
STATUTORY INSTRUMENTS

2001 No. 1228

The Open-Ended Investment Companies Regulations 2001

PART II

FORMATION, SUPERVISION AND CONTROL

Names

Registrar's approval of names

18.—(1) Where, in respect of a proposed open-ended investment company, it appears to the Authority that the requirements of regulation 14(1)(a) to (c) are or will be met, the Authority must notify the appropriate registrar of the name by which it is proposed that the company should be incorporated.

(2) Every open-ended investment company must obtain the Authority's approval to any proposed change in the name by which the company is incorporated and the Authority must notify the appropriate registrar of the proposed name.

(3) If it appears to the appropriate registrar that the provisions of regulation 19(1) are not contravened in relation to the proposed name, he must notify the Authority to that effect.

Prohibition on certain names

19.—(1) No open-ended investment company is to have a name that—

(a) includes any of the following words or expressions, that is to say—

(i) limited, unlimited or public limited company, or their Welsh equivalents (“cyfyngedig”, “anghyfyngedig” and “cwmni cyfyngedig cyhoeddus” respectively);
or

(ii) European Economic Interest Grouping or any equivalent set out in Schedule 3 to the European Economic Interest Grouping Regulations 1989(1);

(b) includes an abbreviation of any of the words or expressions referred to in subparagraph (a); or

(c) is the same as any other name appearing in the registrar's index of company names.

(2) In determining for the purposes of paragraph (1)(c) whether one name is the same as another, there are to be disregarded—

(a) the definite article, where it is the first word of the name;

(b) the following word and expressions where they appear at the end of the name—
“company” or its Welsh equivalent (“cwmni”);

(1) [S.I. 1989/638](#). The Regulations were modified by virtue of section 2(1) of the European Economic Area Act 1994 (c. 51) so that, for any limitation in the Regulations that proceeds by reference to the Communities, there is substituted a corresponding limitation relating to the European Economic Area.

“and company” or its Welsh equivalent (“a'r cwmni”);
“company limited” or its Welsh equivalent (“cwmni cyfyngedig”);
“limited” or its Welsh equivalent (“cyfyngedig”);
“unlimited” or its Welsh equivalent (“anghyfyngedig”);
“public limited company” or its Welsh equivalent (“cwmni cyfyngedig cyhoeddus”);
“European Economic Interest Grouping” or any equivalent set out in Schedule 3 to the European Economic Interest Grouping Regulations 1989;
“investment company with variable capital” or its Welsh equivalent (“cwmni buddsoddi â chyalaf newidiol”);
“open-ended investment company” or its Welsh equivalent (“cwmni buddsoddiant penagored”);

- (c) abbreviations of any of those words or expressions where they appear at the end of the name; and
- (d) type and case of letters, accents, spaces between letters and punctuation marks;
- and “and” and “&” are to be taken as the same.

Registrar’s index of company names

20.—(1) Upon making an authorisation order in respect of an open-ended investment company or upon approving any change in the name of such a company, the Authority must notify the appropriate registrar of the name by which the company is incorporated or, as the case may be, of the company’s new name.

(2) Section 714(2) of the 1985 Act (registrar’s index of company and corporate names) has effect as if the bodies listed in subsection (1) of that section included—

- (a) open-ended investment companies in respect of which an authorisation order has come into effect; and
- (b) collective investment schemes which are open-ended investment companies and which have a head office situated in Northern Ireland.