



# Companies Act 2006

## 2006 CHAPTER 46

### PART 5

#### A COMPANY'S NAME

### CHAPTER 3

#### SIMILARITY TO OTHER NAMES

##### *Similarity to other name on registrar's index*

#### **66 Name not to be the same as another in the index**

- (1) A company must not be registered under this Act by a name that is the same as another name appearing in the registrar's index of company names.
- (2) The Secretary of State may make provision by regulations supplementing this section.
- (3) The regulations may make provision—
  - (a) as to matters that are to be disregarded, and
  - (b) as to words, expressions, signs or symbols that are, or are not, to be regarded as the same,for the purposes of this section.
- (4) The regulations may provide—
  - (a) that registration by a name that would otherwise be prohibited under this section is permitted—
    - (i) in specified circumstances, or
    - (ii) with specified consent, and
  - (b) that if those circumstances obtain or that consent is given at the time a company is registered by a name, a subsequent change of circumstances or withdrawal of consent does not affect the registration.

*Status: Point in time view as at 27/03/2019.*

*Changes to legislation: Companies Act 2006, Cross Heading: Similarity to other name on registrar's index is up to date with all changes known to be in force on or before 06 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (5) Regulations under this section are subject to negative resolution procedure.
- (6) In this section “specified” means specified in the regulations.

**Modifications etc. (not altering text)**

- C1** Ss. 66-68 applied (with modifications) (1.10.2009) by [The Limited Liability Partnerships \(Application of Companies Act 2006\) Regulations 2009 \(S.I. 2009/1804\)](#), regs. 2, **11** (with Sch. 1 paras. 3, 34, 35) (as amended (31.1.2015) by [The Company, Limited Liability Partnership and Business \(Names and Trading Disclosures\) Regulations 2015 \(S.I. 2015/17\)](#), reg. 1(1), **Sch. 5 para. 4**)
- C2** S. 66(1) applied (with modifications) by [S.I. 1989/638](#), reg. 10(1A)-(1C) (as substituted (1.10.2009) by [The European Economic Interest Grouping \(Amendment\) Regulations 2009 \(S.I. 2009/2399\)](#), **reg. 13** (with reg. 2))

**Commencement Information**

- I1** S. 66 wholly in force at 1.10.2009; s. 66 not in force at Royal Assent, see s. 1300; s. 66 in force for specified purposes at 20.1.2007 by [S.I. 2006/3428](#), **art. 3(3)** (subject to [art. 5](#), [Sch. 1](#) and with [arts. 6, 8](#), [Sch. 5](#)); s. 66 otherwise in force at 1.10.2009 by [S.I. 2008/2860](#), **art. 3(e)** (with [arts. 5, 7, 8](#), [Sch. 2](#)) (as amended by [S.I. 2009/1802](#), [art. 18](#))

**67 Power to direct change of name in case of similarity to existing name**

- (1) The Secretary of State may direct a company to change its name if it has been registered in a name that is the same as or, in the opinion of the Secretary of State, too like—
  - (a) a name appearing at the time of the registration in the registrar's index of company names, or
  - (b) a name that should have appeared in that index at that time.
- (2) The Secretary of State may make provision by regulations supplementing this section.
- (3) The regulations may make provision—
  - (a) as to matters that are to be disregarded, and
  - (b) as to words, expressions, signs or symbols that are, or are not, to be regarded as the same,
 for the purposes of this section.
- (4) The regulations may provide—
  - (a) that no direction is to be given under this section in respect of a name—
    - (i) in specified circumstances, or
    - (ii) if specified consent is given, and
  - (b) that a subsequent change of circumstances or withdrawal of consent does not give rise to grounds for a direction under this section.
- (5) Regulations under this section are subject to negative resolution procedure.
- (6) In this section “specified” means specified in the regulations.

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#### Modifications etc. (not altering text)

- C3** Ss. 66-68 applied (with modifications) (1.10.2009) by [The Limited Liability Partnerships \(Application of Companies Act 2006\) Regulations 2009 \(S.I. 2009/1804\)](#), regs. 2, **11** (with Sch. 1 paras. 3, 34, 35) (as amended (31.1.2015) by [S.I. 2015/17](#), reg. 1(1), **Sch. 5 para. 4**; and (4.3.2024) by [S.I. 2024/234](#), regs. 1(2), **9(2)**)
- C4** S. 67(1) applied (with modifications) by [S.I. 1989/638](#), reg. 11(1A)(1B) (as inserted (1.10.2009) by [The European Economic Interest Grouping \(Amendment\) Regulations 2009 \(S.I. 2009/2399\)](#), **reg. 14(3)** (with reg. 2))

#### Commencement Information

- I2** S. 67 wholly in force at 20.1.2007; s. 67 not in force at Royal Assent, see s. 1300; s. 67 in force for specified purposes at 20.1.2007 by [S.I. 2006/3428](#), **art. 3(3)** (subject to [art. 5](#), [Sch. 1](#) and with [arts. 6, 8](#), [Sch. 5](#)); s. 67 otherwise in force at 1.10.2009 by [S.I. 2008/2860](#), **art. 3(e)** (with [arts. 5, 7, 8](#), [Sch. 2](#)) (as amended by [S.I. 2009/1802](#), [art. 18](#))

## 68 Direction to change name: supplementary provisions

- (1) The following provisions have effect in relation to a direction under section 67 (power to direct change of name in case of similarity to existing name).
- (2) Any such direction—
  - (a) must be given within twelve months of the company's registration by the name in question, and
  - (b) must specify the period within which the company is to change its name.
- (3) The Secretary of State may by a further direction extend that period.

Any such direction must be given before the end of the period for the time being specified.
- (4) A direction under section 67 or this section must be in writing.
- (5) If a company fails to comply with the direction, an offence is committed by—
  - (a) the company, and
  - (b) every officer of the company who is in default.

For this purpose a shadow director is treated as an officer of the company.

- (6) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale and, for continued contravention, a daily default fine not exceeding one-tenth of level 3 on the standard scale.

#### Modifications etc. (not altering text)

- C5** S. 68 applied (with modifications) by [S.I. 1989/638](#), reg. 11(1A)(1B) (as inserted (1.10.2009) by [The European Economic Interest Grouping \(Amendment\) Regulations 2009 \(S.I. 2009/2399\)](#), **reg. 14(3)** (with reg. 2))
- C6** Ss. 66-68 applied (with modifications) (1.10.2009) by [The Limited Liability Partnerships \(Application of Companies Act 2006\) Regulations 2009 \(S.I. 2009/1804\)](#), regs. 2, **11** (with Sch. 1 paras. 3, 34, 35) (as amended (31.1.2015) by [S.I. 2015/17](#), reg. 1(1), **Sch. 5 para. 4**); and (4.3.2024) by [S.I. 2024/234](#), regs. 1(2), **9(3)**)

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