

2009 No. 3182

BUSINESS NAMES

PROVISION OF SERVICES

**The Companies Act 2006 (Substitution of Section 1201)
Regulations 2009**

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|-------------------------------|---------------------------|
| <i>Made</i> - - - - | <i>3rd December 2009</i> |
| <i>Laid before Parliament</i> | <i>7th December 2009</i> |
| <i>Coming into force</i> - - | <i>28th December 2009</i> |

The Secretary of State is a Minister designated^(a) for the purposes of section 2(2) of the European Communities Act 1972^(b) in relation to services in the internal market.

In exercise of the powers conferred by section 2(2) of the European Communities Act 1972 the Secretary of State makes the following Regulations.

Citation and commencement

1.—(1) These Regulations may be cited as the Companies Act 2006 (Substitution of Section 1201) Regulations 2009.

(2) These Regulations come into force on 28th December 2009.

Substitution of section 1201 of the Companies Act 2006

2. In Part 41 of the Companies Act 2006^(c) (business names), for section 1201 (information required to be disclosed) substitute—

“Information required to be disclosed

1201.—(1) The “information required by this Chapter” is—

- (a) in the case of an individual, the individual’s name;
- (b) in the case of a partnership, the name of each member of the partnership;

and, in relation to each person so named, an address at which service of any document relating in any way to the business will be effective.

(2) If the individual or partnership has a place of business in the United Kingdom, the address must be in the United Kingdom.

(a) S.I. 2009/221.
(b) 1972 c.68.
(c) 2006 c.46.

(3) If the individual or partnership does not have a place of business in the United Kingdom, the address must be an address at which service of documents can be effected by physical delivery and the delivery of documents is capable of being recorded by the obtaining of an acknowledgement of delivery.”.

3rd December 2009

David Lammy
Minister of State for Higher Education and Intellectual Property,
Department for Business, Innovation and Skills

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations replace section 1201 of the Companies Act 2006 (c.46) to ensure that this provision complies with Article 16 (freedom to provide services) of Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ L 376, 27.12.2006, page 36).

The new section 1201 (when taken together with sections 1200 and 1202 of the Companies Act 2006) has the effect that individuals and partnerships that carry on business in the United Kingdom (“UK”) under a business name are required to disclose on all business documents etc an address in the UK for service of documents relating to the business if they have a place of business in the UK, and if they do not have a place of business in the UK, they are required to disclose an address, whether or not in the UK, at which service of documents can be effected by physical delivery and the delivery of documents is capable of being recorded by the obtaining of an acknowledgement of delivery.

An Impact Assessment has not been produced for these Regulations because it is not expected that the amendment will cause any additional costs.

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STATUTORY INSTRUMENTS

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£4.00