

**4. Registration of Business Names (Amendment) Bill 2019 –
First Reading approved**

Mr Henderson to move:

That the Registration of Business Names (Amendment) Bill 2019 be read a first time.

The President: We turn to Item 4, Registration of Business Names (Amendment) Bill.
Mr Henderson, please.

Mr Henderson: Gura mie eu, Eaghtyrane.

I am pleased to bring this First Reading of the Registration of Business Names (Amendment) Bill 2019 before Council today. This is a very short Bill which focuses on resolving a specific technical issue in relation to the requirement to register business names under the 1918 Register of Business Names Act.

The primary purpose of the original 1918 Act is to create and maintain a public register of companies, firms, or individuals carrying on a business under a name other than their legal name.

This is a matter primarily of consumer protection. The requirement to register extends to companies defined under the Companies Act 1931 to 2004, the Limited Liability Companies Act 1996, and the Foreign Companies Act 2014, but does not currently extend to companies defined under the Companies Act 2006.

The exclusion of such companies from the requirement to register under the 2006 Act is inconsistent with the treatment of other companies and creates a gap within the intended application of the 1918 Act.

In June 2019, the Companies Registry became aware that it had been incorrectly applying the 1918 Act to companies incorporated under the Companies Act 2006. Consequently, the Registry took the step to stop accepting business name applications for the 2006 Act Companies after that time. The Registration of Business Names (Amendment) Bill brings into effect provisions which extend the requirement to register to companies also formed under the 2006 companies Act. The Bill also includes retrospective provisions which confirm that decisions in relation to companies formed under the Companies Act 2006 have effect.

For this reason, business names already registered to the 2006 Companies Act prior to June 2019 have not been removed from the register and those businesses will not therefore have to re-register. The notes are not incorrect, they refer to business names registered to 2006 companies.

Eaghtyrane, there is a degree of urgency associated with this Bill, given that the lack of registration for 2006 companies could give rise to confusion for consumers who may not be aware of who they are conducting business with.

Hon. Council Members will be aware that Hon. Members in the House of Keys supported the suspension of Standing Orders to enable the clauses and Third Reading of this Bill to be heard together. In that context, I would be respectfully asking Hon. Members of the Legislative Council to assist me, Treasury and business to expediate this matter and enable us to correct this anomaly as soon as practicable – by way of requesting, at the due point, Council Members to support holding all further Readings of the Bill together when it returns at the next sitting; that is to support the Second Reading, clauses and hopefully Third Reading together, if practicable to do so.

Given the size of the Bill and the recognition from all stakeholders that there is a need to resolve the gap in legislation as quickly as possible, I hope Hon. Members will feel able to support this proposal at the appropriate time.

Eaghtyrane, I therefore beg to move that the Registration of Business Names (Amendment) Bill 2019 be read for the first time.

The President: Mrs Poole-Wilson.

Mrs Poole-Wilson: Thank you, Mr President. I beg to second and reserve my remarks.

The President: Hon. Members, I put the question that the Registration of Business Names (Amendment) Bill be read for the first time. Those in favour say aye; against, no. The ayes have it. The ayes have it.