

*These notes refer to the Companies Act 2006 (c.46)
which received Royal Assent on 8 November 2006*

COMPANIES ACT 2006

EXPLANATORY NOTES

COMMENTARY

Schedule 5: Communications by a company

Part 41: Business Names

Chapter 1: Restricted Or Prohibited Names

Section 1193 to 1196: Sensitive words or expressions

1525. [Sections 1193 to 1195](#) replace sections 2, 3, 6 and 7 of the Business Names Act 1985. Section 1199 (see below) contains savings equivalent to those currently in section 2(2) of the Business Names Act.
1526. These sections require prior approval for the use of any name for carrying on business for which a company would require approval before it could be registered under it. (Sections 54 to 56, replacing sections 26(2) and 29 of the 1985 Act, apply corresponding restrictions to company names.) The differences between the requirements under these sections and the requirements under the Business Names Act are:
- Section 1193(1)(a) requires prior approval for names likely to give the impression that the business is connected with Her Majesty's Government in Northern Ireland;
 - Section 1193(1)(c) provides a power for the Secretary of State to specify in regulations the public authorities such that prior approval will be required for names likely to give the impression that the business is connected with it;
 - The definition of local authority in section 1193(2) is brought up to date for Scotland and includes a district council in Northern Ireland;
 - Section 1195(4) provides that the Secretary of State may refuse to consider an application for approval that is not compliant with the statutory requirements.
1527. [Section 1196](#) provides that approval for the use of a name may be withdrawn in appropriate circumstances.