



MONTSERRAT

CHAPTER 11.11

REGISTRATION OF BUSINESS NAMES ACT and Subsidiary Legislation

Revised Edition

showing the law as at 1 January 2019

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

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¹Section 3A renumbered as section 4 and the other sections of the Act renumbered accordingly (Act 10 of 2013)



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CHAPTER 11.11

REGISTRATION OF BUSINESS NAMES ACT

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CHAPTER 11.11

REGISTRATION OF BUSINESS NAMES ACT

(Acts 4 of 1964, 23 of 1973, 9 of 2011 and 10 of 2013)

AN ACT TO PROVIDE FOR THE REGISTRATION OF FIRMS AND PERSONS CARRYING ON BUSINESS UNDER BUSINESS NAMES AND FOR PURPOSES CONNECTED THEREWITH.

Commencement

[17 April 1964]

Short title

1. This Act may be cited as the Registration of Business Names Act.

Interpretation

2. (1) In this Act—

“**business**” includes profession;

“**business name**” means the name or style under which any business is carried on, whether in partnership or otherwise;

“**christian name**” includes any forename;

“**Court**” means the High Court or a Judge thereof;

“**firm**” means an unincorporate body of two or more individuals, or one or more individuals and one or more corporations, or two or more corporations, who have entered into partnership with one another with a view to carrying on business for profit;

“**foreign firm**” means any firm, individual, or corporation whose principal place of business is situate outside the Commonwealth countries;

“**individual**” means a natural person and does not include a corporation;

“**initials**” includes any recognised abbreviation of a Christian name;

“**Official Receiver**” means an official receiver appointed under the Bankruptcy Act;

“**Registrar**” means the person designated under section 17;

“**showcards**” means cards containing or exhibiting articles dealt with, or samples or representations thereof.

(2) References in this Act to a former Christian name or surname shall not, in the case of any person, include a former Christian 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 or has been changed or disused for a period of not less than twenty 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.

(3) An individual or firm shall not require to be registered under this Act by reason only of a change of his name, or of the name of a member of the firm, if the change has taken place before the person who has changed his name has attained the age of eighteen years or if not less than twenty years have elapsed since it took place.

Firms and persons to be registered

3. Subject to the provisions of this Act—

- (a) every firm having a place of business in Montserrat and carrying on business under a business name which does not consist of the true surnames of all partners who are individuals and the corporate names of all partners who are corporations without any addition other than the true Christian names of individual partners or initials of such Christian names;
- (b) every individual having a place of business in Montserrat and carrying on business under a business name which does not consist of his true surname without any addition other than his true Christian names or the initials thereof;
- (c) every individual or firm having a place of business in Montserrat, who, or a member of which, has either before or after the commencement of this Act changed his name, except in the case of a woman in consequence of marriage,

shall be registered in the manner directed by this Act:

Provided that—

- (i) where the addition merely indicates that the business is carried on in succession to a former owner of the business, that addition shall not of itself render registration necessary; and
- (ii) where two or more individual partners have the same surname, the addition of an s at the end of that surname shall not of itself render registration necessary; and
- (iii) where the business is carried on by a trustee in bankruptcy or an Official Receiver or a receiver or manager appointed by the Court, registration shall not be necessary; and
- (iv) a purchase or acquisition of property by two or more persons as joint tenants or tenants in common is not of itself to be deemed carrying on a business whether or not the owners share any profits arising from the sale thereof.

Annual returns

4. (1) A business shall, not later than 1 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 31 December, accompanied by the prescribed fee.

(2) Subject to section 16, an individual or firm who fails to comply with this section commits an offence and is liable on summary conviction to a fine of \$1,000 or to three months imprisonment, or to both.

(Inserted by Act 10 of 2013)

Registration by nominee, etc.

5. Where a firm, individual, or corporation having a place of business within Montserrat carries on the business wholly or mainly as nominee or trustee of or for another person, or other persons, or another corporation, or acts as general agent for any foreign firm the first mentioned firm, individual, or corporation shall be registered in manner provided by this Act, and, in addition to the other particulars required to be furnished and registered the particulars mentioned in the Schedule hereto:

Provided that, where the business is carried on by a trustee in bankruptcy or an Official Receiver or a receiver or manager appointed by the Court, registration under this section shall not be necessary.

