

Trading online - website information requirements

Introduction

All businesses must comply with an extensive range of legal rules but businesses trading online have additional obligations.

This information sheet is a summary of those obligations as they affect businesses in the United Kingdom.

Companies

Where an online business is trading as a company, the website must clearly show:

- the company's registered name;
- the part of the United Kingdom in which the company is registered (for example, England and Wales);
- the company's registered number; and
- the company's registered office.

In addition, where a company discloses its share capital on its websites, it must refer to its paid-up share capital.

Electronic Commerce Regulations

Under these Regulations, where any business sells goods or services over the internet, whether its customer is a business or a consumer, its website must disclose:

- its name and main address;
- details of how the business can be contacted rapidly and in a direct and effective manner, for example, an email address;
- its VAT number;

- if prices are referred to, they must clearly indicate if they are inclusive of tax and delivery costs.

In addition, where customers can make purchases over the internet, the website must provide:

- guidance on the different technical steps to be followed to make the purchase;
- information on whether or not the purchase will be delivered by that business or another business;
- the means by which the customer can identify and correct input errors prior to placing an order, such as a summary page which allows the customer to check their order; and
- the languages offered for the conclusion of the contract.

Distance Selling Regulations

These Regulations apply where a customer buys goods and services other than in a shop, for example, online or by mail order.

The rules are extensive and the following is only a summary of the information that must be given to the customer before they place their order:

- name of the business and, where the contract requires payment in advance, the business address;
- a description of the main characteristics of the goods or services;
- the price of the goods or services including all taxes;
- delivery costs, where appropriate;

Head Office
Heathervale House
2-4 Vale Avenue
Tunbridge Wells
Kent TN11 1DJ
T 01892 510000
F 01892 540170

Thames Gateway
Corinthian House
Galleon Boulevard
Crossways Business Park
Dartford
Kent DA2 6QE
T 01322 623700
F 01322 623701

Trading online - website information requirements

Continued

- the arrangements for payment, delivery or performance; and
- the existence of a right to cancel the order and details of who bears the cost of returning the goods if they do. It is now thought that the business cannot require the customer to bear the cost of returning delivered goods where cancellation happens under these rules.

Terms and conditions of business

Where contracts are concluded over the internet, any applicable terms and conditions of business must be provided to the customer in a way that allows the customer to store and reproduce them.

Privacy policy

The collection and use of personal data by e-commerce businesses in the UK must comply with UK data protection laws.

Privacy policies are not specifically required under data protection law, but they can help to ensure compliance with a number of its provisions.

Where to locate the information

The required information must be in a clear and comprehensible form and manner which is easily, directly and permanently

accessible. Many businesses choose to disclose the required information on their home page or on the 'contact us' page. Some businesses choose to provide the information (or links to the information) at the foot of every webpage.

Where we can help

We can work with you to ensure that your website satisfies all of the disclosure requirements. There are also other legal obligations that we can guide you on in relation to trading online and with consumers, such as data protection issues and the fairness of terms of business.

Thomson Snell & Passmore LLP has a specialist team that advises businesses on all aspects of trading online.

Disclaimer

The content of this guide is correct at the date of publication (February 2015) and is intended to provide a general guide to the subject matter. It should not be considered comprehensive and is not a substitute for seeking professional advice on a specific issue. Thomson Snell & Passmore LLP does not accept any responsibility for any action which may be taken as a result of having read this guide.

© Thomson Snell & Passmore LLP All Rights Reserved