



Jersey

REGISTRATION OF BUSINESS NAMES (JERSEY) LAW 1956

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REGISTRATION OF BUSINESS NAMES (JERSEY) LAW 1956

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Jersey

REGISTRATION OF BUSINESS NAMES (JERSEY) LAW 1956¹

A LAW to provide for the registration of firms and persons carrying on business under business names, and for purposes connected therewith

Commencement [[see endnotes](#)]

1 Interpretation

(1) In this Law, unless the context otherwise requires –

“business” includes profession;

“business name” means the name or style under which any business is carried on, whether in partnership or otherwise;

“Christian name” includes any forename;

“Commission” means the Jersey Financial Services Commission established by the [Financial Services Commission \(Jersey\) Law 1998](#);

“Court” means the Inferior Number of the Royal Court;

“firm” means an unincorporate body of 2 or more individuals, or one or more individuals and one or more bodies corporate, or 2 or more bodies corporate, who have entered into partnership with one another with a view to carrying on business for profit, but shall not include a limited partnership or a limited liability partnership or any unincorporated company which was in existence on the 17th day of August 1861;

“foreign firm” means any firm, individual or body corporate whose principal place of business is situate outside Her Majesty’s dominions;

“individual” means a natural person and does not include a body corporate;

“initials” includes any recognized abbreviation of a Christian name;

“limited liability partnership” means a limited liability partnership registered in accordance with the [Limited Liability Partnerships \(Jersey\) Law 2017](#);

“limited partnership” means an incorporated limited partnership established in accordance with the [Incorporated Limited Partnerships \(Jersey\) Law 2011](#), a limited partnership established in accordance with the [Limited Partnerships \(Jersey\) Law 1994](#) or a separate limited partnership established in accordance with the [Separate Limited Partnerships \(Jersey\) Law 2011](#).

“Minister” means the Minister for External Relations and Financial Services;

“prescribed form” means in a form specified by the Commission in a notice published by the Commission;

“published” means –

- (a) in respect of a fee payable by virtue of this Law, published by the Commission in accordance with Article 15(5)² of the [Financial Services Commission \(Jersey\) Law 1998](#); and
- (b) in any other case, published by the Commission in a manner likely to bring it to the attention of those affected;

“registrar” means the registrar of business names appointed pursuant to Article 2 and the “registrar’s seal” in relation to the registrar means a seal prepared under that Article.³

- (2) In the case of a peer or person usually known by a British title different from his or her surname, the title by which the peer or person is known shall be substituted in this Law for his or her surname.
- (3) References in this Law to a former Christian name or surname shall not include a former Christian name or surname where that name or surname was changed or disused before the person bearing the name attained the age of 18 years or has been changed or disused for a period of not less than 20 years.
- (4) References in this Law to a change of name shall not include, in the case of a peer or a person usually known by a British title different from his or her surname, the adoption of or succession to the title.

2 Registrar and other officers⁴

- (1) The registrar of companies appointed pursuant to Article 196 of the [Companies \(Jersey\) Law 1991](#) shall be the registrar of business names.
- (2) The Commission may direct a seal or seals to be prepared for the authentication of documents required for or in connection with the registration of business names.
- (3) Any functions of the registrar under this Law may, to the extent authorized by the registrar, be exercised by any officer on the staff of the Commission.

3 Firms and persons to be registered

Subject to the provisions of this Law –

- (a) every firm having a place of business in Jersey and carrying on business under a business name which does not consist of the true surnames of all

partners who are individuals and the corporate names of all partners who are bodies corporate without any addition other than the true Christian names of individual partners or initials of such Christian names;

- (b) every individual having a place of business in Jersey and carrying on business under a business name which does not consist of his or her true surname without any addition other than his or her true Christian names or the initials thereof;
- (c) every individual or firm having a place of business in Jersey who, or a member of which, has either before or after the commencement of this Law changed his or her name, except in the case of a woman in consequence of marriage;
- (d) every body corporate carrying on business under a business name which does not consist of its corporate name without any addition;
- (e) every limited partnership carrying on business under a business name which does not consist of the name under which it is established without any addition;
- (f) every limited liability partnership carrying on business under a business name which does not consist of the name under which it is registered without any addition,

shall be registered in the manner provided by this Law:

