

CHAPTER 330

REGISTRATION OF BUSINESS NAMES

REGISTRATION OF BUSINESS NAMES RULES, 1995 *S.I. 51/1995*

(SECTION 18)

[Commencement 2nd July, 1995]

1. These Rules may be cited as the Registration of Business Names Rules, 1995. Citation.

2. Whenever any act is by the Registration of Business Names Act (“the Act”) required to be done by the Registrar, the act shall be done by the Registrar General or by the Deputy Registrar General. Registrar.

Procedure under section 15

3. Where the Registrar, pursuant to section 15(1) of the Act, decides to refuse to register any business name or, as the case may be, to remove any business name from the register, he shall send by post to the firm or individual applying for registration or, as the case may be, registered in respect of the business name, a notice in writing of his decision, and the notice shall contain a statement that any person aggrieved by the decision may appeal to the Minister within twenty-one days of the notice. Refusal to register or remove business name.

4. If within twenty-one days from the date of the notice of a decision of the Registrar under section 15(1) of the Act to remove a business name from the register, no notice of appeal from the decision is received by the Registrar, or if on appeal the decision of the Registrar is upheld, the Registrar shall remove the business name from the register in accordance with his decision. Absence of notice of appeal.

Appeals to the Minister

5. Any person intending to appeal to the Minister from any decision of the registrar under section 15(1) of Notice of appeal.

Form 10. the Act shall, within twenty-one days of the date of the notice of the decision, deliver to the Registrar a notice of appeal in Form 10 and such notice shall be accompanied by a statement of the grounds of appeal and of the appellant's case in support thereof.

Documents to be delivered by appellant. **6.** A copy of the notice of appeal, together with a copy of the statement of the grounds of appeal and of the case in support thereof, and a copy of the notice of the Registrar's decision shall at the same time be delivered by the appellant to the Minister.

Decision in writing. **7.** The decision of the Minister shall be communicated to the appellant in writing.

Time. **8.** The time prescribed in these Rules for doing any act thereunder by or to the Registrar, or by or to the Minister may be extended by the Minister upon such terms as he may direct, and the extension may be granted though the time has expired for doing such act.

Fees

Fees. **9.** The fees to be paid to the Registrar under the Act shall be as follows —

- (a) on a Statement of Particulars required by section 5 of the Act, the sum of fifty dollars annually;
- (b) on any Statement of Particulars required by the Schedule to the Act when such particulars are not furnished with the Statement of Particulars required by section 5 of the Act, the sum of five dollars;
- (c) on a statement of any change within the meaning of section 8 of the Act, the sum of ten dollars;
- (d) by any person inspecting under the provisions of section 17 of the Act the documents filed by the Registrar, the sum of five dollars for each inspection;
- (e) on the application of any person requiring under section 17 of the Act a certificate of registration of any firm, individual or corporation or a certified copy of or extract from any registered statement the sum of five dollars for a certificate of registration and for each certified copy or extract the sum of five dollars;

- (f) by any person appealing to the Minister from a decision of the Registrar, the sum of fifteen dollars,

and such fees as are payable under paragraphs (a), (b) and (c) shall cover the issue of one certificate of the registration of the statement.

Forms

10. The forms in the Schedule, with such variations as the circumstances of each case may require, shall be the forms to be used under the Act. Forms.
Schedule.

SCHEDULE (Rule 10)

FORM 1

APPLICATION FOR REGISTRATION BY AN INDIVIDUAL
(see sec. 3(1)(b) and (c))

This statement must be delivered to the Registrar General's Department

No. of Certificate

REGISTRATION OF BUSINESS NAMES ACT, 1989

I, the undersigned hereby apply for registration pursuant to the provisions of the Registration of Business Names Act, 1989 and for that purpose furnish the following statement of particulars:

- (1) The business name.
- (2) The general nature of the business.
- (3) The principal place of the business.
- (4) The present given name (or names) and surname of the individual.
- (5) Any former given name (or names) or surname of the individual.(see note)

*Note — References in the Act to a former given name or surname shall not include a former given name or surname where that name or surname has been changed or disused before the person bearing the name had attained the age of eighteen years; and, in the case of a married woman, shall not include the name or surname by which she was known previous to the marriage.

