



Companies House
— *for the record* —

Business Names

September 2004

Business Names - GBF3

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This is a guide only and should be read with the relevant legislation.

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Introduction

Business names are no longer registered with any government departments. But there are laws about using certain names and disclosing certain details of ownership.

Before 1982 many business names had to be registered under the Registration of Business Names Act 1916. This Act was repealed on 26 February 1982 when new rules on business names came into force in the Companies Act 1981. This law was replaced by the Business Names Act 1985. This allows the Secretary of State to have certain controls over the name you choose for your business and what you must tell others about the ownership of the business.

Some words and expressions are controlled by other laws. These rules protect the rights which persons may have in relation to names or words. (In law, 'person' includes individuals and companies.)

This booklet is a guide to the rules in the Business Names Act 1985. It is not a complete statement of the law. If you are unsure about any of the details, you should read the law yourself or consult a solicitor.

Any business names shown in this booklet for the sake of example are intended to be fictitious.

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CHAPTER 1

Business names

1. What is a 'business name'?

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

2. What checks should I make before using a business name?

It is advisable to consult a solicitor before using a business name. You should also check local phone books and any relevant trade journals or magazines, to see if any other business is already using the name. If it is, you could face legal difficulties.

If you have any intention to trade goods or services, you would be well advised to ensure your business name does not conflict with a registered trademark. It does not have to be identical with a trade mark to cause possible conflict. Problems can arise if a name is judged to be confusingly similar. For further advice, including how to search the Trade Marks Register, contact the Trade Marks Registry of the Patent Office on:

E-mail: enquiries@patent.gov.uk

Website: www.patent.gov.uk

3. Who does the Business Names Act apply to?

It applies to:

- a company which trades under a name which is not its corporate name, for example, 'XYZ Limited' trading as 'Fish Antiques';
- a partnership which does not trade under the names of all the partners;
- 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 Singh if he traded as 'Singh Antiques' but not if he traded as 'Singh' or 'JQZ Singh'.

4. What is meant by the Secretary of State having control over business names?

Names that include words or expressions that are prescribed by regulation require the approval of the Secretary of State before they can be used. There are also other terms whose use in a name may, in some circumstances, constitute a criminal offence. See the next few questions for more details.

5. Which names need approval?

Names listed in appendices [A](#), [B](#) and [C](#) need approval to avoid the public being misled into believing that a company has a size or status that is not justified. Appendix A also lists broad guidelines on criteria that your business will need to meet for certain words and expressions. A name that gives the impression that the business is connected with Her Majesty's Government or with a local authority will also need approval before it can be used.

Names that suggest a banking activity

Following the repeal of the Banking Act 1987, company names that include bank, banker, banking or deposit no longer need approval. However, using words that suggest a banking activity implies that the person using the name is carrying on a banking business and is therefore accepting deposits - a regulated activity under the Financial Services and Markets Act 2000 Act. Therefore, the person would normally need to be an 'authorised person' or to have exemption under the Act.

Use of a banking name by a person who is neither authorised nor exempt under the Act could be material to whether an offence has been committed under section 24 of the Act. A person may, however, be able to establish that the way that he carries on his business means that those who deal with him would not understand him to be an authorised person.

It should not be assumed that a decision by us to register a particular banking name means that its use in certain circumstances would not contravene section 24. If you are in any doubt, you should seek independent legal advice.

6. What happens if there is a change of ownership?

When a business with a name that includes a prescribed word changes hands, the new owner must obtain further approval within 12 months to use the name. This applies whether the name was previously registered under the Registration of Business Names Act 1916, or approved under the Companies Act 1981.

7. How do I apply for approval to use a name?

If you would like to use a name that includes a word or expression listed in [Appendix A](#) you should write, enclosing any information that might help support your application, to:

For Businesses in England or Wales
Business Names Section
Companies House
Crown Way
Cardiff
CF14 3UZ
Tel: 029 2038 0362

For Businesses in Scotland
The Registrar of Companies
Companies House
37 Castle Terrace
Edinburgh
EH1 2EB
Tel: 0131 535 5800

If you want to use any of the expressions listed in [Appendix B](#), you will need to write to the 'relevant body' to ask if they have any objection (and if so, why) to your use of that expression. Enclose a copy of any reply you have received from the relevant body when you write to Companies House Cardiff or Edinburgh to ask for approval to use the name.

