

Subsidiary Legislation made under s.8A.

Rectification of Registers Regulations, 1994

LN.1994/006

Commencement **1.12.1993**

ARRANGEMENT OF REGULATIONS

Regulation

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1962-08

Interpretation and General Clauses

1994/006

Rectification of Registers Regulations, 1994

Title and commencement.

1.(1) These Regulations may be cited as the Rectification of Registers Regulations, 1994.

(2) These Regulations shall be deemed to have come into effect or shall come into effect, as the case may be, in respect of each register listed in column 1 of the Schedule, on the date specified in respect of that register, in column 2 of the Schedule.

Interpretation.

2. In these Regulations, unless the context shall otherwise require—

“register” means a register specified in column 1 of the Schedule and in respect of which an application for rectification has been made or the Registrar proposes to make a rectification;

“Registrar” means in respect of a register the person, howsoever described in the Act under which the register is established, charged under that Act to keep the register;

Application.

3. This regulation shall apply to any register listed in column 1 of the Schedule subject to the limitations, if any, specified in respect of that register in column 3 of the Schedule.

Application for rectification.

4.(1) A person in respect of which an entry in a register –

- (a) has been omitted;
- (b) is incorrect; or
- (c) has been included in error,

may apply, in the form prescribed by the Registrar, to the Registrar for rectification of the register.

(2) An application made under sub-regulation (1) shall be accompanied by a statement of the applicant’s interest in the matter, the facts on which the application is based, the relief sought and the fee prescribed in respect of that register in column 4 of the Schedule.

(3) The registrar may, in his discretion, require that a person making an application under sub-regulation (1), give notice of that application (including the statement of interest, the facts

on which the application is based and the relief sought) to such other person as the Registrar may specify, being a person who appears to the Registrar to be concerned or to have an interest.

(4) In addition to, or instead of, a requirement under sub-regulation (3), the Registrar may require a person making an application under sub-regulation (1) to publish notice of that application in the Gazette, and such notice shall include the provision that the information required to be made available under sub-regulation (3) can be obtained from the person by whom the application was made and who shall make that information available free of charge to any person seeking it.

(5) An application for rectification of a register may be made by a person other than the person in respect of whom the entry—

- (a) has been omitted;
- (b) is incorrect, or
- (c) has been included in error,

and the requirements of sub-regulation (2) shall apply to such an application:

Provided that such an application shall not be considered by the Registrar unless he is satisfied that the person by whom the application was made has an interest, and for this purpose the Registrar may require the applicant to furnish such information as, in the discretion of the Registrar, is necessary to ascertain whether or not the person has an interest.

(6) Where an application is made under sub-regulation (5), the Registrar shall require the applicant to give notice of the application (including the statement of interest, the facts on which the application is based and the relief sought) to the person in respect of which rectification of the entry (or insertion or omission of the entry, as the case may be,) in the register is sought, and the Registrar may require that that information be given to such other persons as the Registrar may specify.

(7) Sub-regulation (4) shall apply to an application under sub-regulation (5) with the limitation that any requirement under that sub-regulation be in addition to not instead of a requirement under sub-regulation (6).

Initiation of rectification procedure by the Registrar.

5.(1) The Registrar may, without an application having been made under regulation 4, rectify the register where, in his view, an entry—

- (a) has been omitted;

(b) is incorrect; or

(c) has been included in error.

(2) Where the Registrar, in exercise of his powers under sub-regulation (1), proposes to rectify the register, he shall give notice of his intention to the person in respect of whose entry the rectification is to be made and to such other persons, if any, as, in the discretion of the Registrar, the Registrar considers have an interest or are concerned.

(3) A notice under sub-regulation (2) shall include the facts on which the Registrar's intention to rectify is based and the rectification he proposes to make.

(4) The Registrar may apply to the Supreme Court for rectification of the register and in relation to such an application, the provisions of regulation 8 shall apply.

Representations to be taken into account.

6.(1) Where, in accordance with sub-regulations (3), (4), (6) or (7) of regulation 4 or regulation 5(2), notice of an application or of an intention, as the case may be, has been given, the Registrar shall not, for a period of 30 days after the notice (or, in the case of more than one notice, the last notice) has been served or the notice published in the Gazette, rectify the register.

(2) The registrar shall take into account any representations made within the period of 30 days specified in sub-regulation (1) in deciding whether or not to exercise his discretion under regulations 7 and 8:

Provided that the Registrar shall not take into account any representation so made unless, in his discretion, he is satisfied that the person by whom that representation was made, has an interest or is concerned.

Rectification.

7.(1) Where the Registrar is satisfied that there has been an error of the kind specified in regulation 4(1) and that it would be appropriate for him to rectify the register, he may do so by making an entry therein or varying or deleting an entry therein, and may do so from a current date or from such date past or present as shall appear to the Registrar appropriate having regard to the circumstances of the case.

(2) Where the Registrar has decided in accordance with sub-regulation (1) to rectify the register, he shall—

- (a) rectify the register showing therein the date from which the rectification shall take effect and the date of the rectification;
- (b) notify any person by whom an application was made under regulation 4;
- (c) notify any other person who in the opinion of the Registrar has an interest or is concerned;
- (d) publish notice of the rectification in the Gazette in like manner as the entry in respect of which the rectification has been made, would have been published.

Application to the Supreme Court.

8.(1) Where an application for rectification of a register has been made under regulation 4, the Registrar may, in his discretion, refuse to consider the application and require that the person by whom the application was made apply to the Supreme Court for an order for rectification.

(2) The court may, on an application under sub-regulation (1), refuse the application or order the register to be rectified by the making of an entry therein or the variation or deletion of any entry therein.

(3) In any proceedings under this regulation, the court may determine any question which may be necessary or expedient to decide in connection with the rectification of the register.

(4) The Registrar shall be entitled to appear and be heard on any application under this regulation and shall appear if so directed by the court.

(5) Any order made by the court under this regulation shall direct that notice of the order shall be served on the Registrar in the prescribed manner and the Registrar shall, on receipt of the notice, rectify the register accordingly.

(6) Where, by virtue of an order made under this regulation the register is rectified, the Registrar shall cause notice of this to be published in the Gazette in accordance with regulation 7(2)(d).

Effect of rectification.

9.(1) Where, as the result of a decision under regulation 7 or an order under regulation 8 a register is rectified, except as is provided for in sub-regulation (2), the entry, as rectified, shall be deemed to have taken effect on the date from which the rectification is shown in the register to be effective, and to have been made correctly or not to have been made, as the case may be.

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(2) No person who has obtained in respect of an entry which is subsequently rectified in the register a certified copy or extract or certificate in respect of that entry prior to the date of rectification, shall be affected in respect of that copy extract or certification by the rectification.

SCHEDULE

Regulations 1, 3 and 4.

<i>Name of register</i>	<i>Date of effect of regulations</i>	<i>limitations</i>	<i>Fee £</i>
1. Register of Companies kept under the Companies Act	1.12.93	shall not include register of charges provided for in s.80 ¹	50
2. Register of Business Names kept under the Business Names (Registration) Act	1.12.93		50
3. Register of Trade Marks kept under the Trade Marks Act	1.12.93		50
4. Register of Patents kept under the Patents Act	1.12.93		50
5. Register of Limited Partnerships kept under the Limited Partnerships Act	1.12.93		50
6. Register of European Economic Interest Groupings kept under the European Economic Interest Grouping Act	1.12.93		50

¹ As a consequence of the re-numbering of the Companies Act now s. 131