

# PEARSON MAY

CHARTERED ACCOUNTANTS & CHARTERED TAX ADVISERS  
Originated 1841

37 Great Pulteney Street, Bath BA2 4DA  
T 01225 460491 F 01225 469775 E mail@pearsonmay.co.uk  
www.pearsonmay.co.uk

## Issues with Business Websites

**A recent survey has revealed that over three-quarters of small and medium sized businesses have a website. This gives them an opportunity to reach out to new customers and to advertise their goods and services, particularly any new aspects of these to a significant marketplace.**

Some websites of course allow customers or potential customers to make orders and some deal with payments by credit cards and other electronic means.

If your business operates any type of website, you might think that you don't need any specific terms and conditions for visitors to your website, particularly if there are no financial transactions actually taking place. Unfortunately you are almost certainly wrong.

Terms and conditions clearly set out within the website can help to protect the company's interests by providing:-

- *If it is a limited company, full details of the company's name, its registered office and registration number which are legal requirements*
- *Clear details regarding the ownership of information contained on the website, e.g. that the business has copyright over all text and/or any photographs as you would not wish any visitors to the site to download any of this for their own use*
- *Confirmation that the details contained in the website are for "information purposes only". This is to provide some protection in the event of any errors such as pricing or any liability in respect of third party websites which may be linked to your business's site.*

If visitors to the site are able to submit information via the website, you also need to notify them how their privacy will be protected. This relates to compliance issues with the Data Protection Act.

The terms and conditions are normally on a separate page of the website and it is normally advisable that visitors are made aware of their existence so they cannot say that they did not know the details contained. Many sites where orders and/or payments are made only accept the order or payment after the visitor to the site has clicked on a box confirming that they have read and accepted the terms and conditions. You also need to reserve the right to be able to alter the terms and conditions as and when necessary via the website only, thus making it the visitor's responsibility to check for any updates and not for you to e-mail them with details of any changes every time that they are made.

All businesses need to review all versions of their terms and conditions on a regular basis and normally require advice from their Accountants and Solicitors as part of the process.

*The above is for general guidance only and no action should be taken without obtaining specific advice ■*

**Partners:** M D Taylor FCA CTA TEP. N S A Oliver FCA FID. K R S Surry FCA.  
D J Richards BA(Hons) ACA CTA. J Bowden BSc(Hons) ACA. J R Rose MMath(Hons) ACA CTA.

**Consultants:** G W Banwell BSc(Agric) FCA CTA TEP. A T Kerr FCA.

**Senior Tax and Trust Manager:** J M Diffell FCCA CTA TEP.

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