

Commercial

Setting up a business presence in the UK

When a business wants to trade and operate in the UK, it should register an entity here. The two most popular ways of doing this are to incorporate a UK limited company, or to register a UK establishment of an existing overseas company.

A limited company is its own legal entity and is completely separate to its parent company, which will usually be the sole shareholder.



A company can be registered very quickly, by providing Companies House with the following:

1. The chosen name and registered office address.
2. The company's incorporation documents. These are the memorandum and articles of association and they set out the company's rules and regulations.
3. The details of the director(s). There must be at least one person acting as director. A company secretary can also be nominated, but is not required in most cases.
4. The Companies House fee. For paper filings this is £40, or £100 for the express, same day service.

Once the company is in existence there are continuing requirements, such as maintaining a register of members, directors and mortgages; filing annual accounts and a confirmation statement; and keeping company information up to date. The company will also have to register with Her Majesty's Revenue and Customs.

The alternative is a UK establishment. This is effectively a branch office, as both the branch and the head office remain one single legal entity. The establishment must be registered within one month of opening. You will need:

1. The overseas company's name, details of its registration in its home country (including its registered number, address, the name of the register in the country of incorporation, and the legislation under which it was incorporated), and the intended UK trading name.
2. Details of the director(s), and the level of their authority to commit the company when dealing with third parties.
3. If the company is required to file accounts, a certified copy of the same.
4. A certified copy of the company's constitution.
5. Details of a permanent representative who is authorised to receive official documents.
6. Translations of any foreign language documents, and the fee of £20.

Once the UK establishment is registered it has fewer filing requirements than a limited company, but it must update its information if anything changes, and file accounts.

3HR can assist with your UK presence. If you wish to discuss your requirements, please contact us on +44 (0)20 7194 8149 or richard.hull@3hr.com.

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