Manner and particulars of registration

6. (1) Every firm or person required under this Act to be registered shall furnish to the Registrar a statement in writing in the prescribed form containing the following particulars—

- (a) the business name;
- (b) the general nature of the business;
- (c) the principal place of the business;
- (d) where the registration to be effected is that of a firm, the present Christian name and surname, any former Christian name or surname, the nationality, the usual residence, and the other business occupation (if any) of each of the individuals who are partners, and the corporate name and registered or principal office of every corporation which is a partner;
- (e) where the registration to be effected is that of an individual, the present Christian name and surname, any former Christian name or surname, the nationality, the usual residence, and the other business occupation (if any) of such individual;
- (f) where the registration to be effected is that of a corporation, its corporate name and registered or principal office;
- (g) if the business is commenced after the commencement of this Act, the date of the commencement of the business.

(2) Where a business is carried on under two or more business names, each of those business names must be stated.

Statement to be signed by persons registered

7. The statement required for the purpose of registration must in the case of an individual be signed by him, and in the case of a corporation by a director or secretary thereof, and in the case of a firm, either by all the individuals who are partners, and by a director or the secretary of all corporations which are partners or by some individual who is a partner, or a director or the secretary of some corporation which is a partner, and in either of the last two cases must be verified by a statutory declaration made by the signatory:

Provided that, no such statutory declaration stating that any person other than the declarant is a partner, or omitting to state that any person other than as aforesaid is a partner, shall be evidence for or against any such other person in respect of his liability or non-liability as a partner, and that the Court may, on application of any person alleged or claiming to be a partner, directed the rectification of the register and decide any question arising under this section.

Time for registration

8. (1) The particulars required to be furnished under this Act shall be furnished within fourteen days after the firm or person commences business, or the business in respect of which registration is required as the case may be.

(2) This section shall apply, in the case where registration is required in consequence of a change of name, as if for references to the date of the commencement of the business there were substituted references to the date of such change.

Registration of changes in firm

9. Whenever a change is made or occurs in any of the particulars registered in respect of any firm or person, such firm or person shall, within fourteen days after such change, or such longer period as the Registrar may, on application being made in any particular case, whether before or after the expiration of such fourteen days, allow, furnish to the Registrar a statement in writing in the prescribed form specifying the nature and date of the change signed, and where necessary verified, in like manner as the statement required on registration.

Penalty for default in registration

10. If any firm or person by this Act required to furnish a statement of particulars or of any change in particulars shall without reasonable excuse make default in so doing in the manner and within the time specified by this Act, every partner in the firm or the person so in default commits an offence and on summary conviction is liable, in addition to any other penalty under

this Act, to a fine of \$25 for every day during which the default continues, and the Magistrate shall order a statement of the required particulars or change in the particulars to be furnished to the Registrar within such time as may be specified in the order.

Disability of persons in default

11. (1) Where any firm or person by this Act required to furnish a statement of particulars or of any change in particulars shall have made default in so doing then the rights of that defaulter under or arising out of any contract made or entered into by or on behalf of such defaulter in relation to the business in respect to the carrying on of which particulars were required to be furnished at any time while he is in default shall not be enforceable by action or other legal proceeding either in the business name or otherwise:

Provided that—

- (a) the defaulter may apply to the Court for relief against the disability imposed by this section, and the Court, on being satisfied that the default was accidental, or due to inadvertence or some other sufficient cause, or that on other grounds it is just and equitable to grant relief, may grant such relief either generally or as respects any particular contracts on condition of the costs of the application being paid by the defaulter, unless the Court otherwise orders, and on such other conditions (if any) as the Court may impose, but such relief shall not be granted except on such service and such publication of notice of the application as the Court may order, nor shall relief be given in respect of any contract if any party to the contract proves to the satisfaction of the Court that, if this Act had been complied with, he would not have entered into the contract;
 - (b) nothing herein contained shall prejudice the rights of any other parties as against the defaulter in respect of such contract as aforesaid;
 - (c) if any action or proceeding shall be commenced by any other party against the defaulter to enforce the rights of such party in respect of such contract nothing herein contained shall preclude the defaulter from enforcing in that action or proceeding, by way of counterclaim, set off, or otherwise, such rights as he may have against that party in respect of such contract.
- (2)** Without prejudice to the power of the Court to grant such relief as aforesaid, if any proceeding to enforce any contract is commenced by a defaulter in the Magistrate's Court, such last named Court may, as respects that contract, grant such relief as aforesaid.