- (6) The nationality of the individual.
- (7) The nationality of origin of the individual, if not the same as the present nationality.
- (8) The usual residence of the individual.
- (9) The other business occupation (if any) of the individual.
- (10) The date of the commencement of the business, if the business was commenced after the date of the commencement of the Act.
- (11) Any other business name or names under which the business is carried on.

Dated this day of, 199

.....
 (Signature)
 (see note)

*Note — This statement must in all cases be signed by the individual applying for registration.

Failure without reasonable excuse to furnish the required statement of particulars within the time specified will, in addition to any disability imposed by the Act entail liability on conviction to a fine of two hundred dollars for every day during which the default continues; and any statement which contains any matter which is false in any material particular to the knowledge of any person signing it will entail liability on conviction to a fine of one thousand dollars or to imprisonment for three months.

Where the individual applying for registration carries on the business wholly or mainly as nominee or trustee of or for another person or other persons or a corporation or acts as general agent for any foreign firm the additional particulars specified in Form 4 must also be furnished on such form and delivered to the Registrar in the manner and within the times before specified.

FORM 2**APPLICATION FOR REGISTRATION BY A FIRM**

(see sec. 3(1) (a) and (c))

This statement must be delivered to the Registrar General's
Department

No. of Certificate

REGISTRATION OF BUSINESS NAMES ACT, 1989

[Insert name of firm]

hereby apply for registration under the provisions of the Registra-
tion of Business Names Act, 1989 and for that purpose furnish the
following statement of particulars:

- (1) The business name.
- (2) The general nature of the business.
- (3) The principal place of the business.
- (4) The date of the commencement of the business if the business
was commenced after the date of the commencement of the
Act.
- (5) Any other business name or names under which the business is
carried on.
- (6) The present given name or names and surnames of every
individual who is and the corporate name of every corporation
which is a partner in the firm.
- (7) Any former given name or names or surname of every
individual partner in the firm. (see note)
- (8) The nationality of every individual partner in the firm.
- (9) The nationality of origin (if other than the present
nationality) of every individual partner in the firm.
- (10) The usual residence of every individual who is and the
registered or principal office of every corporation which is a
partner in the firm.
- (11) The other business occupation (if any) of every individual
partner in the firm.

Dated the day of 199

.....

Signatures
(see note)

*Note — This statement must be signed either —

- (a) by all the individuals who are partners and by a director or the secretary of any corporation which is a partner; or
- (b) (1) by any individual who is a partner, and
 - (2) by a director or the secretary of any corporation which is a partner;

and in cases (b)(1) and (2) must be verified by a statutory declaration made by the signatory.

Failure without reasonable excuse to furnish the required statement of particulars within the time specified will, in addition to any disability imposed by the Act entail liability on conviction to a fine of two hundred dollars for every day during which the default continues; and any statement which contains any matter which is false in any material particular to the knowledge of any person signing it will entail liability on conviction to a fine of one thousand dollars or to imprisonment for three months.

Where the individual applying for registration carries on the business wholly or mainly as nominee or trustee of or for another person or other persons or a corporation or acts as general agent for any foreign firm the additional particulars specified in Form 5 must also be furnished on such form and delivered to the Registrar in the manner and within the times before specified.

References in the Act to a former given name or surname shall not include a former given name or surname where that name or surname has been changed or disused before the person bearing the name had attained the age of eighteen years; and, in the case of a married woman, shall not include the name or surname by which she was known previous to the marriage.

FORM 3**APPLICATION FOR REGISTRATION BY A
CORPORATION**

This statement must be delivered to the Registrar General's
Department

No. of Certificate

REGISTRATION OF BUSINESS NAMES ACT, 1989

having a place of business in The Bahamas and carrying on the
business wholly or mainly as nominee or trustee of or for another
person or other persons or another corporation or acting as general
agent for any foreign firm.

[Insert name of corporation]

hereby applies for registration under the provisions of the Registra-
tion of Business Names Act, 1989 and for that purpose furnish the
following statement of particulars:

- (1) The business name.
- (2) The general nature of the business.
- (3) The principal place of the business.
- (4) The date of the commencement of the business if the business
was commenced after the date of commencement of the Act.
- (5) The other name or names (if any) under which the business is
carried on.
- (6) The corporate name of the corporation applying for registra-
tion.
- (7) The registered or principal office of the corporation applying
for registration.

