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## **Guidance on the requirements of the Companies Act 2006**

The Companies Act 2006 requires any person carrying on a business, whether or not incorporated to make certain information available to others about the ownership of the business. From 1<sup>st</sup> October 2009 the Business Names Act 1985 was replaced by the Companies Act 2006, but the requirements remain the same.

### **1. What is a business name?**

A business name is any name used by any person, partnership or company, carrying on a business unless it is the same as their own name.

### **2. Who does the Companies Act apply to?**

- An individual who trades under a name which is not his or her surname. It makes no difference whether the individual's first names or initials are added. So the Act would apply to Mr JQZ Smith if he traded as 'Smith Antiques' but not if he traded as 'Smith' or 'JQZ Smith'.
- A partnership which uses a specific business name and does not trade under the names of all the partners; and
- A company or Limited Liability Partnership, which trades under a name which is not its corporate name, for example, 'J Smith Limited' trading as 'Fish Antiques'.

If the Companies Act applies to you then you must comply with all the disclosure requirements.

### **3. What are the disclosure requirements?**

You will need to disclose:

- the corporate name (if the company uses a different trading name); or
- the name of each partner; or
- the individual person's name; and
- in relation to each person named, an address at which documents can be served.

### **4. Where must this information be shown?**

You will need to show the information clearly:

- in any place where you carry on your business and where you deal with customers or suppliers;
- on business correspondence ;
- on websites;
- on written orders for the supply of goods or services;

- on invoices and receipts;
- on written demands for the payment of business debts.

## **5. Must the information be displayed in a particular way?**

As long as it can be easily seen and read, it does not matter how you show the information. In large premises, you may need to think carefully about the size of the notice and where you display it to make sure that all your customers and suppliers will see it. You can put up more than one notice if you wish. An example of a notice is given at the end of this guidance.

## **6. What if there are several partners, must all names be disclosed?**

If the business has more than 20 partners, you are not required to show all the partners' names on your business documents. However, you must show the address of the principal place of business and say that a full list of the partners' names and addresses can be inspected there.

## **7. What happens if I do not comply with the requirements?**

It is a criminal offence if you do not disclose business information required under the Companies Act 2006.

### **EXAMPLE**

There are no rules governing the way you display your business name with the owner's name and address. However, the following example may help you.

PARTICULARS OF OWNERSHIP  
OF  
W. JONES BAKERY  
(as required by the Companies Act 2006)  
William Jones  
12 High Street  
Barchester  
Basset  
BA1 2YZ

If you require any further information you should contact your local trading standards office.

Telephone           01546 605519  
Email                tradingstandards@argyll-bute.gov.uk

Bute and Cowal - 22 Hill Street, Dunoon, PA23 7AP  
Helensburgh and Lomond - Blairvadach, Shandon, Helensburgh, G84 8ND  
Mid Argyll, Kintyre and Islands - Area Office, Manse Brae, Lochgilphead, PA31 8QU  
Oban, Lorn and the Isles - Municipal Buildings, Albany Street, Oban, PA34 4AW

Office Hours: 9.00am-5.00pm Monday-Friday