

SCHEDULE 4

CONSEQUENTIAL AMENDMENTS

PART 3

AMENDMENTS OF OTHER ENACTMENTS

Northern Ireland Assembly Disqualification Act 1975

46. In Part 3 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975⁽¹⁾ (disqualifying offices) insert at the appropriate places—

“Appeal Officer for Community Interest Companies”

“Regulator of Community Interest Companies”.

The 1986 Order

47. The 1986 Order⁽²⁾ is amended as follows.

48. In Article 36 (prohibition on registration of certain names)—

(a) in paragraph (1)(a), for “or “public limited company”” substitute “, “public limited company”, “community interest company” or “community interest public limited company””;

(b) in paragraph (3)(b), after “public limited company” insert “, “community interest company”, “community interest public limited company””.

49. In Article 37(4) (alternatives of statutory designations), after sub-paragraph (b) insert—

“; and

(c) the alternative of “community interest company” is “c.i.c.”; and

(d) the alternative of “community interest public limited company” is “community interest p.l.c.””.

50. In Article 40(7) (further exemptions for company exempt from using “limited” as part of its name), after “which” insert “under this Article”.

51. After Article 44 insert—

“Penalty for improper use of “community interest company”

44A.—(1) A company which is not a community interest company is guilty of an offence if it carries on any trade, profession or business under a name which includes any of the expressions specified in paragraph (3).

(2) A person other than a company is guilty of an offence if it carries on any trade, profession or business under a name which includes any of those expressions (or any contraction of them) as its last part.

(3) The expressions are—

(a) “community interest company”, and

(b) “community interest public limited company”.

(1) 1975 c.25.

(2) S.I. 1986/1032 (N.I. 6).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(4) Paragraphs (1) and (2) do not apply—

- (a) to a person who was carrying on a trade, profession or business under the name in question at any time during the period beginning with 1st January 2005 and ending with 15th March 2005, or
- (b) if the name in question was on 15th March 2005 a registered trade mark or Community trade mark (within the meaning of the Trade Marks Act 1994), to a person who was on that date a proprietor or licensee of that trade mark.

(5) A person guilty of an offence under paragraph (1) or (2) and, if that person is a company, any officer of the company who is in default, is liable to a fine and, for continued contravention, to a daily default fine.”.

52. In Article 53(2)(b) (re-registration of private company as public: alteration of name), after “Article 35(1)” insert “, or section 33 of the Companies (Audit, Investigations and Community Enterprise) Act 2004.”.

53. In Article 359(1)(d) (particulars in correspondence to indicate that a company exempt from obligation to use “limited” as part of name is limited company), after “name” insert “under Article 40 or a community interest company which is not a public company”.

54. In Schedule 15D (disclosures), in paragraph 36—

- (a) for “the Regulator of Community Interest Companies for Northern Ireland” substitute “the Regulator of Community Interest Companies”;
- (b) for “the Companies (Audit, Investment and Community Enterprise) (Northern Ireland) Order 2005” substitute “Part 2 of the Companies (Audit, Investment and Community Enterprise) Act 2004”.

55. In Schedule 23 (punishment of offences), after the entry relating to Article 44 insert—

“44A	Trading with improper use of “community interest company” etc.	Summary	Level 3 on the standard scale	One-tenth of level 3 on the standard scale”.
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Insolvency (Northern Ireland) Order 1989

56. In Article 104 of the Insolvency (Northern Ireland) Order 1989(3) (application for winding up), after paragraph (5) insert—

“(5A) A winding-up petition may be presented by the Regulator of Community Interest Companies in a case falling within section 50 of the Companies (Audit, Investigations and Community Enterprise) Act 2004.”.

Commissioner for Complaints (Northern Ireland) Order 1996

57. In Schedule 2 to the Commissioner for Complaints (Northern Ireland) Order 1996(4) (bodies subject to investigation) insert at the appropriate places—

- “Appeal Officer for Community Interest Companies”
- “Regulator of Community Interest Companies”.

(3) S.I. 1989/2405 (N.I. 19).
 (4) S.I. 1996/1297 (N.I. 7).

Limited Liability Partnerships Act (Northern Ireland) 2002

58. In paragraph 8(2) of the Schedule to the Limited Liability Partnerships Act (Northern Ireland) 2002⁽⁵⁾ (similarity of names), after the entry relating to “public limited company” insert—

““community interest company”,

“community interest public limited company””.

(5) 2002 c.12 (N.I.).