Provided that –

- (i) where the addition merely indicates that business is carried on in succession to a former owner of the business, that addition shall not itself render registration necessary,
- (ii) where 2 or more individual partners have the same surname, the addition of an “s” at the end of that surname shall not of itself render registration necessary,
- (iii) where the business is carried on by a person for the time being administering the property of another person by reason of the bankruptcy of that other person, registration shall not be necessary, and
- (iv) a purchase or acquisition of property by 2 or more persons jointly shall not of itself be deemed to be carrying on a business whether or not the owners share any profits arising from the sale thereof.⁵

4 Registration by nominee, etc.

Where a firm, individual or body corporate having a place of business within Jersey carries on the business wholly or mainly as nominee or trustee of or for another person or other persons, or another body corporate, or acts as general agent for any foreign firm, the first-mentioned firm, individual or body corporate shall be registered in the manner provided by this Law, and, in addition to the other particulars required to be furnished and registered, there shall be furnished and registered the particulars mentioned in the Schedule:

Provided that where the business is carried on by a person for the time being administering the property of another person by reason of the bankruptcy of that other person, registration under this Article shall not be necessary.

5 Manner and particulars of registration

- (1) Every firm or person required under this Law to be registered shall furnish to the registrar a statement in writing in the prescribed form containing the following particulars –
 - (a) the business name;
 - (b) the general nature of the business;
 - (c) the principal place at which the business is carried on;
 - (d) where the registration to be effected is that of a firm, the present Christian name and surname, any former Christian name or surname, the nationality, the usual residence and the other business occupation (if any) of each of the individuals who are partners, and the corporate name and registered or principal office of every body corporate which is a partner;
 - (e) where the registration to be effected is that of an individual, the present Christian name and surname, any former Christian name or surname, the nationality, the usual residence and the other business occupation (if any) of such individual;
 - (f) where the registration to be effected is that of a body corporate, its corporate name and registered or principal office;
 - (g) if the business is commenced after the coming into force of this Law, the date of the commencement of the business.⁶
- (2) Where a business is carried on under 2 or more business names, each of those business names must be stated.

6 Statement to be signed by persons registering

- (1) The statement required for the purpose of registration must –
 - (a) in the case of an individual, be signed by the individual or by some other person who satisfies the registrar that the person is authorized to sign on behalf of that individual and in this latter case must be verified by an affidavit made by the signatory;
 - (b) in the case of a body corporate, be signed by a director or the secretary thereof; and
 - (c) in the case of a firm, be signed either by all the individuals who are partners and by a director or the secretary of all bodies corporate which are partners, or by some individual who is a partner, or by a director or the secretary of some body corporate which is a partner, and in either of the last 2 cases must be verified by an affidavit made by the signatory:

Provided that no such affidavit stating that any person other than the person making the affidavit is a partner, or omitting to state that any

person other than as aforesaid is a partner, shall be evidence for or against any such other person in respect of his or her liability or non-liability as a partner.⁷

- (2) The Court may, on the application of any person alleged or claiming to be a partner, direct the rectification of the register and decide any question arising under this Article.

7 Time for registration

- (1) The particulars required to be furnished under this Law shall be furnished within 14 days after the firm or person commences business, or the business in respect of which registration is required, as the case may be.
- (2) This Article shall apply, in the case where registration is required in consequence of a change of name, as if for references to the date of the commencement of the business there were substituted references to the date of such change.

8 Registration of changes in firm

Whenever a change is made or occurs in any of the particulars registered in respect of any firm or person, such firm or person shall, within 14 days after such change or such longer period as the registrar may allow, furnish to the registrar a statement in writing in the prescribed form specifying the nature and date of the change, signed, and where necessary verified, in like manner as the statement required on registration.⁸

9 Penalty for default in registration

If any firm or person by this Law required to furnish a statement of particulars, or of any change in particulars, without reasonable excuse fails to do so in the manner and within the time specified by this Law, every partner in the firm or the person so in default shall be liable to a fine of level 3 on the standard scale, and the court having cognizance of the case shall order a statement of the required particulars or change in the particulars to be furnished to the registrar within such time as may be specified in the order.⁹