Penalty for false statements

12. If any statement required to be furnished under this Act contains any matter which is false in any material particular to the knowledge of any person signing it, that person shall be liable to a fine of \$100, or to imprisonment for three months, or to both such fine and imprisonment.

Duty to furnish particulars to Registrar

13. (1) The Registrar may require any person to furnish to him such particulars as he thinks necessary for the purpose of ascertaining whether or not such person or the firm of which he is partner should be registered under this Act, or an alteration made in the registered particulars, and may also, in the case of a corporation, require the secretary, or any other officer of a corporation performing the duties of secretary, to furnish such particulars, and if any person, when so required, fails to supply such particulars as it is in his power to give, or furnishes particulars which are false in any material particulars, he shall be liable to a fine of \$100, or to imprisonment for three months, or to both such fine and imprisonment.

(2) If, from any information so furnished, it appears to the Registrar that any firm or person ought to be registered under this Act, or an alteration ought to be made in the registered particulars, the Registrar may require the firm or person to furnish to him the required particulars within such time as may be allowed by the Registrar, but, where any default under this Act has been discovered from the information acquired under this section, no proceedings under this Act shall be taken against any person in respect of such default prior to the expiration of the time within which the firm or person is required by the Registrar under this section to furnish particulars to him.

Registrar to file statement and issue certificate of registration

14. On receiving any statement or statutory declaration made in pursuance of this Act, the Registrar shall cause the same to be filed, and he shall send by post or deliver a certificate of the registration thereof to the firm or person registering, and the certificate or a certified copy thereof shall be kept exhibited in a conspicuous position at the principal place of business of the firm or individual, and, if not kept so exhibited, every partner in the firm or the person, as the case may be, shall be liable to a fine of \$100.

Index to be kept

15. The Registrar shall keep an index of all the firms and persons registered under this Act.

Removal of names from register

16. (1) If any firm or individual registered under this Act ceases to carry on business, it shall be the duty of the persons who were partners in the firm at the time when it ceased to carry on business, or of the individual, or, if he

is dead, his personal representative, within three months after the business has ceased to be carried on, to deliver to the Registrar notice in the prescribed form that the firm or individual has ceased to carry on business, and if any person whose duty it is to give such notice fails to do so within such time as aforesaid, he shall be liable to a fine of \$100.

(2) On receipt of such a notice as aforesaid the Registrar may remove the firm or individual from the register.

(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
- (b) a person fails to file the annual return or pay the prescribed annual return fee under section 4,

the Registrar may send a notice by registered post to the firm or individual stating that the firm or individual may be removed from the register if—

- (c) in the case of paragraph (a), an answer is not received from the firm or individual, within one month from the date the notice was sent, stating whether the firm or individual is still carrying on business; and
- (d) in the case of paragraph (b), the annual return is not filed and the annual return fee is not paid within one month from the date the notice was sent.

(Substituted by Act 10 of 2013)

(4) If the Registrar either receives an answer from the firm or individual to the effect that the firm or individual is not carrying on the business, or does not, within one month after sending notice, receive an answer, he may remove the firm or individual from the register.

Misleading business names

17. (1) Where any business name under which the business of a firm or individual is carried on contains the word “**British**” or any other word which, in the opinion of the Registrar, is calculated to lead to the belief that the business is under British ownership or control, and the Registrar is satisfied that the nationality of the persons by whom the business is wholly or mainly owned or controlled is at any time such that the name is misleading, the Registrar shall refuse to register such business name, or, as the case may be, remove such business name from the register, but any person aggrieved by a decision of the Registrar under this provision may appeal to the Governor, whose decision shall be final.

(2) The registration of a business name under this Act shall not be construed as authorising the use of that name if, apart from such registration, the use thereof could be prohibited.

