

# Business names and ownership

## Trading Standards Information

[www.southwark.gov.uk](http://www.southwark.gov.uk)

### 1. Main legal requirements

The Companies Act 2006 requires certain information be disclosed and displayed in business premises and on business stationery. This applies to sole traders, partnerships and limited companies. In addition, for Limited companies, certain information must be given on websites.

### 2. Who do the business names requirements apply to?

In general, any business which trades under any name which is not either the surname (or surname plus forename or initial) of the proprietor, or, in the case of a partnership, the names of the partners, or, in the case of a limited company, the corporate name.

For example if a John Smith trades as 'Quality Dry Cleaners' he is affected, if he trades as 'J.Smith's Dry Cleaners' he is not..

### 3. What information is required to be given?

- In the case of an individual, his or her name
- In the case of a partnership, the name of each partner
- In the case of a company, its corporate name

And in each case, the address in Great Britain where legal documents may be received, for example the address of a registered office.

### 4. Where must this information be given?

- In any premises where the business is carried on and to which the customers of the business, or suppliers of any goods or services to the business, have access.

The information must be displayed in a prominent position so that it may be easily read by such customers or suppliers (A suitable notice is available from this Service free of charge).

- On all business letters, written orders for goods or services to be supplied to the business, invoices and receipts issued in the course of the business and written demands for payment of debts arising in the course of the business (Receipts include till rolls, since these are often the only proof of purchase that the customer has).

**Continues/...**

- On request such information must also be given in writing to anyone with whom anything is done or discussed in the course of the business

## **5. Special requirements for limited companies (Ltd) and PLCs etc.**

The company name must be clearly displayed in such a way so that it is easily seen by any visitors at every office or business premises.

On business correspondence and documentation, whether in hard copy or electronic, you must include your company's registered name. This includes;

- business letters, notices and other official publications
- business emails
- bills of exchange, promissory notes, endorsements and order forms
- cheques purporting to be signed by or on behalf of the company
- orders for money, goods or services purporting to be signed by or on behalf of the company
- bills of parcels, invoices and other demands for payment, receipts and letters of credit

On your websites the company must disclose its registered name. You do not need to include the company name on every page but it must be displayed so it can be easily read.

On all its business letters, order forms and websites a company must display certain information including;

- the part of the United Kingdom in which the company is registered (i.e. England and Wales, or Wales, or Scotland, or Northern Ireland)
- the company's registered number
- the address of the company's registered office
- if a company is exempt from the requirement to use "limited" in its name, the fact that it is a limited company;

## **6. What happens if I don't comply with the requirements?**

Failure to comply could result in prosecution. On conviction the courts may impose a fine of up to £1000 and thereafter £100 a day for any continuing contravention.

## **7. EU requirements - online traders**

Traders established within the EU who sell goods or services online must provide on their website an easily accessible link for consumers to the Online Dispute Platform and a business email address to provide consumers with a first point of contact in the event of a dispute.

Failure to do so is an offence and on conviction the courts may impose a fine or a term of imprisonment for up to 12 months or both.

The Provision of Services Directive and the E-commerce directive also require other information to be provided to consumers.

## **8. Further information**

If you require further assistance on these requirements, or would like additional information leaflets, please contact our Business Help Desk at the address given.