10 Disability of persons in default

- (1) Where any firm or person by this Law required to furnish a statement of particulars, or of any change in particulars, fails to do so, then the rights of the defaulter under or arising out of any contract made or entered into, at any time during the period of default, by or on behalf of such defaulter in relation to the business in respect of the carrying on of which particulars were required to be furnished, shall not be enforceable by action or other legal proceeding either in the business name or otherwise:

Provided that –

- (a) the defaulter may apply to the Court for relief against the disability imposed by this Article and the Court, on being satisfied that the

default was accidental, or due to inadvertence or some other sufficient cause, or that on other grounds it is just and equitable to grant relief, may grant such relief either generally, or as respects any particular contracts, on condition of the costs of the application being paid by the defaulter, unless the Court otherwise orders, and on such other conditions (if any) as the Court may impose, but such relief shall not be granted except on such service and such publication of notice of the application as the Court may order, nor shall relief be given in respect of any contract if any party to the contract proves to the satisfaction of the Court that, if this Law had been complied with, the party would not have entered into the contract;

- (b) nothing herein contained shall prejudice the rights of any other parties as against the defaulter in respect of such contract as aforesaid;
 - (c) if any action or proceeding is commenced by any other party against the defaulter to enforce the rights of such party in respect of such contract, nothing herein contained shall preclude the defaulter from enforcing in that action or proceeding, by way of counterclaim, set-off or otherwise, such rights as the defaulter may have against that party in respect of such contract.
- (2) Without prejudice to the definition of “Court” in Article 1, if any proceeding to enforce any contract is commenced by a defaulter in the Petty Debts Court, that Court may, as respects that contract, grant such relief as aforesaid.

11 False information and failure to supply information¹⁰

- (1) Any person who knowingly or recklessly provides the registrar or any other person entitled to information under this Law with information that is false or misleading in a material particular shall be guilty of an offence if the information is provided –
 - (a) in purported compliance with a requirement imposed under this Law or any Order made thereunder;
 - (b) otherwise than as mentioned in sub-paragraph (a) but in circumstances in which the person providing the information intends, or could reasonably be expected to know, that the information would be used by the registrar for the purpose of carrying out the registrar’s functions under this Law.
- (2) Any person who knowingly or recklessly provides the registrar or any other person with information that is false or misleading in a material particular shall be guilty of an offence if the information is provided in connection with an application for registration under this Law.
- (3) A person guilty of an offence under paragraph (1) or (2) shall be liable to imprisonment for a term not exceeding 5 years or a fine, or both.

12 Duty to furnish particulars to registrar

- (1) The registrar may require any person to furnish such particulars as appear to the registrar to be necessary for the purpose of ascertaining whether or not that person or the firm of which the person is a partner should be registered under this Law, or an alteration made in the registered particulars, and may also in the case of a body corporate require the secretary or any other officer of the body corporate performing the duties of secretary to furnish such particulars, and if any person when so required fails to supply such particulars as it is in his or her power to give, or furnishes particulars which are false in any material particular, he or she shall be liable to imprisonment for a term of 3 months and to a fine.¹¹
- (2) If from any information so furnished it appears to the registrar that any firm or person ought to be registered under this Law, or an alteration ought to be made in the registered particulars, the registrar may require the firm or person to furnish the required particulars to the registrar within such time as the registrar may allow, but, where any default under this Law has been discovered from the information acquired under this Article, no proceedings under this Law shall be taken against any person in respect of such default prior to the expiration of the time within which the firm or person is required by the registrar under this Article to furnish particulars to the registrar.¹²

13 Registrar to file statement and issue certificate of registration

On receiving any statement or affidavit made in pursuance of this Law, the registrar shall cause the same to be filed, and shall send or deliver a certificate of the registration thereof to the person registering, and the certificate or a certified copy thereof shall be kept exhibited in a conspicuous position at the principal place of business of the firm or individual, and, if it is not kept so exhibited, every partner in the firm or the person, as the case may be, shall be liable to a fine of level 2 on the standard scale.¹³

14 Index to be kept

The registrar shall keep an index of all the firms and persons registered under this Law.¹⁴