(3) The power conferred by this section on the Registrar to refuse registration of a business name shall extend to any name which is in his opinion undesirable.

(4) Where registration of a business name is refused under this section, any person carrying on business under that name shall be liable under section 10 to same penalties as if he had without reasonable excuse made default in furnishing a statement of particulars with respect to that name.

Inspection of statements registered

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

- (a) inspect the documents filed by the Registrar; and
- (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.

(Substituted by Act 10 of 2013)

(2) A certificate of registration, or a copy of or extract from any statement registered under this Act, if duly certified to be a true copy or extract under the hand of the Registrar (whom it shall not be necessary to prove to be the Registrar), shall, in all legal proceedings, civil or criminal, be received in evidence.

Governor acting on the advice of Cabinet may make rules

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.

(Substituted by Act 10 of 2013)

Publication of true names, etc.

20. (1) Every individual and firm required by this Act to be registered shall, in all trade catalogues, trade circulars, show-cards, and business letters, on or in which the business name appears and which are issued or sent by the individual or firm to any person in any Commonwealth country, have mentioned in legible characters —

- (a) in the case of an individual, his present Christian name or the initials thereof, and present surname, any former Christian name or surname, his nationality if not British; and
- (b) in the case of a firm, the present Christian names or the initials thereof and present surnames, any former Christian names and surnames, and the nationality if not British of all the partners in the firm or, in the case of a corporation being a partner, the corporate name.

(2) An individual, or in the case of a firm each member of the firm, who fails to comply with subsection (1) commits an offence and is liable on summary conviction to a fine of \$24:

Provided that, no proceedings shall be instituted under this section except by or with the consent of the Director of Public Prosecutions.

(Amended by Act 9 of 2011)

Offences by corporations

21. Where a corporation is guilty of an offence under this Act, every director, secretary, and officer of the corporation who is knowingly a party to the default shall be guilty of a like offence and liable to a like penalty.

Recovery of penalties

22. All offences under this Act may be prosecuted, and all penalties incurred may be imposed or recovered in the manner provided by the Magistrate's Court Act.

SCHEDULE**FORM OF PARTICULARS OF NOMINEE, TRUSTEE OR AGENT***(Section 5)*

<i>Description of firm, etc.</i>	<i>The additional particulars.</i>
Where the firm, individual, or corporation required to be registered carries on business as nominee or trustee.	The present Christian name and surname, any former name, nationality, and usual residence, or, as the case may be, the corporate name of every person or corporation on whose behalf the business is carried on: Provided that, if the business is carried on under any trust and any of the beneficiaries are a class or children or other persons, a description of the class shall be sufficient.
Where the firm, individual, or corporation required to be registered carries on business as general agent for any foreign firm.	The business name and address of the firm or person as agent for whom the business is carried on: Provided that, if the business is carried on as agent for three or more foreign firms it shall be sufficient to state the fact that the business is so carried on, specifying the countries in which such foreign firms carry on business.

BUSINESS NAMES RULES
ARRANGEMENT OF RULES

RULE

1. Short title
2. Interpretation
3. Procedure under section 17 of the Act
4. Appeals to the Governor
5. Time for doing any Act
6. Fees
7. Forms

SCHEDULE: Forms

BUSINESS NAMES RULES – SECTION 19

(S.R.O.s 21/1964 and 27/1991 and Act 10 of 2013)

Commencement

[1 September 1964]

Short title

1. These Rules may be cited as the Business Names Rules.

Interpretation

2. In these Rules—

“Act” means the Registration of Business Names Act;

“Registrar” means the Commissioner of Financial Services. *(Amended by Act 10 of 2013)*

Procedure under section 17 of the Act

3. (1) Where the Registrar, under section 17 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 such business name, a notice in writing of such decision, and such notice shall contain a statement that any person aggrieved by such decision may appeal to the Governor within twenty one days of such notice.

(2) If within twenty one days from the date of the notice of a decision of the Registrar under section 17(1) of the Act to remove a business name from the register, no notice, of appeal from such decision is received by the Registrar, or if on appeal such decision of the Registrar is upheld, the Registrar shall remove such business name from the register in accordance with his decision.

