

What's in a name?

An easy to understand guide to the Business Names Act and the Companies Act

Who do the Acts apply to?

- A company which trades under a name which is not its corporate name (i.e. London Motor Company Ltd trading as London Autos);
- A partnership which does not trade under the names of all the partners (i.e. John Smith & Jack Jones trading as Corner Garage);
- An individual who trades under a name other than their surname (with or without their first names or initials).

If you trade under your own name, e.g. John Smith trading as J Smith, then the Act does not apply to you, but if you add any other words other than your name or initials, e.g. John Smith trading as Smith's Autos, then the Act does apply to you.

The Acts apply to me, so what should I do?

You must disclose the following information:

- the corporate name and registered office address;
- the name of each partner; or
- the individual's name; and
- in relation to each person named, an address in Great Britain at which documents can be served (this is usually the address of the business, accountant or solicitor).

Where and how must I disclose this information?

It must be displayed at your place of business in a prominent position where customers will be able to see it. It must also be shown on all:

- business letters;
- written orders for the supply of goods or services;
- invoices and receipts; and
- written demands for the payment of business debts.

We are a limited company, do we have to do anything else?

Yes. Your limited company name must also be painted or affixed to the outside of your business premises in a conspicuous place and clearly legible. It must also appear in full on all:

- notices and official publications;
- cheques;
- orders for money or goods; and
- letters of credit.

Your business letters and order forms must also show the company's place of registration, registration number and the registered office address.

Note: Any reference to requirements for information to be shown on documents applies equally to electronic documents. Therefore an email sent on behalf of the company is classed as a business letter and if you accept orders for goods online then these will have the same affect as official order forms.

Websites

There is also now a requirement that the full company name, registered office address, registration number and place of registration appear prominently on all websites operated by the company.

We can help

Lawco are experts in Trading Standards law as it affects the motor trade. We are fully trained auditors and we understand how your business works. We can take the pressure off your business by providing all the materials needed to ensure your business stays within the law, including staff training, policy manuals, legal advice, quality systems, audits, and much more.

Why not give us a call for an informal chat about how we may be able to help your business. You sell the cars; we'll ensure you stay within the law.

This advice is designed to provide basic guidance to Motor Traders. It is **not** a complete authoritative statement of the law. For further assistance on this or any other Trading Standards legislation, please contact Lawco Consultancy Ltd on 01663 762289 or Lawco@lawcouk.com, or visit our website at www.lawcouk.com.