

REGISTRATION OF BUSINESS NAMES ACT

CHAPTER 82:85

Act

7 of 1923

Amended by

6 of 1950

172/1961

8/1962

2/1963

21/1963

136/1976

45 of 1979

Current Authorised Pages

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Note on Adaptation

1. Certain fees in this Chapter were increased by the Commission under paragraph 4 of the Second Schedule to the Law Revision Act (Ch. 3:03). Where this occurs, a marginal reference in the form normally indicating an amendment is made to LN 51/1980 (the Legal Notice by which the President's approval was signified).

2. Under paragraph 6 of the Second Schedule to the Law Revision Act (Ch. 3:03) the Commission amended certain references to public officers in this Chapter. The Minister's approval of the amendments was signified by LN 120/1980, but no marginal reference is made to this Notice where any such amendment is made in the text.

CHAPTER 82:85

REGISTRATION OF BUSINESS NAMES ACT

ARRANGEMENT OF SECTIONS

SECTION

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SCHEDULE.

CHAPTER 82:85

REGISTRATION OF BUSINESS NAMES ACT

1950 Ed.
Ch.31, No. 3,
7 of 1923.

An Act to provide for the registration of firms and persons carrying on business under business names and for purposes connected therewith.

Commencement. [1ST OCTOBER 1923]

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;
“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 situated outside the Commonwealth;
“individual” means a natural person and does not include a corporation;
“initials” includes any recognised abbreviation of a given name;
“Registrar” means the Registrar General;
“showcards” means cards containing or exhibiting articles dealt with, or samples or representations thereof.

(2) References in this Act to a former given name or surname shall not, in the case of any person, 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 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. (1) Subject to the provisions of this Act—

- (a) every firm having a place of business in Trinidad and Tobago 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 given names of individual partners or initials of such given names;
- (b) every individual having a place of business in Trinidad and Tobago and carrying on business under a business name which does not consist of his true surname without any addition other than his true given names or the initials thereof;
- (c) every individual or firm having a place of business in Trinidad and Tobago 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,

Firms and persons to be registered.

shall be registered in the manner directed by this Act.

(2) (a) 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.

(b) 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.

(c) Where the business is carried on by a trustee in bankruptcy or the Official Receiver or a receiver or manager appointed by the Court, registration shall not be necessary.

(d) 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.

Registrar may remove name of individual or firm from register or amend same.

(3) (a) 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.

(b) Where by virtue of paragraph (a) an individual or firm registered prior to 16th of February 1950 no longer requires to be so registered—

- (i) the Registrar, if so requested by the individual or firm, shall remove him or it from the register; and
- (ii) section 13 shall no longer require the individual or firm to keep exhibited the certificate of registration or a copy thereof,

and where, in any other case, the particulars registered prior to the above-mentioned date in respect of any individual or firm include a former name or surname which by virtue of paragraph (a) no longer requires to be included among those particulars, the Registrar, if so requested by the individual or firm, shall amend the particulars by leaving out that name or surname.

Registration by nominee, etc.

4. Where a firm, individual, or corporation having a place of business within Trinidad and Tobago 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, there shall be furnished and registered the particulars mentioned in the Schedule but where the business is carried on by a trustee in bankruptcy or the Official Receiver or a receiver or manager appointed by the Court, registration under this section shall not be necessary.

Schedule.

5. (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:

Manner and particulars of registration.

- (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 given name and surname, any former given 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 given name and surname, any former given 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.

6. 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.

Statement to be signed by persons registering.

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 the Court may, on application of any person alleged or claiming to be a partner, direct the rectification of the register and decide any question arising under this section.

Time for registration.

7. (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.

Change of name.

(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 the change.

Registration of changes in firm.

8. Whenever a change is made or occurs in any of the particulars registered in respect of any firm or person, the firm or person shall, within fourteen days after the 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.

9. 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 is liable to a fine of two hundred dollars 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.

10. (1) Where any firm or person by this Act required to furnish a statement of particulars or of any change in particulars has 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 the 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.

Disability of
persons in
default.

(2) (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 is 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 the contract.

(3) 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 a Petty Civil Court, such last named Court may, as respects that contract, grant such relief as aforesaid.

Penalty for
false statements.

11. Where 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 is liable to a fine of one thousand dollars and to imprisonment for three months.

Duty to furnish
particulars to
Registrar.

12. (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 the 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 any person who, 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 particular, is liable to a fine of one thousand dollars and to imprisonment for three months.

(2) Where, 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 the 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.

13. 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, is liable to a fine of one thousand dollars.

14. The Registrar shall keep an index of all the firms and persons registered under this Act. Index to be kept.

15. (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 any person whose duty it is to give the notice and who fails to do so within such time as aforesaid, is liable to a fine of one thousand dollars. Removal of names from register.

