1961. No. 186 **[NC]**

BUSINESS NAMES

RULES, DATED 14TH SEPTEMBER, 1961, MADE BY THE MINISTRY OF COMMERCE UNDER THE REGISTRATION OF BUSINESS NAMES ACT, 1916, AND RELATED ORDER MADE BY THE MINISTRY OF FINANCE UNDER THE PUBLIC OFFICES FEES ACT, 1879.

The Ministry of Commerce, with the concurrence of the Ministry of Finance as to fees, in exercise of the powers conferred upon it by section 17 of the Registration of Business Names Act, 1916(**a**) (hereinafter called "the Act"), as amended by the Companies Act (Northern Ireland), 1960(**b**), and of all other powers enabling it in that behalf hereby makes the folowing rules:—

Citation and commencement

1. These rules may be cited as the Business Names Rules (Northern Ireland), 1961, and shall come into operation on the 3rd day of October, 1961.

Revocation

2. The Business Names Rules, 1917(**c**), and the Business Names Rules (Northern Ireland), 1925(**d**), shall cease to have effect on the 2nd day of October, 1961.

Acts required to be done by Registrar

3. Whenever any act is by the Act required to be done by the Registrar such act shall be done by the Registrar or by an Assistant Registrar or by any acting Assistant Registrar or by an officer authorised in that behalf by the Ministry of Commerce.

Refusal to register name, etc., under section 14(1)

4. Where the Registrar, pursuant to section 14(1) of the Act, as amended by paragraph 5 of the Twelfth Schedule to the Companies Act (Northern Ireland), 1960, decides to refuse to register any business name or, as the case may be, to remove any business name from the register, he shall send by post to the firm, individual or corporation applying for registration or, as the case may be, registered in respect of such business name, a notice in writing of the decision and the grounds thereof and such notice shall contain a statement that any person aggrieved by the decision may within twenty-one days of the date of such notice appeal to the Ministry of Commerce in accordance with these rules.

5. If within twenty-one days from the date of the notice of a decision of the Registrar under section 14(1) of the Act, as amended, to remove a business name from the register, no notice of appeal from such decision is received by the Registrar, or if on appeal the decision of the Registrar is upheld, the Registrar shall remove the business name from the register in accordance with his decision.

Appeals to the Ministry of Commerce

6. Any person intending to appeal to the Ministry of Commerce from any

(**a**) 6 & 7 Geo. 5. c. 58.
(**b**) 1960. c. 22.
(**c**) S.R. & O. 1917, No. 186.
(**d**) S.R. & O. (N.I.) 1925, No. 27.

decision of the Registrar under section 14(1), as amended, shall, within twenty-one days of the date of the notice of such decision, send by post or deliver to the Registrar a notice of appeal in form R.B.N.6.

Such notice shall be accompanied by a statement of the grounds of appeal and of the Appellant's case in support thereof.

7. A copy of the notice of appeal, together with a copy of the statement of the grounds of appeal and of the case in support thereof, and a copy of the notice of the Registrar's decision shall at the same time be sent by post or delivered by the Appellant to the Secretary, Ministry of Commerce.

8.—(1) Upon receipt of such documents the Ministry of Commerce shall, if the Appellant states in his notice of appeal that he desires to be heard by it, fix a time and date for such hearing at which the Appellant and the Registrar may attend and be heard.

(2) If the Appellant does not attend or is not represented at the hearing he may be treated as not desiring to be heard and the Ministry of Commerce may proceed to adjudicate on the matter.

(3) The hearing may be postponed or adjourned by the Ministry of Commerce.

9. The decision of the Ministry of Commerce shall be communicated to the Appellant in writing.

10. The time prescribed in these rules for doing any act thereunder by or to the Registrar, or by or to the Ministry of Commerce may be enlarged by the Ministry of Commerce upon such terms as it may direct, and such enlargements may be granted though the time has expired for doing such act.

Fees

11. The fees to be paid to the Registrar under the Act are to be as follows:—

(*a*) On furnishing a statement of particulars required by section 3 of the Act the sum of five shillings, and such fee shall cover the issue of one certificate of registration.

(*b*) On furnishing any statement of particulars required by the Schedule to the Act when such particulars are not furnished with the statement of particulars required by section 3 of the Act, the sum of five shillings, and such fee shall cover the issue of one certificate of registration.

(*c*) On furnishing a statement of any such change as is referred to in section 6 of the Act, the sum of five shillings, and such fee shall cover the issue of one certificate of the registration of such statement.

(*d*) By any person inspecting under the provisions of section 16 of the Act the documents filed by the Registrar, the sum of one shilling for each inspection.

