



BUSINESS NAMES ACT 2014

(NO. 13 OF 2014)



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***PASSED** by the National Parliament this twentieth day of August 2014.*

(This printed impression has been carefully compared by me with the Bill passed by Parliament and found by me to be a true copy of the Bill)

Taeasi Sanga (Mrs)
Clerk to National Parliament

***ASSENTED** to in Her Majesty's name and on Her Majesty's behalf this twenty second day of September 2014.*

Sir Frank Utu Ofagioro Kabui
Governor-General

Date of Commencement: see section 2

AN ACT TO PROVIDE FOR THE REGISTRATION AND USE OF
BUSINESS NAMES, FOR THE REPEAL OF THE REGISTRATION OF THE
BUSINESS NAMES ACT (CAP. 178) AND FOR RELATED PURPOSES.

ENACTED by the National Parliament of Solomon Islands.

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SCHEDULE

BUSINESS NAMES ACT 2014

PART 1—PRELIMINARY MATTERS

Short title	<p>1. This Act may be cited as the Business Names Act 2014.</p>
Commencement	<p>2. This Act commences on a date appointed by the Minister by notice in the Gazette.</p>
Objects	<p>3. The objects of this Act are —</p> <ul style="list-style-type: none"> (a) to ensure that, if an entity carries on a business under a business name, those who engage or propose to engage with that business can identify and contact the entity; and (b) to ensure that business names that are the same or almost the same as other business names, or the registered names of companies, charitable trusts or co-operative societies, are not used where that would confuse or mislead; and (c) to ensure that business names that should not be used, including because they are misleading, deceptive or offensive to the public, are not used.
Act binds the Crown	<p>4. This Act binds the Crown in all its capacities, but does not make the Crown liable to prosecution for an offence.</p>
Definitions	<p>5. In this Act, unless the contrary intention appears—</p> <p>“actual name”—</p> <ul style="list-style-type: none"> (a) of an individual, means the full name, or the first name (or its initial) and the surname, of the individual; and (b) of a body corporate, means —

- (i) if a company, the full name under which the company is registered under the Companies Act 2009, as shown on its current certificate of incorporation under that Act; or
 - (ii) if a co-operative society, the full name under which the society is registered under the Co-operative Societies Act (Cap. 164), as shown on its current certificate of registration under that Act; or
 - (iii) if a charitable trust, the full name under which the trust board for the trust is incorporated under the Charitable Trusts Act (Cap. 55), as shown on its current certificate of incorporation under that Act; or
 - (iv) otherwise, the name under which the body corporate was incorporated, or the name to which that name has been changed in accordance with law; and
- (c) of a body politic, means the full name of the body; and
- (d) of a partnership, means the actual names of each of the partners of the partnership;

“affected person”, for an appealable decision, see section 30(2);

“approved” means approved by the Registrar under section 34;

“appealable decision”, see section 30(1);

“business” includes dealing in land, goods or services (whether for profit or otherwise) and related activities, in connection with carrying on a profession, trade,

occupation, vocation or calling, including by the Crown or a government body;

“business information”, for a registered business name, means each of the following—

- (a) for each entity to which the business name is registered—
 - (i) the name of the entity; and
 - (ii) if the entity is a registered company, charitable trust or co-operative society, the registration number of the entity under the written law under which it is registered or incorporated; and
 - (iii) the physical address of the entity;
- (b) for the business carried on under the business name—
 - (i) the physical address at which the business is principally carried on; and
 - (ii) a contact phone number; and
 - (iii) a contact email address (if any); and
 - (iv) a contact fax number (if any); and
 - (v) a website address (if any); and
- (c) any other prescribed information;

“business name” means a name under which a business is carried on;

“carry on a business”, see section 6;

“charitable trust” means a trust with a board incorporated under the Charitable Trusts Act (Cap. 55);

“company” means a company registered under the Companies Act 2009;

“co-operative society” means a co-operative society registered under the Co-operative Societies Act (Cap. 164);