The following statement of additional particulars (8), (9), (10),
(11), (12) and (13) is to be furnished in respect of the carrying
on by the corporation of the business wholly or mainly as
nominee or trustee of or for another person or other persons or
another corporation, provided that if the business is carried on
under any trust and any of the beneficiaries are a class of
children or other persons, then the particulars required under
(13) only need be furnished.

- (8) The present given name or names and surname or the corporate
name of every person or corporation on whose behalf the
business is carried on.

- (9) Any former name or names of any person on whose behalf the business is carried on. (see note)
- (10) The nationality of every person on whose behalf the business is carried on.
- (11) The nationality of origin of every person on whose behalf the business is carried on, if other than the present nationality.
- (12) The usual residence of every person on whose behalf the business is carried on.
- (13) Description of the class of beneficiaries.

* Note — References in the Act to a former given name or surname shall not include a former given name or surname where that name or surname has been changed or disused before the person bearing the name had attained the age of eighteen years; and, in the case of a married woman, shall not include the name or surname by which she was known previous to the marriage.

The further following statement of additional particulars is to be furnished in respect of any corporation having a place of business within The Bahamas and acting as general agent for any foreign firm ¹.

- (14) The business name and address of the foreign firm as agent for whom the business is carried on.

If the business is carried on as agent for three or more foreign firms it is sufficient to state the fact that the business is so carried on, specifying the countries in which such foreign firms carry on business.

Dated the day of, 199

.....
Signature
(see note)

¹ “Foreign firm” means any firm, individual or corporation whose principal place of business is situated outside The Bahamas.

FORM 4STATEMENT OF ADDITIONAL PARTICULARS TO BE
FURNISHED BY AN INDIVIDUAL PURSUANT TO
SECTION 4 OF THE ACT

The business name No. of Certificate

REGISTRATION OF BUSINESS NAMES ACT, 1989

1. Where any individual having a place of business in The Bahamas carries on the business wholly or mainly as nominee or trustee of or for another person or other persons or a corporation, the particulars required under (1), (2), (3), (4) and (5) must be furnished, provided that if the business is carried on under any trust and any of the beneficiaries are a class of children or other persons, then the particulars required under (6) only need be furnished.

- (1) The present given name or names and surname or the corporate name of every person or corporation on whose behalf the business is carried on.
- (2) Any former name or names of any person on whose behalf the business is carried on. (see note)
- (3) The nationality of every person on whose behalf the business is carried on.
- (4) The nationality of origin of every person on whose behalf the business is carried on, if other than the present nationality.
- (5) The usual residence of every person on whose behalf the business is carried on.
- (6) Description of the class of beneficiaries.

*Note — References in the Act to a former given name or surname shall not include a former given name or surname where that name or surname has been changed or disused before the person bearing the name had attained the age of eighteen years; and, in the case of a married woman, shall not include the name or surname by which she was known previous to the marriage.

2. Where any individual having a place of business within The Bahamas acts as general agent for any * foreign firm the following particulars must be furnished.

- (7) The business name and address of the foreign firm as agent for whom the business is carried on.

* “Foreign firm” means any firm, individual or corporation whose principal place of business is situated outside The Bahamas.

If the business is carried on as agent for three or more foreign firms it is sufficient to state the fact that the business is so carried on, specifying the countries in which such foreign firms carry on business.

Dated the day of, 199

.....
Signature
(see note)

*Note — This statement must in all cases be signed by the individual applying for registration.

Failure without reasonable excuse to furnish the required statement of additional particulars within the time specified will, in addition to any disability imposed by the Act, entail liability on conviction to a fine of two hundred dollars for every day during which the default continues; and any statement which contains any matter which is false in any material particular to the knowledge of any person signing it will entail liability on conviction to a fine of one thousand dollars or to imprisonment for three months.

FORM 5

STATEMENT OF ADDITIONAL PARTICULARS TO BE FURNISHED BY A FIRM PURSUANT TO SECTION 4 OF THE ACT

The business name No. of Certificate

REGISTRATION OF BUSINESS NAMES ACT, 1989

1. Where any firm having a place of business in The Bahamas carries on the business wholly or mainly as nominee or trustee of or for another person or other persons or a corporation, the particulars required under (1), (2), (3), (4) and (5) must be furnished, provided, that if the business is carried on under any trust and any of the beneficiaries are a class of children or other persons, then the particulars required under (6) only need be furnished.

