

## **Trading Disclosures by Companies**

New regulations will come into force on 1<sup>st</sup> October 2008, under which companies will be obliged:-

- To display the name under which they are registered at their registered office, at all places where they carry-on business and at all places where they keep records which must be available for inspection under various provisions of the Companies Act 2006 (there are exceptions for dormant companies and for places used primarily for living accommodation).
- To display their registered name so that it may be seen clearly by visitors.
- To disclose their registered name in all correspondence and documentation (such as business letters, notices, order forms, invoices and all other forms of business correspondence, including emails) and on their website.
- In addition, to include the registered office, registration number and part of the UK in which they are incorporated in all business letters, order forms and websites – and where reference is made to the amount of their share capital, to refer only to the amount of share capital that is paid-up.
- When including the name of a director in business letters (other than as a signatory) to disclose the names of all of the directors.
- To ensure that any such display or disclosure is in characters that can be read with the naked eye.

Failure to comply with the regulations is an offence. Both the company and its directors may be prosecuted and a fine imposed. The maximum penalty is £1000 but the courts can also fine a business £100 for each day of non compliance over a period of time. The regulations will be enforced by Trading Standards.

Many of these provisions are not new, but in view of the penal nature of non-compliance, both for companies and their directors personally, now is the time to check that all company stationery, emails and websites contain the required information in a legible form and that appropriate signage is in place.

For more information see the Companies (Trading Disclosures) Regulations 2008 (SI 2008 No 495, available at [www.opsi.gov.uk/si/si2008/pdf/uksi\\_20080495\\_en.pdf](http://www.opsi.gov.uk/si/si2008/pdf/uksi_20080495_en.pdf)).

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