“declared offence” means an offence against section 11, 21, 22 or 26;

“document” includes an electronic document;

“entity” means any of the following—

- (a) an individual;
- (b) a body corporate;
- (c) a body politic;
- (d) a partnership;
- (e) an unincorporated association or body of persons;

“Register” means the Register of Business Names established under section 7;

“register”, in relation to a business name, means register under section 14;

“Registrar” means the Registrar of Companies appointed under the Companies Act 2009;

“registration certificate”, for a business name, means the certificate issued under section 15(1) for the name;

“return”, in relation to the registration of a business name, means a notice in the approved form confirming or updating the business information for the business name;

“working day” means a day other than a Saturday or a Sunday, or a public holiday in Honiara;

Meaning of
“carrying on a
business”

- 6.** (1) “Carry on a business” includes—
- (a) to establish a place of business in Solomon Islands; and
 - (b) to solicit or procure an order from a person in Solomon Islands.
- (2) However, a person is not regarded as carrying on a business merely because, in Solomon Islands, the person does any of the following—
- (a) is a party to a legal or administrative proceeding or an arbitration;
 - (b) buys or holds a particular property;
 - (c) maintains a bank account;
 - (d) conducts a single transaction only;
 - (e) winds up a bankrupt estate or liquidates a body corporate.

PART 2—REGISTER OF BUSINESS NAMES

Register of
Business
Names

7. The Registrar must establish and maintain a Register of Business Names for this Act.

Contents of
Register

8. (1) The Register must include the following for each registered business name—

- (a) the information mentioned in section 14(2);
- (b) for any changes in the registration or the business information, the date of the change.

(2) The Register must not include any other information in the Register.

How and
where the
Register is
kept

9. (1) The Register may be kept in any way that the Registrar thinks appropriate, including, either wholly or partly, in electronic form.

- (2) If kept in electronic form, the Register may be kept outside Solomon Islands.
- (3) If kept otherwise than in electronic form, the Register must be kept in Solomon Islands.
- (4) The Register must be kept in a way that facilitates searching of the Register by members of the general public.

10. (1) The Registrar must, on application by any person, give the person a statement, certified by the Registrar—

Certificates as to contents of the Register

- (a) whether a specified business name is registered as at a particular date; and
- (b) if it is registered, the business information for the business name at that date.

(2) The application must be accompanied by the prescribed fee or by evidence that arrangements satisfactory to the Registrar have been made for payment of the prescribed fee.

(3) The statement is admissible in any legal proceeding as evidence that the contents of the Register are as set out in the statement and, unless the contrary is established, is conclusive evidence of that matter.

PART 3—REQUIREMENTS IN RELATION TO USE OF BUSINESS NAMES

11. (1) An entity commits an offence if the entity carries on a business under a name that is not registered to the entity.

Business name must be registered

Penalty—5,000 penalty units or imprisonment for 6 months, or both.

(2) It is a defence to an offence against subsection (1) if the defendant establishes that the name under which the entity carries on the business is the entity's actual name.

12. (1) This section applies if, in the course of carrying on a business, an entity issues a business communication.

Business communications

- (2) The entity commits an offence if the business communication does not state, in a clear and legible way, the name under which the entity carries on the business.

Penalty—5,000 penalty units or imprisonment for 6 months, or both.

- (3) The entity commits an offence if—
- (a) under section 11, the name under which the entity carries on the business is required to be registered to the entity; and
 - (b) the name stated in the business communication as the name under which the entity carries on business is not registered to the entity in relation to the business.

Penalty—5,000 penalty units or imprisonment for 6 months, or both.

- (4) It is a defence to an offence against subsection (3) if the defendant establishes that the name under which the entity carries on the business is the entity's actual name.

- (5) In this section—

“business communication” includes each of the following, in connection with the business—

- (a) a letter;
- (b) a written order for goods or services;
- (c) a written offer to supply goods or services;
- (d) an invoice, account or receipt;
- (e) a demand for payment.