If the name that you have chosen gives the impression that your business is connected with Her Majesty's Government or a local authority, you must not use it without the written approval of the Secretary of State. If you do want to use this type of name, you should write to the Business Names Section at Cardiff or Edinburgh, giving as much detail as you can to support your application.

In such cases the Secretary of State's decision will be sent to you in writing after all the supporting information has been considered.

Approval by the Secretary of State to use a name is confined to the use of certain words or expressions. Such approval does not extend to a company's aims and objectives.

The use of words and expressions listed in [Appendix C](#) might be a criminal offence. If you wish to use them in a business name, you should write to the appropriate body and consult a solicitor. The Secretary of State has no power to approve or reject such names which are not covered by the Business Names Act 1985.

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CHAPTER 2

Disclosure rules

1. Do the disclosure rules apply to all businesses?

If the Act applies to you (see [chapter 1, question 3](#)) then you must comply with all the disclosure rules.

For example, if Mr W Jones trades as 'W Jones Bakery', then the disclosure rules of the Business Names Act apply.

Disclosure rules also apply to incorporated companies that trade under a different name, for example, ABC Foods Limited as ABC Foods.

Incorporated companies must also comply with the disclosure rules in the Companies Act. These apply to what must be stated on company stationery and are shown in our guidance booklet, '[Company Formation](#)'.

2. What details must be disclosed about a business?

You will need to disclose (as appropriate):

- the corporate 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.

3. Where must this information be shown?

You will need to show the information clearly in all:

- the places where you carry on your business and where you deal with customers or suppliers;
- business letters;
- written orders for the supply of goods or services;
- invoices and receipts;
- written demands for the payment of business debts.

[Appendix D](#) gives some examples of ways in which you can show the information on your stationery. As long as the details are 'clearly legible' they can be handwritten or printed.

4. Must it 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. (An example of a notice is given in [Appendix E](#).) 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.

Do **not** send a copy of your display notice to Companies House.

5. Must the information be given to anyone else?

If asked for, the names and addresses that must be disclosed must also be given immediately, in writing, to anyone with whom you are doing business.

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Use of a banking name by a person who is neither authorised nor exempt under the Act could be material to whether an offence has been committed under section 24 of the Act. A person may, however, be able to establish that the way that he carries on his business means that those who deal with him would not understand him to be an authorised person.

It should not be assumed that a decision by us to register a particular banking name

means that its use in certain circumstances would not contravene section 24. If you are in any doubt, you should seek independent legal advice.

6. What if there are a lot of partners - must all the names be disclosed?

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

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

You commit a criminal offence if you use a business name that requires prior approval, and you have not obtained that approval.

Similarly, you are committing a criminal offence if you do not disclose the business details that the Act requires.

Remember, if you do not make your business details available, or you do not display them, you may not be able to enforce a contract that you have entered into.

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CHAPTER 3

Further information

1. Where do I get forms and guidance booklets?

This is one of a series of Companies House booklets which provide a simple guide to the Companies Act.

[Statutory forms](#) and [guidance booklets](#) are available, free of charge from Companies House. The quickest way to get them is through this website or by telephoning 0870 3333636.

If you prefer you can write to our stationery sections in [Cardiff](#) or [Edinburgh](#).

Forms can also be obtained from legal stationers, accountants, solicitors and company formation agents - addresses in business phone books.

2. How do I send information to the Registrar?

You may deliver documents to the Registrar by hand (personally or by courier), including outside office hours, bank holidays and weekends to Cardiff, London and Edinburgh.