Appeals to the Governor

4. (1) Any person intending to appeal to the Governor from any decision of the Registrar under section 17(1) of the Act shall within twenty one days of the date of the notice of such decision, deliver to the Registrar a notice of appeal in Form 10. Such notice shall be accompanied by a statement of the grounds of appeal and of the Appellant's case in support thereof.

(2) 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 Governor.

(3) The decision of the Governor shall be communicated to the Appellant in writing.

Time for doing any Act

5. The time prescribed in these Rules for doing any act thereunder by or to the Registrar, or by or to the Governor may be enlarged by the Governor upon such terms as he may direct, and such enlargement may be granted though the time has expired for doing such act.

Fees

6. The fees to be paid to the Registrar under the Act shall be as follows—

(a)	On the submission of statement of particulars under section 6	\$100
(b)	For a certified copy of a certificate of registration under section 19	\$50
(c)	For each certified copy or extract per page from any registered statement under section 19	\$2
(d)	Appealing to the Governor from a decision of the Registrar	\$50
(e)	(i) annual return fee under section 4	\$100
	(ii) late fee in default	\$50
(f)	Change in registered particulars under section 9	\$50
(g)	For each inspection of documents filed by the Registrar under section 19	\$25
(h)	For any certificate or certification for which a fee is not provided	\$50

(Amended by S.R.O. 27/1991 and substituted by Act 10 of 2013)

Forms

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

SCHEDULE**FORMS****FORM 1**

The Statement must be delivered to the Registrar.

NO. OF CERTIFICATE

REGISTRATION OF BUSINESS NAMES ACT

APPLICATION FOR REGISTRATION BY AN INDIVIDUAL

(Section 6 of the Act)

I, the undersigned hereby apply for registration under the Registration of Business Names Act 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 Christian name (or names) and Surname of the individual. *(See Note A)*
-
- (5) Any former Christian name (or names) or Surname of the individual. *(See Note B)*
-

Note A. — Christian name includes any forename.

Note B. — References in this Act to a former Christian name or Surname shall not, in the case of natural-born British subjects, include a former Christian 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, 20..... .

.....
Signature

(See Note C.)

Note C. — 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 \$25 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 imprisonment, for a term of three months, or to a fine of \$100 or to both such imprisonment and fine.

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.

(Amended by Act 10 of 2013)

FORM 2

The Statement must be delivered to the Registrar.

NO. OF CERTIFICATE

REGISTRATION OF BUSINESS NAMES ACT

APPLICATION FOR REGISTRATION BY A FIRM

(Section 6 of the Act)

..... (Insert name of firm) hereby apply for registration under the Registration of Business Names Act 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.

	1	2	3	4	5	6	7
6. The present Christian name or names and surnames of every individual who is — and the corporate name of every corporation which is — a partner in the firm. (See Note B)							
7. Any former Christian name or names or surname of every individual partner in the firm. (See Note C)							
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, 20.....

.....
Signatures

FOR INSTRUCTIONS AS TO SIGNATURE, See NOTE A

Note A. — This Statement must in all cases be signed either—

- (a) by all the individuals who are partners and by a Director or the Secretary of each Corporation which is a Partner; or
- (b) (1) by some individual who is a Partner, or
- (2) by a Director or the Secretary of some Corporation which is a Partner; and in either of the 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 \$25 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 imprisonment, for a term of three months, or to a fine of \$100 or to both such imprisonment and fine.

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.

Note B. — Christian name includes any forename.

Note C. — “References in this Act to a former Christian name or surname shall not, in the case of natural born British subjects, include a former Christian 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.

(Amended by Act 10 of 2013)

FORM 3

The Statement must be delivered to the Registrar.

NO. OF CERTIFICATE

REGISTRATION OF BUSINESS NAMES ACT

APPLICATION FOR REGISTRATION BY A CORPORATION

(Section 6 of the Act)

..... (insert name of corporation) hereby apply for registration under the Registration of Business Names Act 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. The other name or names (if any) under which the business is carried on.

6. The corporate name of the corporation applying for registration.

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 such 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.

	1	2	3	4	5	6	7
8. The present Christian name or names and surname of the corporate name of every person on whose behalf the business is carried on. (See Note A.)							

Note A. — Christian name includes any forename.