PART 4—REGISTRATION OF BUSINESS NAMES

Division 1—Registration process

13. (1) An entity may apply to the Registrar for registration of a business name to the entity.

Application for
registration

(2) The application must—

- (a) be in the approved form; and
- (b) be accompanied by the prescribed fee or by evidence that arrangements satisfactory to the Registrar have been made for payment of the prescribed fee; and
- (c) include or be accompanied by the other information and documents specified in the regulations or in the approved form.

(3) Two or more business names may be registered to an entity in respect of the same business.

(4) A separate application is required for each business name.

14. (1) On receiving the application, the Registrar must—

Registration of
Business name

- (a) register the business name; or
- (b) if the Registrar is not permitted to register the business name because of section 16, refuse to register the business name.

(2) A business name is registered to an entity when the Registrar enters the following in the Register—

- (a) the name;
- (b) the business information for the name;
- (c) a unique registration number for the name;
- (d) the date of registration;

(e) any other prescribed details.

(3) If the Registrar refuses to register a business name to an entity, the Registrar must give the entity written notice of the refusal, including—

- (a) the reasons for the refusal; and
- (b) an explanation of the entity's right to appeal against the refusal.

Registration
certificate

15. (1) As soon as practicable after registering a business name, the Registrar must issue to the entity a registration certificate for the name, in the approved form.

(2) The entity commits an offence if—

- (a) the entity carries on a business under a registered business name; and
- (b) the registration certificate for the name is not displayed in a conspicuous position at the principal place of the business.

Penalty—1,000 penalty units.

When business
name not to be
registered

16. (1) The Registrar must not, without the written approval of the Minister, register a business name to an entity if the name suggests that the business enjoys the patronage of any of the following—

- (a) the Crown;
- (b) any member of the Royal Family;
- (c) the Governor-General;
- (d) the Government;
- (e) a local authority;
- (f) a foreign State.

(2) Without limiting subsection (1), the use of the words “Imperial”, “Royal”, “Crown”, “Empire”,

“Commonwealth”, “Government”, “provincial” or “municipal” in a name may, in the circumstances, suggest that the business enjoys patronage mentioned in subsection (1).

(3) The Registrar must not register a business name to an entity if—

- (a) the name is the same, or almost the same, as—
 - (i) a registered business name; or
 - (ii) the actual name of a body corporate; or
 - (iii) a name for which an application for registration of an entity as a company, charitable trust or co-operative society has been lodged but not determined; or
 - (iv) a prescribed name; or
- (b) the name is the same, or almost the same, as a business name that was registered to another entity but removed from the register within 6 months before the application was made, unless the other entity consents to the registration; or
- (c) the Registrar is not satisfied that the entity will carry on a business under the name; or
- (d) it appears to the Registrar that the use of the name as a business name would contravene another written law; or
- (e) the Registrar is satisfied that the use of the name as a business name by the entity would infringe another person’s intellectual property rights (including rights in respect of trade marks); or
- (f) the name is, in the Registrar’s opinion, likely to mislead, deceive or be offensive to the public.

Multiple applications for same name

17. If 2 or more applications in relation to the registration of the same, or nearly the same, business name are made, the Registrar must deal with the earlier application before the later one.

Effect of registration

18. (1) To avoid doubt, registration of a business name does not—

- (a) create a separate legal entity; or
- (b) relieve an entity of any requirement of another law; or
- (c) create property rights in the business name, or in a word or an expression that constitutes all or part of the business name.

(2) Registration of a business name to an entity, and the refusal to register a business name to an entity, does not affect, or create any presumption as to, the validity or effect of any document.

Division 2—Changes to business names and business information

Application for change of business name

19. (1) An entity to which a business name is registered may apply to the Registrar for a change to the registered name.

