



Business Names Act 1985

1985 CHAPTER 7

5 Civil remedies for breach of s. 4

- (1) Any legal proceedings brought by a person to whom this Act applies to enforce a right arising out of a contract made in the course of a business in respect of which he was, at the time the contract was made, in breach of subsection (1) or (2) of section 4 shall be dismissed if the defendant (or, in Scotland, the defender) to the proceedings shows—
 - (a) that he has a claim against the plaintiff (pursuer) arising out of that contract which he has been unable to pursue by reason of the latter's breach of section 4(1) or (2), or
 - (b) that he has suffered some financial loss in connection with the contract by reason of the plaintiff's (pursuer's) breach of section 4(1) or (2),unless the court before which the proceedings are brought is satisfied that it is just and equitable to permit the proceedings to continue.
- (2) This section is without prejudice to the right of any person to enforce such rights as he may have against another person in any proceedings brought by that person.