



Companies Act 2006

2006 CHAPTER 46

PART 41

BUSINESS NAMES

CHAPTER 2

DISCLOSURE REQUIRED IN CASE OF INDIVIDUAL OR PARTNERSHIP

Consequences of failure to make required disclosure

1205 Criminal consequences of failure to make required disclosure

- (1) A person who without reasonable excuse fails to comply with the requirements of—
section 1202 (disclosure required: business documents etc), or
section 1204 (disclosure required: business premises),
commits an offence.
- (2) Where an offence under this section is committed by a body corporate, an offence is also committed by every officer of the body who is in default.
- (3) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale and, for continued contravention, a daily default fine not exceeding one-tenth of level 3 on the standard scale.
- (4) References in this section to the requirements of section 1202 or 1204 include the requirements of regulations under that section.

1206 Civil consequences of failure to make required disclosure

- (1) This section applies to any legal proceedings brought by a person to whom this Chapter applies to enforce a right arising out of a contract made in the course of a business in respect of which he was, at the time the contract was made, in breach of section 1202(1)

Status: This is the original version (as it was originally enacted).

or (2) (disclosure in business documents etc) or section 1204(1) (disclosure at business premises).

- (2) The proceedings shall be dismissed if the defendant (in Scotland, the defender) to the proceedings shows—
- (a) that he has a claim against the claimant (pursuer) arising out of the contract that he has been unable to pursue by reason of the latter's breach of the requirements of this Chapter, or
 - (b) that he has suffered some financial loss in connection with the contract by reason of the claimant's (pursuer's) breach of those requirements,
- unless the court before which the proceedings are brought is satisfied that it is just and equitable to permit the proceedings to continue.
- (3) References in this section to the requirements of this Chapter include the requirements of regulations under this Chapter.
- (4) This section does not affect the right of any person to enforce such rights as he may have against another person in any proceedings brought by that person.