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

(3) Where the Registrar has reasonable cause to believe that any firm or individual registered under this Act is not carrying on business, he may send to the firm or individual by registered post a notice that, unless an answer is received to the notice within one month from the date thereof, the firm or individual may be removed from the register.

(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 business, or does not, within one month after sending the notice, receive an answer, he may remove the firm or individual from the register.

16. (1) Where any business name under which the business of a firm or individual is carried on contains the word “Commonwealth” or any other word which, in the opinion of the Registrar, is calculated to lead to the belief that the business is under Commonwealth 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 the business name, or, as the case may be, remove the business name. Misleading business names.

from the register, but any person aggrieved by a decision of the Registrar under this provision may appeal to the Minister, 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 the 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 is liable under section 9 to the same penalties as if he had without reasonable excuse made default in furnishing a statement of particulars with respect to that name.

Registrar.

17. The Registrar General shall be the Registrar for the purposes of this Act.

Inspection of statements registered. [2/1963].

18. (1) Any person may inspect the documents filed by the Registrar on payment of such fees as may be prescribed not exceeding fifty cents for each inspection; and any person may require a certificate of the registration of any firm or person, or a copy of or extract from any registered statement, to be certified by the Registrar, and there shall be paid for the certificate of registration, certified copy, or extract such fees as may be prescribed, not exceeding one dollar and fifty cents for the certificate of registration, and not exceeding twenty-five cents for each folio of seventy-two words, of the entry, copy, or extract.

(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.

Minister may make Rules. [2/1963 45 of 1979].

19. (1) The Minister 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 matters incidental thereto.

(2) All fees payable in pursuance of any such Rules shall be paid to the Comptroller of Accounts.

20. (1) Every individual and firm required by this Act to be registered shall, in all trade catalogues, trade circulars, showcards, 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 territory, have mentioned in legible characters—

Publication of true names, etc. [172/1961 8/1962 136/1976].

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

(2) If default is made in compliance with this section the individual or, as the case may be, every member of the firm is liable for each offence to a fine of two hundred dollars; but no proceedings shall be instituted under this section except by or with the consent of the Director of Public Prosecutions.

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 is guilty of a like offence and liable to a like penalty.

Offences by corporations.

Recovery of penalties.
Ch. 4:20.

22. All offences under this Act may be prosecuted, and all penalties incurred may be imposed or recovered in the manner provided by the Summary Courts Act.

Section 4.

SCHEDULE

| Description of Firm, etc. | The additional particulars. |
|---|--|
| Where the firm, individual, or corporation required to be registered carries on business as nominee or trustee. | The present given 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; but if the business is carried on under any trust and any of the beneficiaries are a class of 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; but 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 the foreign firms carry on business. |

SUBSIDIARY LEGISLATION

BUSINESS NAMES RULES

ARRANGEMENT OF RULES

RULE

1. Citation.
2. Registrar.

PROCEDURE UNDER SECTION 16

3. Refusal to register or remove business name.
4. Absence of notice of appeal.

APPEALS TO THE MINISTER

5. Notice of appeal.
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7. Decision in writing.
8. Time.

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9. Fees.

FORMS

10. Forms.

SCHEDULE.

[Subsidiary]

G.20.9.1923.
[2/1963
21/1963
45 of 1979
51/1980
4/1985
6 of 1993
3 of 1994].

BUSINESS NAMES RULES

made under section 19

Citation.

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

Registrar.

2. Whenever any act is by the Act required to be done by the Registrar, the act shall be done by the Registrar General or by a Deputy Registrar General.

PROCEDURE UNDER SECTION 16

Refusal to register or remove business name.

3. Where the Registrar, pursuant to section 16(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 the 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.

Absence of notice of appeal.

4. If within twenty-one days from the date of the notice of a decision of the Registrar under section 16(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.

APPEALS TO THE MINISTER

Notice of appeal.

5. Any person intending to appeal to the Minister from any decision of the Registrar under section 16(1) of 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. The notice shall be accompanied by a statement of the grounds of appeal and of the appellant's case in support thereof.

Form 10.

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.

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

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 enlarged by the Minister upon such terms as he may direct, and the enlargement may be granted though the time has expired for doing such act. Time.

FEES

9. The fees to be paid to the Registrar under the Act are— Fees. [6 of 1993 3 of 1994].
- (a) on a Statement of Particulars required by section 5 of the Act, the sum of two hundred dollars;
 - (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 twenty dollars;
 - (c) on a statement of any change within the meaning of section 8 of the Act, the sum of eighty dollars;
 - (d) for inspecting under the provisions of section 18 of the Act the documents filed by the Registrar, the sum of twenty dollars;
 - (e) on the application of any person requiring under section 18 of the Act a certificate of registration of any firm, individual or corporation or a certified copy of or extract from any registered statement—
 - \$ ¢.
 - (i) certificate of registration ... 20.00
 - (ii) certified copy or extract ... 20.00
 - (f) on appeal to the Minister from a decision of the Registrar, the sum of two hundred dollars;

- (g) for search of a name, the sum of twenty dollars;
- (h) for a certificate of registration issued under section 13, the sum of twenty dollars;
- (i) for a certificate of change, except for a change relating to ownership, the sum of twenty dollars;
- (j) for a certificate issued in respect of a change of ownership, the sum of twenty dollars;
- (k) for any further search of a name after expiration of initial approval period, the sum of twenty 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

Forms
Schedule.