- (1) The present given name or names and surname or the corporate name of every person or corporation on whose behalf the business is carried on.
- (2) Any former name or names of any person on whose behalf the business is carried on. (see note)
- (3) The nationality of every person on whose behalf the business is carried on.
- (4) The nationality of origin of every person on whose behalf the business is carried on, if other than the present nationality
- (5) The usual residence of every person on whose behalf the business is carried on.

(6) Description of the class of beneficiaries.

*Note — References in the Act to a former given name or surname shall not include a former given name or surname where that name or surname has been changed or disused before the person bearing the name had attained the age of eighteen years; and, in the case of a married woman, shall not include the name or surname by which she was known previous to the marriage.

2. Where any firm having a place of business in The Bahamas acts as general agent for any * foreign firm the following particulars must be furnished.

(7) The business name and address of the foreign firm as agent for whom the business is carried on.

If the business is carried on as agent for three or more foreign firms it is sufficient to state the fact that the business is so carried on, specifying the countries in which such foreign firms carry on business.

Dated the day of, 199

.....
Signature
(see note)

* “Foreign firm” means any firm, individual or corporation whose principal place of business is situated outside The Bahamas.

*Note — This statement must be signed either —

- (a) by all the individuals who are partners and by a director or the secretary of any corporation which is a partner, or
- (b) (1) by any individual who is a partner, and
 - (2) by a director or the secretary or any corporation which is a partner;

and in cases (b) (1) and (2), must be verified by a statutory declaration made by the signatory.

Failure without reasonable excuse to furnish the required statement of particulars within the time specified will, in addition to any disability imposed by the Act entail liability on conviction to a fine of two hundred dollars for every day during which the default continues; and any statement which contains any matter which is false in any material particular to the knowledge of any person signing it will entail liability on conviction to a fine of one thousand dollars or to imprisonment of three months.

FORM 6

STATEMENT PURSUANT TO SECTION 8 OF THE ACT OF
NATURE OF CHANGE IN THE PARTICULARS REGIS-
TERED BY AN INDIVIDUAL AND DATE OF CHANGE

No. of Certificate

REGISTRATION OF BUSINESS NAMES ACT, 1989

The following is a statement of change (and of the date of such
change) which has been made or has occurred in the particulars
registered in respect of

.....
[Here insert business name of individual]

.....
[Here insert nature and date of change]

Dated the day of, 199

.....
Signature
(see note)

*Note — This statement must be signed by the individual, and
when signed must be delivered to the Registrar General within
fourteen days after any change in any of the particulars
registered or within such longer period as the Minister may on
application being made in any particular case, whether before
or after the expiration of such fourteen days, allow.

Failure without reasonable excuse to furnish the required
statement of any change in the particulars registered within the
specified time will, in addition to any disability imposed by the
Act, entail liability on conviction to a fine of two hundred
dollars for every day during which the default continues, and
any statement which contains any matter which is false in any
material particular to the knowledge of any person signing it
will entail liability on conviction to a fine of one thousand
dollars or to imprisonment for three months.

FORM 7STATEMENT PURSUANT TO SECTION 8 OF THE ACT OF
NATURE OF CHANGE IN THE PARTICULARS
REGISTERED BY A FIRM AND DATE OF CHANGE

No. of Certificate

REGISTRATION OF BUSINESS NAMES ACT, 1989

The following is a statement of a change (and of the date of such change) which has been made or has occurred in the particulars registered in respect of

.....
[Here insert business name of firm]

.....
[Here insert nature and date of change]

Dated the day of, 199

.....
Signature
(see note)

*Note — This statement must be signed either —

- (a) by all the individuals who are partners and by a director or the secretary of any corporation which is a partner, or
- (b) (1) by any individual who is a partner, and
 - (2) by a director or the secretary of any corporation which is a partner;

and in cases (b) (1) and (2) must be verified by a statutory declaration made by the signatory.

This statement when signed must be delivered to the Registrar General within fourteen days after any change in any of the particulars registered or within such longer period as the Minister may on application being made in any particular case, whether before or after the expiration of such fourteen days, allow.

Failure without reasonable excuse to furnish the required statement of any change in the particulars registered within the specified time will, in addition to any disability imposed by the Act, entail liability on conviction to a fine of two hundred dollars for every day during which the default continues, and any statement which contains any matter which is false in any material particular to the knowledge of any person signing it will entail liability on conviction to a fine of one thousand dollars or to imprisonment for three months.