15 Removal of names from register

- (1) If any firm or individual registered under this Law ceases to carry on business, it shall be the duty of the persons who were partners in the firm at the time when it ceased to carry on business or of the individual or if he or she is dead the person charged with the administration of his or her personal estate, within 3 months after the business has ceased to be carried on, to send or deliver to the registrar a notice in the prescribed form to the effect that the firm or individual has ceased to carry on business, and if any person whose duty it is to give such notice fails to do so within such time he or she shall be liable to a fine of level 2 on the standard scale.¹⁵

- (2) On receipt of such a notice, the registrar shall remove the firm or individual from the register.¹⁶
- (3) Where the registrar has reasonable cause to believe that any firm or individual registered under this Law is not carrying on business, the registrar may send to the firm or individual by registered post a notice that, unless an answer is received to such notice within one month from the date thereof, the firm or individual will be removed from the register.¹⁷
- (4) If the registrar either receives an answer from the firm or individual to the effect that the firm or individual is not carrying on business or does not within one month after sending the notice receive an answer, the registrar shall remove the firm or individual from the register.¹⁸

16 Undesirable and misleading business names

- (1) The registrar may refuse to register any business name under this Law or may remove any business name from the register where, in the registrar's opinion, the name is undesirable or misleading and, in particular, but without prejudice to the generality of the foregoing –
 - (a) where the name contains the word “British” or any other word which, in the registrar's opinion, is calculated to lead to the belief that the business is under British ownership or control, and the registrar is satisfied that the nationality of the persons by whom the business is wholly or mainly owned or controlled is at any time such that the name is misleading; or
 - (b) where the name contains the word “Jersey” or “Cæsarea” or any variation of those words and the registrar is satisfied that the associations with Jersey of the persons by whom the business is wholly or mainly controlled is at any time such that the name is misleading.¹⁹
- (2) Any person aggrieved by a decision of the registrar under paragraph (1) may appeal to the Court, the decision of which shall be final.²⁰
- (3) Where, under this Article, the registration of a business name is refused or any business name is removed from the register, any person carrying on business under that name in such circumstances as to require registration under this Law shall be liable under Article 9 to the same penalties as if the person had without reasonable excuse failed to furnish a statement of particulars with respect to that name.
- (4) The registration of a business name under this Law shall not be construed as authorizing the use of that name if apart from such registration the use thereof could be prohibited.

17 Inspection of statements registered²¹

- (1) Any person may, on payment of such fee as may be published –
 - (a) inspect the documents filed by the registrar in pursuance of this Law; and

- (b) obtain a copy of all or part of a certificate of registration issued under this Law, a copy of all or part of a document filed under this Law or a certified copy of such a certificate, document or part.²²
- (2) Such a copy, if certified in writing by the registrar (whose position it is unnecessary to prove) to be an accurate copy of the certificate, document or part, shall in all proceedings be admissible in evidence as of equal validity with the original and as evidence of any fact stated in it of which direct oral evidence would be admissible.²³

18 Fees²⁴

- (1) The Commission may require the payment to it of published fees in respect of –
 - (a) the carrying out of any function by the registrar under this Law; and
 - (b) any registration for the time being in force under this Law.
- (2) The registrar may refuse to carry out a function if any relevant fee has not been paid.
- (3) The registrar may remove from the register a firm or individual in respect of the registration of a name if a fee in respect of the registration has remained unpaid for 2 months or more after it became due.

19 Orders²⁵

- (1) The Minister may by Order make provision for the purpose of carrying this Law into effect and in particular, but without prejudice to the generality of the foregoing, for prescribing any matter which is to be prescribed under this Law.
- (2) An Order made under this Law may –
 - (a) make different provision in relation to different cases or circumstances;
 - (b) contain such transitional, consequential, incidental or supplementary provisions as the Minister may consider necessary or expedient.
- (3) The Minister shall consult the Commission before making any Order under this Law.
- (4) ²⁶

20 Rules of Court²⁷

The power to make Rules of Court under the [Royal Court \(Jersey\) Law 1948](#) shall include a power to make Rules for the purposes of this Law.

