

## Business Stationery – Formal Requirements

March 2009



There are certain formal requirements, under the Companies Act 2006 and the Companies (Trading Disclosures) Regulations 2008<sup>1</sup>, regarding company communication that a company will have to comply with.

With effect from 1 October 2008 a Company must disclose its name, as it appears in its Memorandum of Association, its registered office and in some circumstances, any other offices, on all communication.

This must include all business letters, order forms (in hard, electronic or any other form) and the company website.

The Company must also stipulate the part of the United Kingdom in which it was registered, the Company's registered number and the address of the registered office<sup>2</sup>

### Registered Company Name

Under the Companies (Trading Disclosures) Regulations 2008 the company is also required to display the registered name at the registered office and inspection place so that it may be read with the naked eye<sup>3</sup>.

If a company is being wound up or is in administration or receivership or a moratorium is in force in respect of its debts, every invoice, order for goods, business letter or order form (in hard copy, electronic or any other form) must contain a statement that the company is being wound up.

### Communications<sup>4</sup>

The Companies (Trading Disclosure) Regulations 2008 require that every company shall disclose its registered name on:

- its business letters, notices and official publications
- its 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
- its bills of parcels, invoices and other demands for payment, receipts and letters of credit
- its applications for licences to carry on a trade or activity
- all other forms of its business correspondence

It may not be necessary to include the word "Limited" in the company name and the Registrar of Companies may agree to dispense with such if certain requirements are met.

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<sup>1</sup> The Companies (Trading Disclosure) Regulations 2008 were made under section 82 of the 2006 Act

<sup>2</sup> Regulation 7, the Companies (Trading Disclosure) Regulations 2008

<sup>3</sup> regulation 2, regulation 3 of the Companies (Trading Disclosure) Regulations 2008

<sup>4</sup> Regulation 6 of the Companies (Trading Disclosure) Regulations 2008

*Please note: The content of this article is for information purposes only and further advice should be sought from a professional advisor before any action is taken.*

Failure to comply with the above requirements means the company and every one of its officers are committing an offence and may be liable to a fine.

As well as a person having the right to object to a new company name, anyone with goodwill in that name, or a similar one can object, including brand owners. If the new company traded in the name, an action for trade mark infringement could be brought by a brand owner or for passing off if there were no registered rights.

Companies which are also charities should state this fact plus the HMRC reference number on all of the above. Once the Charities Act (NI) 2008 comes into force there will be specific legal obligations relating to correspondence and official publications issued by charities.

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