

BY EMAIL

Caroline Kiernan

Department of Business Enterprise and Innovation

RE: Registration of Business Names Act

Dear Ms Kiernan

The Authority welcomes the proposals included in the consultation paper, and wishes to respond specifically to some of the questions raised as follows:

Question 3 What are your views on the disclosure of business name requirements? Should they be expanded, reduced or eliminated? Please provide reasons for your views.

The Authority is of the view that the business name disclosures should be extended to websites and other forms of electronic communication, similar to the requirements for companies.

Question 5 What are your views on the Registrar automatically updating the Business Names Register when the Companies Register and the Limited Partnership list is updated?

This appears to be an eminently sensible suggestion.

Question 8 What are your views on the compulsory regular renewal of a business name to ensure the Business Names Register is current and accurate, and why? If your views support renewal of a business name, how often should this occur?

In the absence of an Annual Return, and without any mechanism to notify when a business name should be removed, there is a clear risk of the register becoming increasingly obsolete. On that basis a periodic renewal would seem appropriate. While not wedded to any particular time period, the Authority would suggest a period of every three years.

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Question 9 What are your views on providing the Registrar with the power to bring and prosecute offences under the Act?

The Authority believes this power should be granted to the Registrar.

Question 10 Do you have any observations to make in relation to the offences and penalties provided for under the Act?

The Authority notes the classification of fines as set out in the Companies Act and believes a similar approach, having regard to the gravity of each particular offence under this legislation, should be applied.

Question 13 What are your views in relation to the continuation of business names registration by the Registrar? Please provide reasons for your views?

This information is of significant use to members of the public, and other users who wish to ascertain the identity of particular business, and as such the Authority believes its registration should be continued.

Kind regards

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Chief Executive

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