

## SCHEDULES

### SCHEDULE 7

#### COMMUNITY INTEREST COMPANIES: NAMES

##### *Companies (Northern Ireland) Order 1986 (NI 6)*

- 1.—(1) Article 36 (prohibition on registration of certain names) is amended as follows.
  - (2) In paragraph (1)(a) for “or “public limited company”” substitute “, “public limited company”, “community interest company” or “community interest public limited company””.
  - (3) In paragraph (3)(b), for “and “public limited company” substitute “, “public limited company”, “community interest company”, “community interest public limited company”,”.
2. In Article 37(4) (alternatives of statutory designations), after sub-paragraph (b) add “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.””.
3. In Article 40(7) (further exemptions for company exempt from using “limited” as part of its name), after “which” insert “under this Article”.
4. 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”.

(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 (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 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.”.

**Status:** This is the original version (as it was originally made).

5. In Article 53(2)(b) (re-registration of private company as public: alteration of name), after “Article 35(1)” insert “, or Article 32 of the Companies (Audit, Investigations and Community Enterprise) (Northern Ireland) Order 2005,”.

6. 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”.

7.—(1) Schedule 23 (punishment of offences) is amended as follows.

(2) After the entry relating to Article 44 insert—

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| “44A. | Trading with improper use of “community interest company” etc. | Summary. | Level 3. | One-tenth of level 3 on the standard scale.”. |
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