

**U.K. Companies Act Amendments of 2006<sup>1</sup>  
Compliance Summary Sheet**

**Question:** What information **MUST** be disclosed in commercial or transactional email sent by a company in the UK?

**Answer:** The UK Companies Act of 1985 was recently amended to extend the disclosure requirements already existing for *paper* business letters and order forms to *email* versions of **business letters** and order forms. This means that as of January 1, 2007, companies incorporated in Great Britain and those overseas companies that operate in Great Britain must include the following in business letters and order forms:

- the company's name;
- the company's place of registration;
- the company's registration number (if one exists); and
- the address of the company's registered office.

Based on our review, it appears that "business letters" are limited to transactional-type messages. Moreover, there is some indication in the supporting materials to the regulation that email marketing messages and newsletters are not considered business letters.

However, according to the Companies Act, email "**publications**" and "**notices**" (which may include email marketing and newsletters) must contain the company's name.

Based on these requirements, ESPC members may want to consider the following approach:

1. For **transactional messages**: include all of the required disclosures for business letters described above.
2. For **all other commercial messages** (including marketing and newsletters) include regular CAN SPAM-type disclosures (Name of Sender, valid physical postal address).

*An explanatory research summary, attached, is available for those interested in exploring the statutory definitions addressed in this compliance summary.*

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<sup>1</sup>In force as of 1 January 2007.