You may also send documents by post or by the Hays Document Exchange service (DX). If you send documents, please address them to:

For companies
incorporated in
England & Wales:

The Registrar of
Companies
Companies House
Crown Way
Cardiff CF14 3UZ

DX33050 Cardiff

For companies
incorporated in
Scotland:

The Registrar of
Companies
Companies House
37 Castle Terrace
Edinburgh EH1 2EB

DX ED235 Edinburgh 1

We will only acknowledge receipt of documents at Companies if you provide a stamped addressed envelope.

Please note: Companies House does not accept accounts or any other statutory documents by fax.

APPENDIX A

You will need the approval of the Secretary of State for Trade and Industry before any of the following words or expressions (or their plural or possessive forms) is used in a business name. More detailed information is available from the Business Names Section at Companies House Cardiff or Edinburgh.

(a) Words which imply national or international pre-eminence:

British	International	Scottish
England	Ireland	United Kingdom
English	Irish	Wales
European	National	Welsh
Great Britain	Scotland	

(b) Words which imply business pre-eminence or representative status:

Association	Council	Institution
Authority	Federation	Society
Board	Institute	

(c) Words which imply specific objects or functions:

Assurance	Friendly society	Post office	Trade union
Assurer	Fund	Reassurance	Trust
Benevolent	Group	Re-assurer	
Charter	Holding	Register	
Chartered	Industrial & provident society	Registered	
Chemist	Insurance	Re-insurance	
Chemistry	Insurer	Re-insurer	
Co-operative	Patent	Sheffield	
Foundation	Patentee	Stock exchange	

The following list gives guidance on the conditions you will need to fulfil if you wish to use one of the words listed above. It is not a full list. For words not shown below, guidance is available in our booklet, ['Company Names'](#).

- **British** - the use of this word in your business name can vary depending on the way the word is used. Normally the Secretary of State would expect the business to be British owned. You would need to show that the business is pre-eminent in its field by providing supporting evidence from an independent source such as a Government Department or a trade association.

If the word "British" is qualified by words that do not describe an activity or product, for example by using a "made-up" word, evidence of pre-eminence is not necessarily essential. You would however be expected to show that your business is substantial in relation to its activity or product and that it is eminent in its own field;

- **England, English, Scotland, Scottish, Wales, Welsh, Ireland or Irish** - if you wish to use any of these words as a prefix to your business name the criteria are similar to that for "British". You will usually be given approval to use any of these words as a suffix provided that you can show that the business is trading in the country concerned. If you want to use one of these words because it is a surname you will usually be given approval provided that the name includes forenames or initials;
- **European** - names which include this word may be approved provided that they do not imply a connection with official bodies of the European Union, and provided that

the name is not misleading or likely to give rise to a justified complaint.

- **International** - if this word is used as a prefix to your business name you will need to show that the major part of business activities is in trading overseas. If you wish to use the word as a suffix approval will usually be given if you can show that its main activities are exports, or that it operates in two or more countries overseas. Approval is usually given to businesses wishing to use this word when the business is involved in a trade that is international in character, such as travel or transport, provided that the name is not misleading or likely to give rise to a justified complaint;
- **National** - the criteria for use of this word are the same as that for "British";
- **association, federation or society** - if you wish to use one of these words, your constitution should state that each member should have one vote and normally any profits should be used to further the objects of the organisation rather than be paid out to the members as dividends;
- **group** - if use of this word implies several companies under one corporate ownership, then you will need to provide evidence of a parent and/or subsidiary association with two or more other British or overseas companies. If the name clearly shows that the company is to promote the interests of a group of individuals, then the name will normally be approved.
- **assurance, assurer, insurance, insurer, re-assurance, re-assurer, re-insurance or re-insurer** - if the name is needed for an underwriting business, Companies House will normally seek further advice. However, if you want to use the name for a business that will only provide insurance services, you should include the appropriate qualification, for example 'agents', 'consultants' or 'services', in the name. - if the name is needed for an underwriting business Companies House will normally seek further advice. However, if you want to use the name for a business that will only provide insurance services you should include the appropriate qualification, for example "agents", "consultants" or "services", in the name.

