish Parliamentary Corporate Body	The Scottish Parliamentary Corporate Body

EXPLANATORY NOTE

(This note is not part of the Regulations)

Under sections 54(1)(c) and 1193(1)(c) of the Companies Act 2006 ("the Act") a person is required to obtain the approval of the Secretary of State to register a company by a name, or carry on business in the United Kingdom under a name, that would be likely to give the impression that the company or business is connected with a public authority specified by the Secretary of State. These Regulations, in column (1) of the Schedule, specify the public authorities for these purposes.

Column (2) of the Schedule sets out the relevant Government department or other body whose view an applicant must seek in connection with an application for approval of the Secretary of State for use of a name under section 54(1)(c) or 1193(1)(c) of the Act. The power to prescribe such Government departments or other bodies is set out in sections 56(1) and 1195(1) of the Act.

The Regulations make the same provision for limited liability partnerships.

An Impact Assessment in respect of these Regulations has been produced and copies are available from the Company Law and Governance Directorate, Department for Business, Innovation and Skills, 1 Victoria Street, London, SW1H 0ET or on www.bis.gov.uk.

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