

# REPRINT

## **BUSINESS NAMES ACT 2014**

**As in force at: 22 November 2016**

**STATUS: HISTORICAL**

This version is that in force at the date stated above. It does not include amendments made since that date.

For list of amendments see Endnotes

**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.**



# **BUSINESS NAMES ACT 2014**

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# **BUSINESS NAMES ACT 2014**

**As in force at: 22 November 2016**

## **PART 1            PRELIMINARY MATTERS**

### **1            Short title**

This Act may be cited as the *Business Names Act 2014*.

### **2            Commencement**

This Act commences on a date appointed by the Minister by notice in the *Gazette*.

### **3            Objects**

The objects of this Act are:

- (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.

### **4            Act binds the Crown**

This Act binds the Crown in all its capacities, but does not make the Crown liable to prosecution for an offence.

### **5            Definitions**

In this Act, unless the contrary intention appears:

**“actual name”:**

- (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;

## **6 Meaning of “carrying on a business”**

(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**

### **7 Register of Business Names**

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

### **8 Contents of Register**

- (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.

### **9 How and where the Register is kept**

- (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 Certificates as to contents of the Register**

- (1) The Registrar must, on application by any person, give the person a statement, certified by the Registrar:
  - (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 Business name must be registered**

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

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 Business communications**

- (1) This section applies if, in the course of carrying on a business, an entity issues a business communication.
- (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 Application for registration**

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

name to the entity.

- (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 Registration of Business name**

- (1) On receiving the application, the Registrar must:
  - (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.

**15 Registration certificate**

- (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.

**16 When business name not to be registered**

- (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.

## **17 Multiple applications for same name**

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.

## **18 Effect of registration**

- (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**

### **19            Application for change of business name**

- (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            Return months**

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

### **21            When return required**

- (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.

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 Notice of changes of business information**

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

#### **23      Notice of proposed removal**

- (1) This section applies if it appears to the Registrar that:
  - (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
  - (b) warning the entity that the registration may be cancelled if it fails to comply with the notice.

#### **24      Removal of name from Register**

- (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 Restoration of registration**

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

(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



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 Joint ventures**

- (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 Criminal liability of executive officers**

- (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.

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.

## **29 Limitation period for offences**

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**

## **30 Appealable decisions and affected persons**

- (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.

## **31 Appeal against decision**

- (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.

## **32 Conduct of appeal**

- (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 Operation of decision pending appeal**

- (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.
- (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 Approved forms**

The Registrar may approve forms for this Act.

### **35 Extensions of time**

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

### **36 Protection from liability**

- (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.

### **37 Recovery of fees**

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.

### **38 Delegation by Registrar**

- (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 Use of expert systems**

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

- (1) A person may serve a document on an entity for the purposes of this Act by:
  - (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 Regulations**

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

In this Part:

**“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                    Repeal**

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

### **44                    Register**

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.

### **45                    Registered business names**

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).

### **46                    Applications for registration**

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.

**47           General transitional provision**

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.

**48           Transitional regulations**

- (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

## ENDNOTES

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### KEY

amd = amended	Pt = Part
Ch = Chapter	rem = remainder
Div = Division	renum = renumbered
exp = expires/expired	rep = repealed
GN = Gazette Notice	Sch = Schedule
hdg = heading	Sdiv = Subdivision
ins = inserted	SIG = Solomon Islands Gazette
lt = long title	st = short title
LN = Legal Notice	sub = substituted
nc = not commenced	

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### LIST OF LEGISLATION

***Business Names Act 2014 (No. 13 of 2014)***

Assent date	22 September 2014
Gazetted	22 September 2014
Commenced	22 November 2016

*[Note: Commencement date validated by Legislation Amendment, Repeal and Validation Act 2023 (No. 17 of 2023)]*

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### LIST OF AMENDMENTS