

MONTSERAT

**REGISTRATION OF BUSINESS NAMES (AMENDMENT)
ACT 2013**

No. 10 of 2013

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I ASSENT

Adrian Davis (Sgd.)

GOVERNOR

DATE: 8.7.13

M O N T S E R R A T

No. 10 of 2013

AN ACT TO AMEND THE REGISTRATION OF BUSINESS NAMES ACT
(CAP 11.11).

BE IT ENACTED by the Queen's Most Excellent Majesty, by and
with the advice and consent of the Legislative Assembly of
Montserrat and by the Authority of the same as follows—

1 Short title

This Act may be cited as the Registration of Business
Names (Amendment) Act, 2013.

2 Interpretation

In this Act—

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“principal Act” means the Registration of Business Names Act (Cap. 11.11).

3 Insertion of section 3A

The principal Act is amended by inserting the following as section 3A—

“3A. Annual returns

- (1)** A business shall, not later than the 1st day of April in each year after its registration under this Act, submit to the Registrar an annual return in the prescribed form containing the prescribed information for the preceding year ending the 31st day of December, accompanied by the prescribed fee.
- (2)** Subject to section 15, an individual or firm who fails to comply with this section commits an offence and is liable to a fine of \$1000 or to 3 months imprisonment, or to both.”

4 Section 15 amended

The principal Act is amended by deleting section 15 (3) and substituting the following:

“(3) Where—

- (a)** the Registrar has reasonable cause to believe that a firm or individual registered under this Act is not carrying on business; or

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- (b) a person fails to file the annual return or pay the prescribed annual return fee under section 3A;

the Registrar may send to the firm or individual by registered post a notice—

- (i) in respect of paragraph (a), that if no answer as to whether the firm or individual is still carrying on business is received within one month from the issue date of the notice; or
- (ii) in respect of paragraph (b), that unless the annual return is filed or the fee is paid within one month from the issue date of the notice,

the firm or individual may be removed from the register.”

5 Section 17 amended

The principal Act is amended by deleting section 17 and substituting the following:

“17. The Commissioner of Financial Services is the Registrar for the purposes of this Act.”

6 Section 18 amended

The principal Act is amended by deleting section 18(1) and substituting the following:

“18. (1) A person may for a prescribed fee

- (a) inspect the documents filed by the Registrar; or
- (b) request from and be granted by the Registrar a certified copy of the certificate of;

registration of any firm or individual, or a certified copy of or extract from any registered statement.”

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7 Section 19 amended

The principal Act is amended by deleting section 19 and substituting the following:

“19.(1)The Governor acting on the advice of Cabinet may make rules concerning any of the following matters—

- (a)* the fees to be paid to the Registrar under this Act;
- (b)* the forms to be used under this Act;
- (c)* the duties to be performed by the Registrar under this Act; and
- (d)* generally, the conduct and regulation of registration under this Act, and any incidental matters.

(2) All fees payable under any rules made under subsection (1) shall be paid into the Consolidated Fund.”

8 Business Names Rules amended

The amendments to the Business Names Rules are set out in the Schedule.

SCHEDULE

BUSINESS NAMES (AMENDMENT) RULES

1 Short title

These Rules may be cited as the Business Names (Amendment) Rules.

2 Interpretation

In these Rules—

“principal Rules” means the Business Names Rules.

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3 Rule 2 amended

Rule 2 of the principal Rules is amended by deleting the definition of “Registrar” and substituting the following:

“**Registrar**” means the Commissioner of Financial Services.”.

4 Rule 6 amended

Rule 6 of the principal Rules is deleted and the following is substituted:

“6. Fees

The fees to be paid to the Registrar under the Act are as follows—

(a)	On the submission of statement of particulars under section 5	\$100
(b)	for a certified copy of a certificate of registration under section 18	\$50
(c)	for each certified copy or extract per page from any registered statement under section 18	\$2
(d)	appealing to the Governor from a decision of the Registrar	\$50
(e)	(i) annual return fee under section 3A	\$100
	(ii) late fee in default	\$50

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(f)	change in registered particulars under section 8	\$50
(g)	for each inspection of documents filed by the Registrar under section 18	\$25
(h)	for any certificate or certification for which a fee is not provided	\$50

5 Replacement of “Registrar of the High Court”

In the Forms to the principal Rules, the words “Registrar of the High Court” is deleted and substituted with the word “Registrar,” wherever it appears.

6 Insertion of form

The principal Rules is amended by inserted the following form as form 13:

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“FORM 13

(Section 3A)

REGISTRATION OF BUSINESS NAMES ACT

ANNUAL RETURN FORM

1. Name of Registered Business: Return for year ending:

 Address of Registered Office: Registration No.:

 Date of Registration:

2. List any changes in business structure and dates on which the
 changes were made:

3. Main type of business carried on:

4. Partner(s)/Director(s) of Business:

Full Name	Address	Occupation
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Date	Signature	Title
..... Partner/Director/Secretary (name in block) Signature Date

Delete where not applicable

Teresina Bodkin (Sgd.)
SPEAKER

Passed the Legislative Assembly this 25th day of June, 2013.

Judith Baker (Sgd.)
CLERK OF THE LEGISLATIVE ASSEMBLY