



Isle of Man

Ellan Vannin

**REGISTRATION OF BUSINESS NAMES
(AMENDMENT) BILL 2019**

REGISTRATION OF BUSINESS NAMES (AMENDMENT) BILL 2019

Explanatory Memorandum

1. This Bill is promoted by Mr Cannan M.H.K.
2. *Clauses 1 and 2* provide for the short title of the resulting Act and the commencement of the Bill.
3. *Clause 3* amends section 3 of the *Registration of Business Names Act 1918* (“the 1918 Act”) by adding a company to which the *Companies Act 2006* applies (“a 2006 company”) as a category of person to which the 1918 Act applies.
4. *Clause 4* makes transitional provision for a 2006 company by providing a 3 month period for complying with sections 7 and 20 of the 1918 Act and confirms that decisions in relation to a 2006 company, purportedly made under the 1918 Act have effect as if clause 3 had been in operation.
5. The resulting Act is not expected to have any financial or human resource implications.
6. In the opinion of the member moving the Bill its provisions are compatible with the Convention rights within the meaning of the Human Rights Act 2001.



Ellan Vannin

REGISTRATION OF BUSINESS NAMES (AMENDMENT) BILL 2019

1 **A BILL** to amend the Registration of Business Names Act 1918 so as to include a
2 company to which the Companies Act 2006 applies as a person required to be
3 registered under the Registration of Business Names Act 1918.

BE IT ENACTED by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Council and Keys in Tynwald assembled, and by the authority of the same, as follows:—

4 **1 Short title**

5 The short title of this Act is the Registration of Business Names (Amendment)
6 Act 2019.

7 **2 Commencement**

8 (1) This Act (other than section 1 and this section) comes into operation on
9 such day or days as the Treasury may by order appoint.

10 (2) An order under subsection (1) may include such consequential,
11 incidental, supplemental, transitional, transitory and saving provisions
12 as the Treasury considers necessary or expedient.

13 Tynwald procedure – laying only.

14 **3 Registration of Business Names Act 1918 amended**

15 (1) The *Registration of Business Names Act 1918* is amended as follows.

16 (2) In section 3 (firms and persons to be registered), for paragraphs (d) and
17 (e) substitute –

18 | “(d) Every –

19 | (i) company as defined in the *Companies Act 1931*;

20 | (ii) limited liability company as defined in the *Limited*
21 | *Liability Companies Act 1996*;

22 | (iii) company to which the *Companies Act 2006* applies;

1 (iv) company to which the *Foreign Companies Act 2014*
2 applies,

3 carrying on business under a business name which does not
4 consist of its corporate name without any addition,”.

5 **4 Transitional and saving provisions**

6 (1) A company to which the *Companies Act 2006* applies does not
7 contravene —

8 (a) section 7 (time for registration); or

9 (b) section 20 (publication of true names, etc),

10 until 3 months after section 3 comes into operation.

11 (2) Any decision, approval, consent or other determination under the
12 *Registration of Business Names Act 1918* made or purportedly made before
13 section 3 comes into operation, in relation to a company to which the
14 *Companies Act 2006* applies, has effect as if section 3 had been in
15 operation.
16

IN THE KEYS

**REGISTRATION OF BUSINESS NAMES
(AMENDMENT) BILL 2019**

A **BILL** to amend the Registration of Business Names Act 1918 so as to include a company to which the Companies Act 2006 applies as a person required to be registered under the Registration of Business Names Act 1918.

Approved by the Council of Ministers
for introduction in the House of Keys.

MR CANNAN

NOVEMBER 2019