21 Publication of true names, etc.

- (1) Every individual and firm required by this Law to be registered shall, in all trade catalogues, trade circulars and business communications, on or in which the business name appears and which are issued or sent by the

individual or firm to any person in any part of Her Majesty's dominions, have mentioned in legible characters –

- (a) in the case of an individual, the individual's present Christian names or the initials thereof and present surname, any former Christian name or surname and the individual's nationality if not British; and
 - (b) in the case of a firm, the present Christian names, or the initials thereof, and present surnames, any former Christian names and surnames, and the nationality if not British of all the partners in the firm or, in the case of a body corporate being a partner, the corporate name.
- (2) If any individual or firm fails to comply with the provisions of this Article, the individual or, as the case may be, every member of the firm shall be liable for each offence to a fine of level 2 on the standard scale:

Provided that no proceedings shall be instituted under this Article except by or with the consent of the Attorney General.²⁸

22 Connivance, abetting etc.²⁹

- (1) Where an offence under this Law committed by a limited liability partnership or body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of –
- (a) a person who is a partner of the partnership, or director, manager, secretary or other similar officer of the body corporate; or
 - (b) any person purporting to act in any such capacity,
- the person shall also be guilty of the offence and liable in the same manner as the partnership or body corporate to the penalty provided for that offence.
- (2) Where the affairs of a body corporate are managed by its members, paragraph (1) shall apply in relation to acts and defaults of a member in connection with his or her functions of management as if the member were a director of the body corporate.
- (3) Any person who aids, abets, counsels or procures the commission of an offence under this Law shall also be guilty of the offence and liable in the same manner as a principal offender to the penalty provided for that offence.
- (4) Nothing in paragraph (3) affects the operation of paragraph (1) or (2).

23 Citation

This Law may be cited as the Registration of Business Names (Jersey) Law 1956.

SCHEDULE

(Article 4)

| Description of Firm, etc. | Additional particulars. |
|---|---|
| Where the firm, individual or body corporate required to be registered carries on business as nominee or trustee. | <p>The present Christian name and surname, any former name, nationality, and usual residence or, as the case may be, the corporate name, of every person or body corporate on whose behalf the business is carried on:</p> <p>Provided that, if the business is carried on under any trust and any of the beneficiaries are a class of children or other persons, a description of the class shall be sufficient.</p> |
| Where the firm, individual or body corporate required to be registered carries on business as general agent for any foreign firm. | <p>The business name and address of the firm or person as agent for whom the business is carried on:</p> <p>Provided that, if the business is carried on as agent for 3 or more foreign firms, it shall be sufficient to state the fact that the business is so carried on specifying the countries in which such foreign firms carry on business.</p> |

ENDNOTES

Table of Legislation History

| Legislation | Year and No | Commencement | Project No (where applicable) |
|--|----------------------------------|--|-------------------------------|
| Registration of Business Names (Jersey) Law 1956 | L.17/1956 | 1 September 1956 | |
| Limited Partnerships (Jersey) Law 1994 | L.22/1994 | 1 January 1995 (R&O.8766) | |
| Limited Liability Partnerships (Jersey) Law 1997 | L.3/1997 | 9 September 1998 (R&O.9233) | |
| Financial Services Commission (Jersey) Law 1998 | L.11/1998 | 1 July 1998 (R&O.9238) | |
| Registration of Business Names (Amendment) (Jersey) Law 1998 | L.47/1998 | 18 December 1998 | P.99/2000 |
| Registration of Business Names (Amendment No. 2) (Jersey) Law 2000 | L.24/2000 | 20 October 2000 (R&O.91/2000) | P.5/2000 |
| Transfer of Functions (Economic Development Committee) (Jersey) Act 2003 | R&O.101/2003 | 14 October 2003 | P.122/2003 |
| States of Jersey (Amendments and Construction Provisions No. 4) (Jersey) Regulations 2005 | R&O.44/2005 | 9 December 2005 | P.58/2005 |
| Financial Services Commission (Amendment No. 4) (Jersey) Law 2007 | L.33/2007 | 24 January 2008 | P.35/2007 |
| Separate Limited Partnerships (Jersey) Law 2011 | L.6/2011 | 20 April 2011 (R&O.42/2011) | P.45/2011 |
| Incorporated Limited Partnerships (Jersey) Law 2011 | L.5/2011 | 26 May 2011 (R&O.67/2011) | P.45/2010 |
| States of Jersey (Transfer of Functions No. 6) (Economic Development and Treasury and Resources to Chief Minister) (Jersey) Regulations 2013 | R&O.107/2013 | 19 July 2013 | P.75/2013 |
| Criminal Justice (Miscellaneous Provisions) (Jersey) Law 2016 | L.1/2016 | 20 September 2016 (R&O.98/2016) | P.87/2015 |

