

# Stanley Davis

## An update from Stanley Davis Group Limited

---

Company formations, company searches, property searches, Home Information Packs, Energy Performance Certificates, offshore companies, company support services

### No. 3 Company formations, company searches, company support services, trade marks

#### Preparing for October 2008

On 1 October 2008:

- The minimum age for a director becomes 16 years. Any underage appointments at that time will automatically be voided.
- Shareholders' addresses on the annual return. For private companies only shareholder names will be required. For public companies shareholder names will be required only for those that hold 5% or more of any shares class and shareholder addresses for public companies trading on a regulated market.
- Company Names Adjudicator. On 1 October 2008, the [Company Names Adjudicator Rules 2008](#) will come into force. The rules set out the procedure to be followed in relation to proceedings before a company names adjudicator who is asked to determine a dispute under the provisions of [sections 69-74 of the Companies Act 2006](#). The Adjudicator will deal with complaints by businesses or persons who have a goodwill or reputation associated with a name and said name (or a similar name likely to suggest a connection with the complainant) has been opportunistically registered as a company name by someone else with a view to obtaining money from the complainant or to prevent the complainant from registering the name.

The procedure to be followed is set out in the rules. After the complaint is filed the registration holder will be set a period by the adjudicator in which to file a defence. If a defence is filed, the adjudicator will set time periods in which the parties may file evidence to support their cases. Requests may be made to extend any of the time periods set by the adjudicator, but it is at the adjudicator's discretion as to whether or not the request will be granted.

After all the evidence is filed, the adjudicator will determine whether a hearing is required before a final decision can be reached. If a hearing is to be arranged the adjudicator will give the parties at least 14 days notice of when this is to take place, otherwise, the adjudicator will set a period in which the parties may make written submissions. After taking into account the written submissions or the submissions made at the hearing, the adjudicator will then send his written decision to the parties, together with the reasons for the decision. Any party may lodge an appeal against the adjudicator's decision. The appeal must be made to the court and must be made within the time period that the adjudicator sets in the decision.

- The Company Names Tribunal is a new tribunal. It will be operated and administered by staff at the UK Intellectual Property Office.

## **Looking forward to 2009**

New company name rules which come into effect on 1 October 2009 are much more explicit than the current rules. The characters that can appear in a name are defined, right down to permitted forms of punctuation and the name must be no more than 160 characters long. A Company Names Adjudicator will also be in place to deal with name disputes.

## **Did you know?**

Private companies now have only 9 months to file their accounts and public companies 7 months – from the end of the date the accounts are made up to and for all periods commencing after 6 April 2008.

***Stanley Davis has specialised in company and property services for over 40 years. Details of our full range of services can be viewed at [www.stanleydavis.co.uk](http://www.stanleydavis.co.uk) or email [info@stanleydavis.co.uk](mailto:info@stanleydavis.co.uk)***

***To subscribe to future editions of this email newsletter please email [marketing@stanleydavis.co.uk](mailto:marketing@stanleydavis.co.uk) with the word 'Subscribe' in the subject line.***