(2) The application must—

- (a) be in the approved form; and
- (b) be accompanied by the prescribed fee or by evidence that arrangements satisfactory to the Registrar have been made for payment of the prescribed fee; and
- (c) include or be accompanied by the other information and documents specified in the regulations or in the approved form.

(3) Sections 14 to 18 apply (with the necessary changes) to the application.

20. (1) On the registration of a business name to an entity, the Registrar must, by written notice to the entity, allocate a month for returns to be given under section 21(1).

Return months

(2) The Registrar may, by notice to the entity, allocate another month in substitution for the month allocated under subsection (1).

21. (1) An entity to which a business name is registered commits an offence if the entity does not give the Registrar a return in relation to the registration every 2 years after the registration, during the month allocated under section 20.

When return required

Penalty—1,000 penalty units.

(2) In addition, at any time the Registrar may, by notice to the entity, require the entity to give the Registrar a return in relation to the registration.

(3) The notice must specify a reasonable time for compliance.

(4) The entity commits an offence if the entity does not comply with the notice.

Penalty—1,000 penalty units.

22. (1) An entity to which a business name is registered commits an offence if:

Notice of changes of business information

(a) the business information for the business name changes; and

(b) the entity does not give the Registrar notice of the change within 20 working days after the change.

Penalty—1,000 penalty units.

(2) The notice must—

(a) be in the approved form; and

- (b) be accompanied by the prescribed fee or by evidence that arrangements satisfactory to the Registrar have been made for payment of the fee; and
 - (c) include or be accompanied by the other information and documents specified in the regulations or in the approved form.
- (3) The Registrar must change the Register to reflect the changes notified.
- (4) The changes take effect when the Registrar enters them in the Register.

Division 3—Removing business names from Register

Notice of
proposed
removal

that—

- 23.** (1) This section applies if it appears to the Registrar
- (a) a business name registered to an entity should not have been registered because of section 16; or
 - (b) the business information on the Register for a business name registered to an entity is inaccurate or incomplete.
- (2) The Registrar may give a written notice to the entity—
- (a) requiring it to do either or both of the following within 20 working days after the date of the notice—
 - (i) give a return in relation to the registration;
 - (ii) show cause why the business name should not be removed from the register; and

Removal of
name from
Register

- (b) warning the entity that the registration may be cancelled if it fails to comply with the notice.
- 24.** (1) The Registrar must remove a business name from the Register if—
- (a) the entity to which it is registered gives notice that it is no longer carrying on the business; or
 - (b) a return for the business name required under section 21(1) or (2) has not been given to the Registrar within 6 months after the date it was due; or
 - (c) the Registrar has given a notice under section 23 in respect of the business name and either—
 - (i) the entity has not complied with the notice within the time required under that section; or
 - (ii) the entity has complied with the notice and the Registrar is satisfied that—
 - (A) the business name should not have been registered because of section 16; or
 - (B) if the register were updated in accordance with the return provided in response to the notice, the business information on the Register would continue to be inaccurate or incomplete; or
 - (d) the removal is required by an order of a court.
- (2) The Registrar must give the entity notice of the removal, including—
- (a) the reasons for the removal; and

(b) an explanation of the entity's right to appeal against the removal.

(3) The removal takes effect when the notice is given.

25. (1) Subject to section 16, the Registrar must restore the registration of a business name that has been removed from the Register if—

Restoration of
registration

(a) the entity to which the business name was registered immediately before the removal applies for the registration to be restored; and

(b) the application is made within 6 months after the removal.

(2) The application must—

(a) be in the approved form; and

(b) be accompanied by the prescribed fee or by evidence that arrangements satisfactory to the Registrar have been made for payment of the prescribed fee; and

(c) include or be accompanied by all outstanding returns in respect of the business name and all the other information and documents specified in the regulations or in the approved form.

(3) The Registrar must give the entity notice of the restoration.

(4) The name is restored to the Register when the Registrar enters the details mentioned in section 14(2) in the Register.