| Legislation | Year and No | Commencement | ◦Projet No (where applicable) |
|---|--|--|-------------------------------|
| Limited Liability Partnerships (Jersey) Law 2017 | L.2/2017 | 1 August 2018 (R&O.74/2018) | P.95/2016 |
| States of Jersey (Transfer of Responsibilities and Functions) (Chief Minister to External Relations) Order 2019 | R&O.40/2019 | 31 May 2019 | |
| States of Jersey (Minister for Children and Education, Minister for Housing and Communities and Minister for External Relations and Financial Services) (Jersey) Order 2021 | R&O.29/2021 | 2 March 2021 | |
| Legislation (Jersey) Law 2021 | L.8/2021 (R&O.112/2021) | 28 September 2021 | P.26/2021 |

◦Projets available at www.statesassembly.gov.je

Table of Renumbered Provisions

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| 6 (1) proviso | spent, omitted from this revised edition |
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Table of Endnote References

¹ This Law has been amended by the States of Jersey (Amendments and Construction Provisions No. 4) (Jersey) Regulations 2005. The amendments replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government

² Article 8 of the Financial Services Commission (Amendment No. 4) (Jersey) Law 2007, which came into force on 2nd November 2007, states-

“8 Initial publication of fees

(1) The Commission must, before [24th January 2008], publish fees for the purpose of the Laws specified in the Schedule to this Law. (NOTE: the Schedule includes this Law)

(2) The fees so published –

(a) shall be the same fees as those prescribed under those Laws; and

(b) shall have effect when this Law comes fully into force.

(3) On this Law coming fully into force, the fees published under this Article shall be taken to have been published under Article 15(5) of the [Financial Services Commission (Jersey) Law 1998].

(4) In this Article –

“Commission” means the Jersey Financial Services Commission established by the principal Law;

“published”, in respect of fees published in accordance with this Article, means published in a manner likely to bring them to the attention of those affected by the fees.”

³ Article 1(1) amended by L.22/1994, L.3/1997, L.11/1998, L.33/2007, L.6/2011, L.5/2011, R&O.107/2013, L.2/2017, R&O.40/2019, R&O.29/2021

⁴ Article 2 inserted by L.11/1998

⁵ Article 3 amended by L.22/1994, L.3/1997

⁶ Article 5(1) amended by L.11/1998

⁷ Article 6(1) amended by L.24/2000

⁸ Article 8 amended by L.11/1998

⁹ Article 9 amended by L.11/1998, L.1/2016

¹⁰ Article 11 substituted by L.24/2000

¹¹ Article 12(1) and heading amended by L.11/1998, L.1/2016

¹² Article 12(2) amended by L.11/1998

¹³ Article 13 and heading amended by L.11/1998, L.1/2016

¹⁴ Article 14 amended by L.11/1998

¹⁵ Article 15(1) amended by L.11/1998, L.1/2016

¹⁶ Article 15(2) amended by L.11/1998

¹⁷ Article 15(3) amended by L.11/1998

¹⁸ Article 15(4) amended by L.11/1998

¹⁹ Article 16(1) amended by L.11/1998

²⁰ Article 16(2) amended by L.11/1998

²¹ Article 17 substituted by L.11/1998

²² Article 17(1) amended by L.24/2000, L.33/2007

²³ Article 17(2) substituted by L.24/2000

²⁴ Article 18 substituted by L.33/2007

-
- ²⁵ *Article 19* substituted by L.11/1998
²⁶ *Article 19(4)* deleted by L.8/2021
²⁷ *Article 20* substituted by L.11/1998
²⁸ *Article 21(2)* amended by L.1/2016
²⁹ *Article 22* substituted by L.24/2000