	1	2	3	4	5	6	7
9. Any former name or names of any person on whose behalf the business is carried on, (<i>See Note B</i>)							
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 B.—Reference in this Act to a former Christian name or surname shall not, in the case of natural-born British subjects, include a former Christian 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 Montserrat and acting as General Agent for any* foreign firm.

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, 20..... .

.....
Signature

(FOR INSTRUCTIONS AS TO SIGNING, *See* NOTE C.)

***“Foreign firm”** means any firm, individual or corporation whose principal place of business is situate outside the Commonwealth countries.

Note C.—This statement must in all cases be signed by a Director or Secretary of the Corporation 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 \$25 for every day during which the default continues, and where a Corporation is guilty of an offence under this Act, every Director, Secretary and Officer of the Corporation who is knowingly a party to the default will be guilty of a like offence and liable to a like penalty. 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 imprisonment for a term of three months or to a fine of \$100, or to both such imprisonment and fine.

(Amended by Act 10 of 2013)

FORM 4

The Business Name

NO. OF CERTIFICATE

REGISTRATION OF BUSINESS NAMES ACT

STATEMENT OF ADDITIONAL PARTICULARS TO BE FURNISHED BY
AN INDIVIDUAL UNDER SECTION 5 OF THE ACT

1. Where any individual having a place of business in Montserrat 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	2	3	4	5	6	7
1. The present Christian name or names and surname or the corporate name of every person or corporation on whose behalf the business is carried on. (See Note A)							
2. Any former name or names of any person on whose behalf the business is carried on. (See Note B)							
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 class of beneficiaries.							

Note A.—Christian name includes any forename.

Note B.—References in this Act to a former Christian name or surname shall not, in the case of natural-born British subjects, include a former Christian 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 Montserrat acts as general agent for any* foreign firm the following particulars must be furnished.

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 Commonwealth countries.

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.

Date the day of, 20.....

Signature

(For instructions as to signing, see Note C.)

Note C.—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 \$25 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 imprisonment for a term of three months, or to a fine of \$100 or to both such imprisonment and fine.

FORM 5

The Business Name

NO. OF CERTIFICATE

REGISTRATION OF BUSINESS NAMES ACT

STATEMENT OF ADDITIONAL PARTICULARS TO BE FURNISHED BY A FIRM
UNDER SECTION 5 OF THE ACT

1. Where any firm having a place of business in Montserrat 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	2	3	4	5	6	7
1. The present Christian name or names and surname or the corporate name of every person or Corporation on whose behalf the business is carried on. (See Note A)							
2. Any former name or names of any person on whose behalf the business is carried on. (See Note B)							
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 class of beneficiaries.							

Note A.—Christian name includes any forename.

Note B.—Reference in this Act to a former Christian name or surname shall not, in the case of natural-born British subjects, include a former Christian 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 Montserrat acts as General Agent for any foreign firm* the following particulars must be furnished.

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, 20..... .

.....
Signature

(FOR INSTRUCTIONS AS TO SIGNING, ETC., See NOTE C.)

*“Foreign firm” means any firm, individual or Corporation whose principal place of business is situate outside the Commonwealth countries.

Note C.—This Statement must in all cases be signed either—

(a) By all the Individuals who are Partners and by a Director or the Secretary of every Corporation which is a Partner, or

(b) (1) by some individual who is a partner, or

(2) by a Director or the Secretary of some Corporation which is a Partner: and in either of the 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 \$25 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 imprisonment for a term of three months, or to a fine of \$100 or to both such imprisonment and fine.

FORM 6

NO. OF CERTIFICATE

REGISTRATION OF BUSINESS NAMES ACT

**STATEMENT UNDER SECTION 9 OF THE ABOVE ACT
OF NATURE OF CHANGE IN THE PARTICULARS
REGISTERED BY AN INDIVIDUAL AND DATE OF CHANGE**

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 individual.)

.....

(Here insert nature and date of change.)

Dated the day of, 20..... .

.....

Signature

(FOR INSTRUCTIONS AS TO SIGNING, *See* NOTE A.)

Note A.—This Statement must be signed by the Individual, and when signed must be delivered to the Registrar within fourteen days after any change in any of the particulars registered or within such longer period as the Governor 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 \$25 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 imprisonment for a term of three months or to a fine of \$100, or to both such imprisonment and fine.