APPENDIX B

Words or expressions in the following list also need the approval of the Secretary of State. If you want to use any of them in your business name you will need to write first to the relevant body to ask whether they have any objection to your use of the word or expression in your business name. If and when you apply for the Secretary of State's approval to the use of the name, you should state that you have written to the relevant body and enclose a copy of any reply you have received.

Word or Expression	Relevant Body for companies intending to have registered office in England or Wales	Relevant Body for companies intending to have registered office in Scotland
Charity, Charitable	Head of Status Charity Commission Woodfield House Tangier Taunton TA1 4BL	<i>For recognition as a Scottish charity Inland Revenue FICO (Scotland) Trinity Park House South Trinity Road Edinburgh EH5 3SD</i>
Contact Lens	The Registrar General Optical Council 41 Harley Street London W1N 2DJ	As for England and Wales
Dental, Dentistry	The Registrar General Dental Council 37 Wimpole Street London W1M 8DQ	As for England and Wales
District Nurse, Health Visitor, Midwife, Midwifery, Nurse, Nursing	The Registrar & Chief Executive United Kingdom Central Council for Nursing, Midwifery and Health Visiting 23 Portland Place London W1N 3AF	As for England and Wales
Health Centre	Office of the Solicitor Department of Health & Social Security 48 Carey Street London WC2A 2LS	As for England and Wales
Health Service	Department of Health Room 2N35A Quarry House Quarry Hill Leeds LS2 7UE	As for England and Wales

Police	Home Office Police Dept Strategy Group Room 510 50 Queen Anne's Gate London SW1H 9AT	The Scottish Ministers Police Division St Andrews House Regent Road Edinburgh EH1 3DG
Polytechnic	Department of Education and Science FHE 1B Sanctuary Buildings Great Smith Street Westminster London SW1P 3BT	As for England and Wales
Pregnancy, Termination, Abortion	Department of Health Area 423 Wellington House 133-135 Waterloo Road London SE1 8UG	As for England and Wales
Royal, Royale, Royalty, King, Queen, Prince, Princess, Windsor, Duke, His/Her Majesty	<i>(If based in England)</i> Grant Bavister Department for Constitutional Affairs Constitutional Policy Division 6th Floor, Selborne House 54 Victoria Street London SW1E 6QW <i>(If based in Wales)</i> The National Assembly for Wales Crown Buildings Cathays Park Cardiff CF10 3NQ	The Scottish Ministers Civil Law and Legal Aid Division Saughton House Broomhouse Drive Edinburgh EH11 3XD

Special School	Department for Education and Employment Schools 2 Branch Sanctuary Buildings Great Smith Street Westminster London SW1P 3BT	As for England and Wales
University	Privy Council Office 2 Carlton Gardens London SW1Y 5AA	As for England and Wales

APPENDIX C

Certain words or expressions are covered by other legislation and their use might constitute a criminal offence. Some of these are listed below, but this list is not exhaustive and if you have any doubts you should seek further advice. If you want to use any of these words or expressions in your business name you may wish to consult a solicitor and write to the appropriate body to seek their advice on whether using a name would constitute a criminal offence.

<i>Word Or Expression</i>	Relevant Legislation	Relevant Body
Architect	Section 20 Architects Registration Act 1997	Architects Registration Board 73 Hallam Street London W1N 6EE
Credit Union	Credit Union Act 1979	The Public Records Section Financial Services Authority 25 The North Colonnade Canary Wharf London E14 5HS
Veterinary Surgeon, Veterinary, Vet	Sections 19/20 Veterinary Surgeons Act 1966	The Registrar Royal College of Veterinary Surgeons 62-64 Horseferry Rd London SW1P 2AF
Solicitor (Scotland)	S.31, Solicitors (Scotland) Act 1980	The Law Society of Scotland 26 Drumsheugh Gardens Edinburgh EH3 7YR

