
SCHEDULE 2 CCR ORDER 5

CAUSES OF ACTION AND PARTIES

Rule 9 Partners may sue and be sued in firm name

- (1) Subject to the provisions of any enactment, any two or more persons claiming to be entitled, or alleged to be liable, as partners in respect of a cause of action and carrying on business within England or Wales may sue or be sued in the name of the firm of which they were partners when the cause of action arose.
- (2) Where partners sue or are sued in the name of the firm, the partners shall, on demand made in writing by any other party, forthwith deliver to the party making the demand and file a statement of the names and places of residence of all the persons who were partners in the firm when the cause of action arose.
- (3) If the partners fail to comply with such a demand, the court, on application by any other party, may order the partners to furnish him with such a statement and to verify it on oath and may direct that in default –
 - (a) if the partners are claimants, the proceedings be stayed on such terms as the court thinks fit; or
 - (b) if the partners are defendants, they be debarred from defending the claim.
- (4) When the names and places of residence of the partners have been stated in compliance with a demand or order under this rule, the proceedings shall continue in the name of the firm.

Rule 10 Defendant carrying on business in another name

- (1) A person carrying on business in England or Wales in a name other than his own name may, whether or not he is within the jurisdiction, be sued –
 - (a) in his own name, followed by the words ‘trading as A.B.’, or
 - (b) in his business name, followed by the words ‘(a trading name)’.
- (2) Where a person is sued in his business name in accordance with paragraph (1)(b), the provisions of these rules relating to claims against firms shall, subject to the provisions of any enactment, apply as if he were a partner and the name in which he carried on business were the name of his firm.