(5) If the Registrar restores the registration of the business name, it is taken never to have been removed from the Register.

(6) If the Registrar refuses to restore the registration, the Registrar must give the entity to which the name was registered written notice of the refusal, including—

- (a) the reasons for the refusal; and
- (b) an explanation of the entity's right to appeal against the refusal.

PART 5—ENFORCEMENT

26. (1) An entity commits an offence if—

Misleading
information or
document

- (a) the entity gives misleading information to the Registrar in connection with this Act; and
- (b) the entity knows, or is reckless as to whether, the information is misleading.

Penalty—10,000 penalty units or imprisonment for 12 months, or both.

(2) An entity commits an offence if—

- (a) the entity gives a document that contains misleading information to the Registrar in connection with this Act; and
- (b) the entity knows, or is reckless as to whether, the document contains misleading information.

Penalty—10,000 penalty units or imprisonment for 12 months, or both.

(3) It is a defence to a prosecution for an offence against subsection (2) that the entity, when giving the document—

- (a) drew the misleading aspect of the document to the Registrar's attention; and
- (b) to the extent to which the entity could reasonably do so, gave the Registrar the information necessary to correct the document.

(4) In this section—

“misleading information” means information that is misleading in a material particular or because of the omission of a material particular.

- 27.** (1) This section applies if—
- (a) two or more entities (the “joint venture entities”) enter into an arrangement under which they carry on a business jointly; and
 - (b) the joint venture entities do not form another entity to do so.
- (2) The joint venture entities are together treated as a single entity (the “joint venture”) for the purpose of this Act.
- (3) If this Act would otherwise require or permit something to be done by the joint venture, the thing may be done by one or more of the joint venture entities on behalf of all of them.
- (4) A joint venture entity commits an offence if the joint venture commits a declared offence.
- Penalty—The penalty for the relevant offence.
- (5) It is a defence to an offence under subsection (4) for the defendant to establish that the defendant:
- (a) was not in a position to influence the conduct of the offender in relation to the commission of the offence; or
 - (b) took reasonable steps to prevent the commission of the offence; or
 - (c) exercised due diligence to prevent the commission of the offence.
- (6) This section does not affect the liability of the joint venture.

(7) This section applies whether or not the joint venture is prosecuted for, or convicted of, the relevant offence.

(8) This section does not apply if the joint venture would have a defence to a prosecution for the relevant offence.

28. (1) An executive officer of an entity (other than an entity that is an individual) commits an offence if the entity or another executive officer of the entity (the “offender”) commits a declared offence.

Criminal
liability of
executive
officers

Penalty—The penalty for the relevant offence.

(2) It is a defence to an offence under subsection (1) for the defendant to establish that the defendant—

- (a) was not in a position to influence the conduct of the offender in relation to the commission of the offence; or
- (b) took reasonable steps to prevent the commission of the offence; or
- (c) exercised due diligence to prevent the commission of the offence.

(3) This section does not affect the liability of the offender.

(4) This section applies whether or not the offender is prosecuted for, or convicted of, the relevant offence.

(5) This section does not apply if the offender would have a defence to a prosecution for the relevant offence.

(6) In this section—

“executive officer”, of an entity, means any of the following—

- (a) a person who is concerned with, or takes part in, the management of the entity;

- (b) for a body corporate, a director of the body corporate;
- (c) for a partnership, a partner in the partnership.

Limitation
period for
offences

29. Despite anything to the contrary in the Penal Code (Cap. 26), proceedings for an offence against this Act may only be started within 3 years after the offence is alleged to have been committed.

PART 6—APPEALS

Appealable
decisions and
affected
persons

30. (1) An “appealable decision” is a decision specified in the Schedule.

(2) An “affected person”, for an appealable decision, is a person specified in the Schedule opposite the decision.

Appeal against
decision

31. (1) An affected person for an appealable decision may appeal to the Magistrates’ Court against the decision on a question of law only.

