

**WRITTEN QUESTION TO THE CHIEF MINISTER
BY DEPUTY S.Y. MÉZEC OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 2nd JUNE 2015**

Question

Would the Chief Minister set out the requirements that exist for businesses to register the name they are trading under and state who is responsible for policing whether businesses are following those rules?

What penalties are there for businesses which trade under names they have not registered and which purport to be a limited company when they are not?

Answer

The Registration of Business Names (Jersey) Law 1956 sets out the requirements for businesses to register the names they are trading under.

Article 2(1) of the Registration of Business Names Law states that the Registrar of Business Names is the Registrar of Companies, appointed pursuant to Article 196 of the Companies (Jersey) Law 1991, namely an officer appointed by the Jersey Financial Services Commission. The current Registrar is the Director General of the Jersey Financial Services Commission.

Article 9 of the Registration of Business Names Law deals with penalties for default in registrations.

If any insular authority, such as the Registrar of Business Names, were made aware of an allegation that the Registration of Business Names Law was being infringed, the matter would be referred to the police for investigation and to the Attorney General for potential prosecution. Prosecution would not necessarily be limited to those actions falling under the Registration of Business Names Law, as using a misleading business name with the requisite intent could amount to fraud.

In addition to the requirements under the Registration of Business Names Law, there are a number of licensing requirements in the Control of Housing and Work (Jersey) Law 2012 (the "CHWL") that are likely to be relevant to any business operating in Jersey. Licenses under the CHWL are issued by the Population Office and if someone were carrying on an undertaking without an appropriate license, the Population Office may serve a notice to cease operation. If the notice were not complied with, the Population office would apply to the Royal Court for an Order requiring the person to cease the illegal undertaking.