

This Statutory Instrument supersedes S.I. 2007/1947 and is being issued free of charge to all known recipients of that Statutory Instrument.

Regulations made by the Secretary of State, laid before Parliament under section 29(6) of the Companies Act 1985 and section 6(2) of the Business Names Act 1985, for approval by resolution of each House of Parliament within twenty-eight days beginning with the day on which the Regulations were made, subject to extension for periods of dissolution or prorogation or adjournment for more than four days.

STATUTORY INSTRUMENTS

2007 No. 3152

COMPANIES

BUSINESS NAMES

**The Company and Business Names (Amendment) (No. 2)
Regulations 2007**

<i>Made</i>	- - - -	<i>5th November 2007</i>
<i>Coming into force</i>	- -	<i>6th November 2007</i>
<i>Laid before Parliament</i>		<i>6th November 2007</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 29(1) of the Companies Act 1985(a) and sections 3(1)(a) and 6(1) of the Business Names Act 1985(b).

Citation and commencement

1. These Regulations may be cited as the Company and Business Names (Amendment) (No. 2) Regulations 2007 and shall come into force on 6th November 2007.

Amendment to the Company and Business Names Regulations 1981

2.—(1) The Company and Business Names Regulations 1981(c) are amended as set out in paragraph (2).

(2) In the Schedule to those Regulations, insert—

- (a) “Government” after “Giro” in column 1 of the table;
- (b) “HPSS” after “Holding” in column 1 of the table;
- (c) “HSC” after “HPSS” in column 1 of the table;

(a) 1985 c.6.

(b) 1985 c.7.

(c) S.I. 1981/1685, amended by S.I. 1982/1653, 1992/1196, 1995/3022, 1999/1820, 2001/259, 2001/3500, 2002/1397, 2004/1771.

- (d) “NHS” after “National” in column 1 of the table; and
- (e) “Department of Health” opposite “NHS” in column 2 of the table.

Business names

3.—(1) Section 2(1)(b) of the Business Names Act 1985(a) (“the Act”) does not apply to the carrying on of a business under a name which includes a specified word or expression by a person—

- (a) to whom the business is transferred on or after the date on which these Regulations come into force; and
- (b) who carries on the business under the name which was its lawful business name immediately before that transfer,

during the period of 12 months beginning with the date of the transfer.

(2) Section 2(1)(b) of the Act does not apply to the carrying on of a business under a name which includes a specified word or expression by a person who—

- (a) carried on that business immediately before the date on which these Regulations come into force; and
- (b) continues to carry it on under the name which immediately before that date was its lawful business name.

(3) For the purposes of this regulation “specified word or expression” means—

- (a) “Government”;
- (b) “HPSS”;
- (c) “HSC”; or
- (d) “NHS”.

5th November 2007

Stephen Timms
Minister of State for Competitiveness,
Department for Business, Enterprise and Regulatory Reform

(a) 1985 c.7.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Company and Business Names Regulations 1981 (S.I. 1981/1685).

Regulation 2 provides that the word “government” and the expressions “HPSS”, “HSC” and “NHS” cannot form part of a company’s registered name or a business name without the prior approval of the Secretary of State.

A person who wishes to use “NHS” as part of a company’s registered name or as a business name must also—

- (a) request, in writing, the views of the Department of Health as to the use of that expression; and
- (b) submit to the Secretary of State a statement that such a request has been made and a copy of any response received from the Department of Health.

Regulation 3 includes savings for business names which included the word “government” or the expressions “HPSS”, “HSC” and “NHS” prior to the entry into force of these Regulations.

An Impact Assessment in respect of these Regulations has not been produced as there is no impact on the costs of business.

The word “government” was prescribed by the Company and Business Names (Amendment) Regulations 2007 (S.I. 2007/1947) which were made on 9th July 2007 and came into force on 10th July 2007. S.I. 2007/1947 ceased to have effect from 18th October 2007 as that instrument was not considered by either House of Parliament by that date. S.I. 2007/1947 did not prescribe “HPSS”, “HSC” or “NHS”.

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