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

SCHEDULE

Rule 10.

FORM 1

The Statement must be delivered to the Registrar General in Port-of-Spain.

No. of Certificate

REGISTRATION OF BUSINESS NAMES ACT

APPLICATION FOR REGISTRATION BY AN INDIVIDUAL

[See Sec. 3(1)(b) and (c)]

I, the undersigned hereby apply for registration pursuant to the provisions of 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 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 this Act to a former given name or surname shall not, in the case of natural-born Commonwealth citizens, 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
-

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[Subsidiary] *Business Names Rules*

(11) Any other business name or names under which the business is carried on

Dated this day of 20.....

(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 and 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 the Form and delivered to the Registrar in the manner and within the times before specified.

FORM 2

The Statement must be delivered to the Registrar General in Port-of-Spain.

No. of Certificate

REGISTRATION OF BUSINESS NAMES ACT

APPLICATION FOR REGISTRATION BY A FIRM

[See Sec. 3(1)(a) and (c)]

[Insert name of firm] hereby apply for registration under the provisions of 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 given name or names and surname 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 20.....

Signatures

[For instructions as to signatures, see Note]

Note—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 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 and 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.

Note—References in this Act to a former given name or surname shall not, in the case of natural-born Commonwealth citizens, 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

The Statement must be delivered to the Registrar General in Port-of-Spain.

No. of Certificate

REGISTRATION OF BUSINESS NAMES ACT

APPLICATION FOR REGISTRATION BY A CORPORATION

having a place of business in Trinidad and Tobago 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 apply for registration under the provisions of 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 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.

| | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|--|---|---|---|---|---|---|---|
| 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 (<i>See Note</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—Reference in this Act to a former given name or surname shall not, in the case of natural-born Commonwealth citizens, 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 Trinidad and Tobago 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]

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

Note—This statement must in all cases be signed by a Director or the 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 two hundred dollars 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 a fine of one thousand dollars and to imprisonment for three months.

FORM 4

The Business Name

No. of Certificate

REGISTRATION OF BUSINESS NAMES ACT

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

1. Where any individual having a place of business in Trinidad and Tobago 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 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 (<i>See Note</i>) | | | | | | | |
| 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—References in this Act to a former given name or surname shall not, in the case of natural-born Commonwealth citizens, 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.

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

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Chap. 82:85

Registration of Business Names

[Subsidiary]

Business Names Rules

2. Where any individual having a place of business within Trinidad and Tobago 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.

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]

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 and to imprisonment for three months.

FORM 5

The Business Name

No. of Certificate

REGISTRATION OF BUSINESS NAMES ACT

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

1. Where any firm having a place of business in Trinidad and Tobago 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 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 (<i>See Note</i>) | | | | | | | |
| 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—Reference in this Act to a former given name or surname shall not, in the case of natural-born Commonwealth citizens, 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 Trinidad and Tobago 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.....

Signatures

[For instructions as to signing, etc., see Note]

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

Note—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 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 and to imprisonment for three months.

FORM 6

No. of Certificate

REGISTRATION OF BUSINESS NAMES ACT

**STATEMENT PURSUANT TO SECTION 8 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]

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 and to imprisonment for three months.

FORM 7

No. of Certificate

REGISTRATION OF BUSINESS NAMES ACT

**STATEMENT PURSUANT TO SECTION 8 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]

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 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 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 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 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 and to imprisonment for three months.

FORM 8

No. of Certificate

REGISTRATION OF BUSINESS NAMES ACT

**STATEMENT PURSUANT TO SECTION 8 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 theday of20.....

Signature

[For instructions as to signing, etc., 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 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 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 a fine of one thousand dollars and to imprisonment for three months.

FORM 9

No. of Certificate

REGISTRATION OF BUSINESS NAMES ACT

**NOTICE PURSUANT TO SECTION 15 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 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 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 one thousand dollars.

FORM 10

REGISTRATION OF BUSINESS NAMES ACT

**FORM OF APPEAL FROM THE DECISION OF
THE REGISTRAR UNDER SECTION 16(1)**

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, 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 Minister.

Dated the day of, 20.....

(Signed)

To the Registrar General,
Port-of-Spain.

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 Minister.

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 theday of 20....., and signed by me which is now produced and shown to me marked are true.

Ch. 7:04. 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....., pursuant to section of the above-mentioned Act was registered on the day of 20.....

Dated this day of 20.....

Registrar General.