(Amended by Act 10 of 2013)

FORM 7

NO. OF CERTIFICATE

REGISTRATION OF BUSINESS NAMES ACT

**STATEMENT UNDER SECTION 9 OF THE ABOVE ACT
OF NATURE OF CHANGE IN THE PARTICULARS
REGISTERED BY A FIRM AND DATE OF CHANGE**

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, 20..... .

.....
Signatures

(FOR INSTRUCTIONS AS TO SIGNING, ETC., See NOTE A.)

NOTE A. — 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 some individual who is a partner,
2. by a Director or the Secretary of some Corporation which is a Partner and in either of 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 within fourteen days after any change in any of the particulars registered or within such longer period as the Governor 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 of the particulars registered within the time specified will in addition to any disability imposed by the Act, entail liability on conviction to a fine of \$25 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 imprisonment for a term of three months or to a fine of \$100 or to both such imprisonment and fine.

(Amended by Act 10 of 2013)

FORM 8

NO. OF CERTIFICATE

REGISTRATION OF BUSINESS NAMES ACT

STATEMENT UNDER SECTION 9 OF THE ABOVE ACT OF
NATURE OF CHANGE IN THE PARTICULARS REGISTERED
BY A CORPORATION AND DATE OF CHANGE

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, 20..... .

.....

Signatures

(FOR INSTRUCTIONS AS TO SIGNING, ETC., See NOTE A.)

NOTE A. — This Statement must be signed by a Director or Secretary of the Corporation and, when signed, must be delivered to the Registrar within fourteen days after any change in any of the particulars registered, or within such longer period as the Governor 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 particulars within the time specified will, in addition to any disability imposed by the Act entail liability on conviction to a fine of \$25 for every day during which the default continues, and every Director, Secretary or officer of the Corporation who is knowingly party to the default will be liable to a like penalty. 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 imprisonment for a term of three months or to a fine of \$100, or to both such imprisonment and fine.

(Amended by Act 10 of 2013)

FORM 9

NO. OF CERTIFICATE

REGISTRATION OF BUSINESS NAMES ACT

**NOTICE UNDER SECTION 16 OF THE ACT OF CESSATION
OF BUSINESS BY A REGISTERED FIRM OR INDIVIDUAL**

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, 20..... .

Dated the day of, 20..... .

.....

Signature(s)

To the Registrar.

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 within three calendar 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 \$100.

(Amended by Act 10 of 2013)

FORM 10

REGISTRATION OF BUSINESS NAMES ACT

**FORM OF APPEAL FROM THE DECISION OF
THE REGISTRAR UNDER SECTION 17(1)**

I (We)
(Insert full name and address of appellant)

of hereby give notice of appeal to the Governor from the
decision of the Registrar dated the day of,
20....., 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 Governor.

Dated the day of, 20..... .

.....
(Signed)

To the Registrar,

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 statement 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 Governor.

(Amended by Act 10 of 2013)

FORM 11

REGISTRATION OF BUSINESS NAMES ACT

FORM OF STATUTORY DECLARATION VERIFYING A STATEMENT FURNISHED UNDER THE ACT

I,....., of, do hereby solemnly and sincerely declare that all the particulars contained in the statement dated the day of, 20....., and signed by me which is now produced and shown to me marked are true.

I make this Declaration conscientiously believing the same to be true and according to the Statutory Declarations 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.

.....

FORM 12

NO. OF CERTIFICATE

REGISTRATION OF BUSINESS NAMES ACT

CERTIFICATE OF REGISTRATION

I hereby certify that a Statement furnished by of, under section of the above-mentioned Act was registered on the day of, 20..... .

Dated this day of, 20..... .

..... Registrar

(Amended by Act 10 of 2013)

<p>FORM 13 (Section 4) REGISTRATION OF BUSINESS NAMES ACT ANNUAL RETURN FORM</p>		
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
	Date	Signature
		Title

.....
 Partner/Director/Secretary*
 (name in block)

.....
 Signature

.....
 Date

**Delete where not applicable
 (Inserted by Act 10 of 2013)*