Dentist, Dental Surgeon, Dental Practitioner,	Dental Act 1984	The Registrar General Dental Council 37 Wimpole Street London W1M 8DQ
Drug, Druggist, Pharmaceutical, Pharmaceutist, Pharmacist, Pharmacy	Section 78 Medicines Act 1968	The Director of Legal Services The Royal Pharmaceutical Society of Great Britain 1 Lambeth High Street London SE1 7JN (for Scottish Registered Companies) The Pharmaceutical Society 36 York Place Edinburgh EH13HU
Olympiad, Olympiads, Olympian, Olympians, Olympic, Olympics, <i>or translation of these</i>	Olympic Symbol etc. (Protection) Act 1995* <i>*Also protects Olympic symbols of five interlocking rings and motto "Citius Altius Fortius"</i>	British Olympic Association 1 Wandsworth Plain London SW18 1EH
Optician, Ophthalmic Optician, Dispensing Optician, Enrolled Optician, Registered Optician, Optometrist	Opticians Act 1989	The Registrar General Optical Council 41 Harley Street London W1N 2DJ
Red Cross, Geneva Cross, Red Crescent, Red Lion and Sun	Geneva Convention Act 1957	Seek advice of Companies House
Anzac	Section 1 Anzac Act 1916	Seek advice of Companies House

<p>Chiropodist, Dietician, Medical Laboratory, Technician, Occupational Therapist, Orthoptist, Physiotherapist, Radiographer, Remedial Gymnast</p>	<p>Professions Supplementary to Medicine Act 1960 if preceded by Registered, State or Registered</p>	<p>Mrs Joan Arnott Department of Health HRD HRB Rm 2N35A Quarry House Quarry Hill Leeds LS2 7JE</p>
<p>Institute of Laryngology, Institute of Otology, Institute of Urology, Institute of Orthopaedics</p>	<p>University College London Act 1988</p>	<p>Seek advice of University College London Gower Street London WC1E 6BT</p>
<p>Patent Office, Patent Agent</p>	<p>Copyright, Designs and Patents Act 1988</p>	<p>IPPD (Intellectual Property Policy Directorate) Room 3B38, Concept House The Patent Office, Cardiff Road, Newport, NP10 8QQ</p>
<p>Building Society</p>	<p>Building Society Act 1986</p>	<p>Seek advice of Building Societies Commission Victoria House 30-40 Kingsway London WC2B 6ES</p>
<p>Chamber(s) of Business, Chamber(s) of Commerce, Chamber(s) of Commerce and Industry, Chamber(s) of Commerce, Training and Enterprise, Chamber(s) of Enterprise, Chamber(s) of Industry Chamber(s) of Trade, Chamber(s) of Trade and Industry,</p>	<p>Company and Business Names (Chamber of Commerce etc.) Act 1999</p>	<p>Guidance is available from Companies House</p>

Chamber(s) of Training,
Chamber(s) of Training
and Enterprise
*or the Welsh
translations of these
words*

APPENDIX D

Although there are no rules about how you should show the necessary information on your business stationery, here are a few examples to help you:

1. A business owned by an individual person:

W.JONES BAKERY

(prop: W. Jones)
12 High Street
Barchester
Barset
BA1 2YZ

2. A business owned by a partnership:

JONES AND BROWN (CAR REPAIRS)
(partners: P. Jones and A. Brown)
34 Lower Street
Barchester
Barset
BA2 3WX

3. A business owned by a company:

ABC FOODS
Unit 2
New Trading Estate
Barchester
Barset
BA3 4ST

At the bottom of the letterhead (these details are required under both the Business Names Act 1985 and the Companies Acts):

ABC FOODS (GREAT BRITAIN) LTD registered in England and Wales
Registration number: 1234567

Registered Office: 5 Middle Street Barchester Basset BA4 5QR

REMEMBER this notice must be displayed in a prominent position so that it can be read easily in all the places where you carry on your business and where you deal with customers or suppliers.

APPENDIX E

Again, 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 section 4 of the
Business Names Act 1985)

William Jones
12 High Street
Barchester
Basset
BA1 2YZ

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