(2) The appeal must be lodged—

- (a) if the person is required to be given notice of the decision, within 20 working days after the person receives notice of the decision; or
- (b) otherwise, within 20 working days after the decision is made.

(3) However, the Court may grant leave to appeal outside the time specified in subsection (2) if it is satisfied there is good cause to do so.

Conduct of
appeal

32. (1) In deciding the appeal, the Court may—

- (a) confirm the decision; or
- (b) vary the decision; or
- (c) set aside the decision; or
- (d) substitute its own decision for the decision; or

- (e) refer the matter to which the appeal relates to the Registrar for reconsideration, either generally or in relation to stated matters, and for substitution of another decision.

(2) In referring the matter to the Registrar, the Court must—

- (a) give the Registrar its reasons for doing so; and
- (b) give the Registrar the directions it considers appropriate for the reconsideration of the whole or any part of the matter.

(3) The Court may make the orders it considers appropriate to give effect to its decision and the orders as to costs it considers just.

(4) A decision under subsection (1)(b) or (d) is taken for this Act (other than this Part) to be the decision of the Registrar.

33. (1) An appeal against an appealable decision does not affect the operation or implementation of the decision for the period until the appeal (and any further appeal) is finally determined.

Operation of
decision pending
appeal

(2) However, the Court may make an order staying or otherwise affecting the operation or implementation of so much of the decision as the Court considers appropriate to effectively hear and decide the appeal.

PART 7—MISCELLANEOUS MATTERS

34. The Registrar may approve forms for this Act.

Approved forms

35. (1) If a time is prescribed by or under this Act for an entity to do a specified thing (other than lodging an appeal under section 31), the Registrar may, by notice to the entity, extend the time.

Extensions of
time

(2) The Registrar may extend the time more than once, and may do so after the time has expired.

36. (1) A person is not civilly or criminally liable for an act done or omitted to be done by the person in good faith in the exercise of a power or performance of a function as—

- (a) the Registrar; or
- (b) a public officer engaged in administering this Act.

(2) Subsection (1) does not affect any liability the Crown would, apart from that subsection, have for the act or omission.

(3) In this section—

“exercise”, of a power, includes the purported exercise of the power;

“performance”, of a function, includes the purported performance of the function.

Recovery of
fees

37. A fee payable to the Registrar under this Act is recoverable by the Registrar in a court of competent jurisdiction as a debt due to the Crown.

Delegation by
Registrar

38. (1) The Registrar may, by instrument in writing, delegate any of the Registrar’s powers and functions (except this power of delegation) to a public officer.

(2) A delegation may be subject to conditions or limitations.

(3) If—

- (a) the exercise of a power or function by the Registrar depends on the opinion, belief or state of mind of the Registrar about a matter; and
- (b) the power or function has been delegated;

the power or function may be exercised by the delegate on the delegate’s opinion, belief or state of mind in relation to the matter.

(4) The delegation of a power or function does not prevent the exercise of the power or performance of the function by the Registrar.

(5) A power or function delegated under this section, when exercised or performed by the delegate, is taken to be exercised or performed by the Registrar.

39. (1) The Registrar may use, for the purposes of this Act, software or systems that automatically make decisions required by this Act.

Use of expert systems

(2) A decision made by such software or such a system is taken to be a decision of the Registrar.

(3) This section does not apply to a decision that depends on the opinion, belief or state of mind of the Registrar about a matter.

40. (1) A person may serve a document on an entity for the purposes of this Act by—

Service of documents

- (a) giving it to the entity; or
- (b) sending it by prepaid post addressed to the entity to the entity's address; or
- (c) faxing it to a fax number of the entity; or
- (d) emailing it to an email address of the entity; or
- (e) leaving it, addressed to the entity, at the entity's address with an individual who appears to be at least 16 years old and apparently employed or living at the address.

(2) A document served by post is taken to be served when it would have been delivered in the ordinary course of post.

(3) A document served by fax or email is taken to be served when it is sent unless evidence sufficient to raise doubt about the presumption is given.