FORM 8

STATEMENT PURSUANT TO SECTION 8 OF THE ACT OF
NATURE OF CHANGE IN THE PARTICULARS
REGISTERED BY A CORPORATION AND DATE OF
CHANGE

No. of Certificate

REGISTRATION OF BUSINESS NAMES ACT, 1989

The following is a statement of a change (and of the date of such change) which has been made or has occurred in the particulars registered in respect of

.....
[Here insert name of corporation]

.....
[Here insert nature and date of change]

Dated the day of, 199

.....
Signature
(see note)

*Note — This statement must be signed by a director or secretary of the corporation and when signed must be delivered to the Registrar General within fourteen days after any change in any of the particulars registered or within such longer period as the Minister may on application being made in any particular case, whether before or after the expiration of such fourteen days, allow.

Failure without reasonable excuse to furnish the required statement of any change in the particulars registered within the specified time will in addition to any disability imposed by the Act, entail liability on conviction to a fine of two hundred dollars for every day during which the default continues, and every director, secretary or officer of the corporation who is knowingly a party to the default will be liable to a like penalty; and any statement which contains any matter which is false in any material particular to the knowledge of any person signing it will entail liability on conviction to a fine of one thousand dollars or to imprisonment for three months.

FORM 9

NOTICE PURSUANT TO SECTION 14 OF THE ACT OF
CESSATION OF BUSINESS BY A REGISTERED FIRM OR
INDIVIDUAL

No. of Certificate

REGISTRATION OF BUSINESS NAMES ACT, 1989

Notice is hereby given that

.....
[Here insert name and address of firm or individual as the case may
be] of, ceased
to carry on business on the day of, 199

Dated the day of, 199

.....
Signature or Signatures

To the Registrar General.

*Note — This notice must in the case of a firm be signed by the persons who were partners of the firm at the time when it ceased to carry on business or, in the case of an individual, by the individual, except in the case of the death of an individual when it must be signed by the personal representative of the deceased, and must in either case be delivered to the Registrar General within three months after the business has ceased to be carried on.

Failure to give the required notice within the time above specified entails liability on conviction to a fine of one thousand dollars or to imprisonment for three months.

FORM 10

FORM OF APPEAL FROM THE DECISION OF THE
REGISTRAR UNDER SECTION 15(1)

REGISTRATION OF BUSINESS NAMES ACT, 1989

I (We) [Insert full name and address of appellant] of
hereby give notice of appeal to the Minister from the decision
of the Registrar dated the
day of , 199 whereby he decided [Insert the decision complained of]
.....

Accompanying this notice is a statement of the grounds of
appeal and of my (our) case for the decision of the Minister.

Dated the day of, 199

.....
Signature

To the Registrar General.

*Note — This Notice must be delivered within twenty-one days of the date of the notice of the Registrar’s decision, to the Registrar, together with a statement of the grounds of appeal and of the appellant’s case in support thereof.

A copy of this notice of appeal, together with copies of the grounds of appeal, and the case in support thereof, and a copy of the Registrar’s decision must at the same time be sent by the appellant to the Minister.

FORM 11

FORM OF STATUTORY DECLARATION VERIFYING A STATEMENT FURNISHED UNDER THE ACT

REGISTRATION OF BUSINESS NAMES ACT, 1989

I
of
do hereby solemnly and sincerely declare that all the particulars contained in the statement dated the 199 , and signed by me which is now produced and shown to me marked are true.

And I make this solemn declaration conscientiously believing it to be true and by virtue of the provisions of the Oaths Act.

And I am aware that if there is any statement in this declaration which is false in fact, which I know or believe to be false or do not believe to be true, I am liable to fine and imprisonment.

Subscribed by:

Person taking and receiving declaration:

.....

FORM 12

CERTIFICATE OF REGISTRATION

No. of Certificate

REGISTRATION OF BUSINESS NAMES ACT, 1989

I hereby certify that a statement
furnished by..... of.....
pursuant to section of the abovementioned Act was registered on
..... the day of 199

Dated this day of,199

.....
Registrar General

Made the 30th day of May, 1995.

.....
Signed
BRENT SYMONETTE
Attorney-General