

Ammonite CBD Ltd

6 July 2021

Trading disclosures

The Company, Limited Liability Partnership and Business (Names and Trading Disclosures) Regulations 2015 (SI 2015/17) (**Regulations**) set out the trading disclosures a company must make (this is separate from information that must be provided in connection with entering into contracts or processing personal data). I have only considered the website in this note, but please be aware of the need to display the company name, and in some cases other information, at the registered office any on all business letters, order forms, invoices and similar documents.

The website must include the full company name, together with the part of the UK in which it is registered, its registered number and its registered office address. Therefore, I would suggest the following:

Ammonite CBD Ltd is a private limited company registered in England and Wales under company number 13022722 having its registered office at Tir Na Nog, Coombe Ridings, Kingston Upon Thames, England, KT2 7JT

A reference to "its websites" to include a reference to any part of a website relating to that company which that company has caused or authorised to appear. Although it is not necessary to put the registered name on every page of the website, it should be placed where it can be easily read. Typically it appears at the base of the page.

Where a company discloses its share capital in its business letters, order forms or websites, it must refer to its paid-up share capital. I imagine you will not need to disclose the share capital.

Under Regulation 27, a company must, within five working days, respond to written queries from any person it deals with in the course of business informing them where its company records can be inspected.

Failure to comply with a trading disclosure requirement of the Regulations without reasonable excuse, constitutes a criminal offence and renders the company and every officer who is in default liable to a fine. For these purposes a shadow director is to be treated as an officer of the company.

Electronic Commerce (EC Directive) Regulations 2002 (SI 2002/2013)

The E-Commerce Regulations impose information requirements on information society service providers. "Information society services" are summarised as: "*any service normally provided for remuneration, at a distance, by means of electronic equipment for the processing (including digital compression) and storage of data, and at the individual request of a recipient of a service*".

Government guidance states that: "*This covers a wide range of economic activities that take place online, including selling goods and services online, as well as video on demand and services consisting of the transmission of information via a communication network, providing access to a communication network, hosting information provided by a recipient of the service or providing commercial communications by email.*" (DTI: A guide for business to the E-Commerce Regulations 2002 (31 July 2002).)

	Information	Suggested location
Registration Number	<p>Where the provider is registered in a trade or other similar public register:</p> <ul style="list-style-type: none"> The name of the register. The provider's registration number or equivalent means of identification in that register (for example, a company's registered number). <p>(Regulation 6(1)(d), E-Commerce Regulations, Regulation 8(1)(d), PSRs.)</p>	Permanent
Authorisation schemes	<p>Where the activity is subject to an authorisation scheme in the UK, the particulars of the relevant competent authority or relevant electronic assistance facility (regulation 6(1)(e), E-Commerce Regulations, regulation 8(1)(e), PSRs).</p>	NA (at present?)
VAT number	<p>VAT number. (Regulation 6(1)(g), E-Commerce Regulations, regulation 8(1)(g), PSRs.)</p>	Permanent/NA
Regulated profession	<p>Where the trader is carrying on a regulated profession, any professional body or similar institution with which the provider is registered, the professional title and the EEA state in which that title has been granted (regulation 6(1)(h), E-Commerce Regulations and regulation 8(1)(h), PSRs).</p>	NA
Rules of any regulated profession	<p>Where the trader is carrying on a regulated profession, any professional body or similar institution with which the provider is registered, the professional title and the EEA state in which that title has been granted (regulation 6(1)(h), E-Commerce Regulations and regulation 8(1)(h), PSRs).</p>	NA
Nature and details of any promotional offer	<p>Traders must:</p> <ul style="list-style-type: none"> Clearly identify: <ul style="list-style-type: none"> the fact that any offer is a promotional offer (including any discount, premium or gift); and any promotional competition or game. They must ensure that any conditions which must be met to qualify for it or any conditions for participation are easily accessible and presented clearly and unambiguously. <p>(Regulation 7(c) and (d), E-Commerce Regulations.)</p>	Offer (search results) page, the product pages or in any email or other communication making the offer, as well as the checkout page

Information about e-contracting	<p>Where a contract is to be concluded by electronic means (such as on online contract) the trader must provide the following information before the order is placed:</p> <ul style="list-style-type: none"> • The different technical steps to follow to conclude the contract. • Whether or not the concluded contract will be filed by the service provider and whether it will be accessible (this is unlikely to be relevant in the UK). • The technical means for identifying and correcting input errors before placing of the order. • The languages offered for the conclusion of the contract. <p><i>(Regulation 9(1), E-Commerce Regulations.)</i></p>	<p>Verification of the order and checkout page.</p> <p>The means for identifying and correcting input errors before placing of the order must be "appropriate, effective and accessible technical means" (<i>regulation 11, E-Commerce Regulations</i>).</p>
Trader to acknowledge orders	<p>The service provider must acknowledge any order without undue delay and by electronic means. The acknowledgement of receipt may take the form of the provision of the service paid for where that service is an information society service. (<i>regulation 11, E-Commerce Regulations</i>)</p>	<p>Email to be sent immediately after order is placed. This can just be an acknowledgement of order, rather than acceptance.</p>

Additional Disclosures

Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013 (SI 2013/3134): The CCRs have extensive disclosure requirements and the terms have been drafted to comply with those regulations, however the site itself must comply and the terms assume certain information will be provided on the product page (such a description and the price) and other information on the checkout page (such as total price, delivery details etc.) I can provide a checklist, but it is very technical.

Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015 (SI 2015/542): The Consumer ADR Regulations require the provision of information about any alternative dispute resolution entity the trader is obliged to use. It is understood there is no such organisation for the company.

Provision of Services Regulations 2009 (SI 2009/2999): The PSRs govern the supply of most services to consumers and can also apply if the trader is providing services in conjunction with goods and digital content. The appear to be no additional requirements in this case not already covered by the E-Commerce Regulations.