(4) A document served by leaving it at an address is taken to be served when it is left.

(5) For this section, an entity's address is—

(a) for an individual—

- (i) to whom a business name is not registered, the individual's usual home or business address; or
- (ii) to whom a business name is registered, the address recorded in the Register as the address at which business is principally carried on under the name; or

(b) for an entity other than an individual—

- (i) to which a business name is not registered, the entity's registered or usual business address; or
- (ii) to which a business name is registered, the address recorded in the Register as the address at which business is principally carried on under the name.

(6) For this section, an entity's fax number or email address is—

(a) for an individual—

- (i) to whom a business name is not registered, the individual's usual home or business fax number or email address; or
- (ii) to whom a business name is registered, the fax number or email address recorded in the Register as the contact fax number or email address for the business carried on under the name; and

(b) for an entity other than an individual—

- (i) to which a business name is not registered, the entity's usual fax number or email address; or
- (ii) to which a business name is registered, the fax number or email address recorded in the Register as the contact fax number or email address for the business carried on under the name.

(7) In this section—

“serve” includes give and issue.

41. (1) The Minister may make regulations that are necessary or convenient for the administration of this Act.

Regulations

(2) Without limiting subsection (1), the Minister may make regulations prescribing any of the following—

- (a) how to determine whether a name is the same or almost the same as another name; and
- (b) how to determine the names that must not be registered because of section 16; and
- (c) fees payable under this Act.

PART 8—REPEALS AND TRANSITIONAL MATTERS

42. In this Part—

Definitions

“repeal date” means the date section 43 commences;

“repealed Act” means the Registration of Business Names Act (Cap. 178) as in force immediately before the repeal date.

43. The Registration of Business Names Act (Cap. 178) is repealed.

Repeal

44. Information on the register kept under the repealed Act immediately before the repeal date is taken to be information recorded on the Register under this Act on and from the repeal date.

Register

45. If, immediately before the commencement date, a business name is registered to an entity under the repealed Act—

- (a) the business name is taken to have been registered under this Act on and from the repeal date; and
- (b) the certificate of registration issued under the repealed Act is taken to be the registration certificate for the name issued under this Act; and
- (c) for section 20(1), the Registrar is taken to have allocated the month of the repeal date to the registration of the business name, unless the Registrar allocates another month under section 20(2).

Applications
for
registration

46. If, immediately before the repeal date, an application for registration of business name has not been determined, the application is taken to have been made under this Act.

General
transitional
provision

47. If anything of a kind required or permitted to be done under a provision of this Act was done under a corresponding provision of the repealed Act and still had effect immediately before the commencement date, the thing continues in effect after the repeal date as if—

- (a) this Act had been in force when it was done; and
- (b) it had been done under this Act.

Transitional
regulations

48. (1) A regulation may provide for a matter of a transitional nature—

- (a) because of the enactment of this Act; or
- (b) to allow or facilitate the transition to the operation of this Act.

(2) The regulation may have retrospective operation to a day not earlier than the repeal date.

- (3) However, to the extent to which the regulation has retrospective operation, it does not operate to the disadvantage of a person by—
- (a) decreasing the person's rights; or
 - (b) imposing liabilities on the person.
- (4) The regulation must declare it is made under this section.
- (5) This section, and each regulation made under it, expire 1 year after the repeal date.

SCHEDULE

(Section 30)

APPEALABLE DECISIONS AND AFFECTED PERSONS

Appealable decision	Affected person
Registration of business name to an entity (section 14(1)(a))	an entity in relation to whom there is a real risk of substantial detriment because of the registration of the name
Refusal to register business name to entity (section 14(1)(b))	the entity
Removal of business name from Register (section 24)	the entity
Restoration of business name to Register (section 25)	an entity in relation to whom there is a real risk of substantial detriment because of the restoration
Refusal to restore business name to Register (section 25)	the applicant for restoration