

The Property Services Regulatory Authority makes the following observations:

Question 1- Do you use the Business Names Register or use services that provide information from that Register? If so, what is the information primarily used for?

The Property Services Regulatory Authority is the competent Authority in the State for the licensing and regulation of Auctioneers, Estate Agents and Property Management Agents. The Property Services (Regulation) Act 2011 (“2011 Act”) is the primary legislation the Authority operates under. Section 33(b) of the 2011 Act provides that an application for a licence shall be refused where a business is carried out under a name that is not that of the beneficial owner unless a certificate of registration of the person has been made under the Registration of Business Names Act 1963.

The Authority requires a copy of the certificate from the applicant prior to the issuing of a licence and the Authority will check the Business Names Register to ensure that there is a Registration Certificate in place in respect of the business where a business name is being used.

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?

The Authority is of the opinion that the Registrar should automatically update the Business Names Register when the Companies Register and the Limited Partnership list is updated. This will ensure that the Business Names Register is accurate and current.

Question 6 - What are your views on requiring business name registration applicants to provide proof of identity to ensure that the information on the Business Names Register is accurate?

The Authority is of the opinion that all persons registering a business name should be required to submit proof of identity when applying for a business name certificate.

Question 7 - What are your views on a minor registering a business name under the Act?

The 2011 Act provides that a person applying for a licence must be over 18 years of age and therefore the Authority does not have a view on this question.

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?

The Authority is of the opinion that the business name should be renewed on a regular basis, say every three years. This will ensure the Register is accurate and will remove unused business names.

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

The Authority is of the opinion that the continuation of the business names registration is crucial. For example, a person is using a name with the word “letting” in their business name, it is important that they have this name registered with the Registrar and provide evidence to the Authority that this name has been registered when applying for a licence to provide property services. Otherwise the person could be using a different business name at different times. Most people using the services of a

business will go by the trading name and not the name of the legal entity and if the business gets into difficulty and changes the trading name it may appear that it is a new business with no ties to the old business. The continuation of the business names registration will ensure that the link between the person using one trading name and another is maintained and is easily identifiable by a member of the public.

The Authority does not have any view in relation to Questions Numbers 2,3,4,9,10,11 or 12 and does not have any other comments to make under Question 14.