

Status: Point in time view as at 01/10/2008.

Changes to legislation: There are currently no known outstanding effects for the Companies (Audit, Investigations and Community Enterprise) Act 2004, SCHEDULE 6. (See end of Document for details)

SCHEDULES

SCHEDULE 6

Section 33

COMMUNITY INTEREST COMPANIES: NAMES

Companies Act 1985 (c. 6)

1 The Companies Act 1985 has effect subject to the following amendments.

Commencement Information

II Sch. 6 para. 1 in force at 1.7.2005 by [S.I. 2004/3322](#), art. 2(3), [Sch. 3](#)

2 (1) Section 26 (prohibition on registration of certain names) is amended as follows.

(2) In subsection (1)(a)—

- (a) for “or “public limited company”” substitute “ , “public limited company”, “community interest company” or “community interest public limited company” ”, and
- (b) for “and “cwmni cyfyngedig cyhoeddus”” substitute “ , “cwmni cyfyngedig cyhoeddus”, “cwmni buddiant cymunedol” and “cwmni buddiant cymunedol cyhoeddus cyfyngedig” ”.

(3) In subsection (3)(b), after the entry relating to “public limited company” or its Welsh equivalent insert—

““community interest company” or its Welsh equivalent (“cwmni buddiant cymunedol”);

“community interest public limited company” or its Welsh equivalent (“cwmni buddiant cymunedol cyhoeddus cyfyngedig”);”.

Commencement Information

I2 Sch. 6 para. 2 in force at 1.7.2005 by [S.I. 2004/3322](#), art. 2(3), [Sch. 3](#)

3 In section 27(4) (alternatives of statutory designations), after paragraph (d) insert—

- “(e) the alternative of “community interest company” is “c.i.c.”;
- “(f) the alternative of “cwmni buddiant cymunedol” is “c.b.c.”;
- “(g) the alternative of “community interest public limited company” is “community interest p.l.c.”; and
- “(h) the alternative of “cwmni buddiant cymunedol cyhoeddus cyfyngedig” is “cwmni buddiant cymunedol c.c.c.”.”

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I3 Sch. 6 para. 3 in force at 1.7.2005 by [S.I. 2004/3322](#), art. 2(3), [Sch. 3](#)

- 4 In section 30(7) (further exemptions for company exempt from using “limited” as part of its name), after “which” insert “ under this section ”.

Commencement Information

I4 Sch. 6 para. 4 in force at 1.7.2005 by [S.I. 2004/3322](#), art. 2(3), [Sch. 3](#)

- 5 In section 33(1) (person who is not a public company prohibited from trading under a name ending with the words “public limited company” or their equivalent in Welsh), insert at the end “ ; and a community interest company which is not a public company is guilty of an offence if it does so under a name which includes, as its last part, the words “cwmni buddiant cymunedol cyhoeddus cyfyngedig”. ”

Commencement Information

I5 Sch. 6 para. 5 in force at 1.7.2005 by [S.I. 2004/3322](#), art. 2(3), [Sch. 3](#)

- 6 After section 34 insert—

“34A Penalty for improper use of “community interest company” etc.

- (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 subsection (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” or its Welsh equivalent (“cwmni buddiant cymunedol”), and
 - (b) “community interest public limited company” or its Welsh equivalent (“cwmni buddiant cymunedol cyhoeddus cyfyngedig”).
- (4) Subsections (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 September 2003 and ending with 4th December 2003, or
 - (b) if the name in question was on 4th December 2003 a registered trade mark or Community trade mark (within the meaning of the Trade Marks Act 1994 (c. 26)), to a person who was on that date a proprietor or licensee of that trade mark.
- (5) A person guilty of an offence under subsection (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.”

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I6 Sch. 6 para. 6 in force at 1.7.2005 by [S.I. 2004/3322](#), art. 2(3), [Sch. 3](#)

7 In section 43(2)(b) (re-registration of private company as public: alteration of name), after “section 25(1)” insert “ , or section 33 of the Companies (Audit, Investigations and Community Enterprise) Act 2004, ”.

Commencement Information

I7 Sch. 6 para. 7 in force at 1.7.2005 by [S.I. 2004/3322](#), art. 2(3), [Sch. 3](#)

F18

Textual Amendments

F1 Sch. 6 paras. 1-9 repealed (1.10.2008 for the repeal of Sch. 6 para. 8) by [Companies Act 2006 \(c. 46\)](#), s. 1300(2), [Sch. 16](#); [S.I. 2007/3495](#), art. 8(b), [Sch. 3 Pt. 1](#) (with arts. 712)

- 9 (1) Schedule 24 (punishment of offences) is amended as follows.
- (2) In the second column of the entry relating to section 33, after “equivalent” insert “ etc. ”.
- (3) After the entry relating to section 34 insert—

“34A	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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Commencement Information

I8 Sch. 6 para. 9 in force at 1.7.2005 by [S.I. 2004/3322](#), art. 2(3), [Sch. 3](#)

Limited Liability Partnerships Act 2000 (c. 12)

10 In paragraph 8(2) of the Schedule to the Limited Liability Partnerships Act 2000 (similarity of names), after the entry relating to “public limited company” insert— “ “community interest company”, “community interest public limited company”, ”.

Commencement Information

I9 Sch. 6 para. 10 in force at 1.7.2005 by [S.I. 2004/3322](#), art. 2(3), [Sch. 3](#)

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