(*e*) By any person requiring under the provisions of section 16 of the Act a certificate of registration of any firm, individual or corporation, the sum of two shillings.

(*f*) By any person requiring a copy of or extract from any registered statement whether certified or uncertified the sum of sixpence for each folio of seventy-two words in addition to an inspection fee of one shilling.

(*g*) By any person appealing to the Ministry of Commerce from a decision of the Registrar the sum of one pound.

Forms

12. The forms marked R.B.N.1, R.B.N.1A, R.B.N.1B, R.B.N.1C, R.B.N.2, R.B.N.2A, R.B.N.3, R.B.N.3A, R.B.N.3B, R.B.N.4, R.B.N.6, R.B.N.7, R.B.N.7A, R.B.N.8, R.B.N.8A, R.B.N./S.D. and R.B.N. Cert. 2 in the Appendix hereto shall be the forms to be used under the Act.

Sealed with the Official Seal of the Ministry of Commerce for Northern Ireland this 14th day of September, nineteen hundred and sixty-one.

(L.S.) *W. J. Thompson,*
Assistant Secretary.

The Ministry of Finance concurs in the making of the foregoing rules in so far as they relate to fees, and in exercise of the powers conferred upon it by sections 2 and 3 of the Public Offices Fees Act, 1879(a), hereby directs that the fees mentioned in the said rules shall be collected by means of such impressed stamps as shall from time to time be approved for use in Northern Ireland.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 14th day of September, nineteen hundred and sixty-one.

(L.S.) *W. W. Arthur,*
Assistant Secretary.

(a) 42 & 43 Vic. c. 58.

APPENDIX

Forms to be used under the Act

The Statement must be sent or delivered to—
The Registrar of Business Names,
Ministry of Commerce,
Chichester House,
Chichester Street,
Belfast, 1.

Business Names Registration Fee 5/-

Form R.B.N.1

Registration of Business Names Act, 1916,

as amended by the Companies Act (Northern Ireland), 1960.

No. of Certificate

APPLICATION FOR REGISTRATION BY AN INDIVIDUAL. See Sec. 1 (*b*) and (*c*).

I, the undersigned, hereby apply for registration pursuant to the provisions of the Registration of Business Names Act, 1916, as amended, and for that purpose furnish the following statement of particulars:—

(1) The business name.		See Note A at back.
(2) The general nature of the business.		
(3) The principal place of the business. (Full address).		
(4) The present Christian name (or names) and surname of the individual.		See Note C at back.
(5) Any former Christian name (or names) or surname of the individual. If none say "None."		See Note D at back.
(6) The nationality of the individual.		
(7) The usual residence of the individual. (Full address).		
(8) The other business occupation (if any) of the individual. If none say "None."		
(9) The date of the commencement of the business by the present proprietor if the business was commenced after 22nd December, 1916.		
(10) Any other business name or names under which the business is carried on. If none say "None."		

Dated this.....day of.....19

(Signature).....

SEE NOTE "B" ON BACK.

NOTE A.—The Registrar of Business Names has the power to refuse to register any name which in his opinion is undesirable (see Section 14 of the Act as amended by the Companies Act (Northern Ireland), 1960).

NOTE B.—This statement must in all cases be signed by the individual applying for registration, and must be sent by post or delivered to the Registrar within fourteen days of commencing to carry on business.

Failure, without reasonable excuse, to furnish the required statement of particulars within the time specified will, in addition to any disability imposed by the Act, entail liability on conviction to a fine not exceeding £5 for every day during which the default continues; any statement which contains any matter which is false in any material particular to the knowledge of any person signing it will entail liability on conviction to imprisonment for a term not exceeding three months or to a fine not exceeding £20, or to both such imprisonment and fine.

Where the individual applying for registration carries on the business wholly or mainly as nominee or trustee of or for another person or other persons or a corporation, or acts as general agent for any foreign firm, the additional particulars specified in the Form R.B.N.2 must also be furnished on such Form and sent by post or delivered to the Registrar in manner and within the times before specified.

NOTE C.—Section 22 of the Act provides as follows:—

"Christian name shall include any forename."

"In the case of a peer or person usually known by a British title different from his surname, the title by which he is known shall be substituted in this Act for his surname."

NOTE D.—"Reference in this Act to a former Christian name or surname shall not, in the case of any person, include a former Christian name or surname where that name or surname has been changed or disused before the person bearing the name had attained the age of eighteen years or has been changed or disused for a period of not less than twenty years, and, in the case of a married woman, shall not include the name or surname by which she was known previous to the marriage."