

# REGISTRATION OF BUSINESS NAMES ACT, 1962 (ACT 151)

As amended by

REGISTRATION OF BUSINESS NAMES (AMENDMENT) DECREE, 1974 (NRCD 293)1.

## ARRANGEMENT OF SECTIONS

### Section

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## THE HUNDRED AND FIFTY-FIRST

## ACT

## OF THE PARLIAMENT OF THE REPUBLIC OF GHANA

## ENTITLED

## REGISTRATION OF BUSINESS NAMES ACT, 1962

AN ACT to consolidate with amendments the law relating to the registration of business names.

DATE OF ASSENT: 20th November, 1962

BE IT ENACTED by the President and the National Assembly in this present Parliament assembled as follows:—

### Section 1—Persons to be Registered.

(1) Subject to the provisions of subsection (2) of this section, there shall be registered in accordance with the provisions of this Act the following persons, that is to say,

(a) every individual having a place of business in Ghana who,

(i) carries on business under a business name which does not consist of his true surname without any addition other than his true first names or the initials thereof; or

(ii) has either before or after the commencement of this Act changed his name, except in the case of a woman in consequence of marriage;

(b) every company carrying on business in Ghana under a business name which does not consist of its corporate name without any addition.

(2) Registration shall not be necessary,

(a) where the addition referred to in subsection (1) of this section merely indicates that the business is carried on in succession to a former owner of the business;

(b) where the business is carried on by a receiver or manager appointed by a court of competent jurisdiction.

### Section 2—Manner and Particulars of Registration.

Every person required under this Act to be registered, shall furnish to the Registrar at his office a statement in writing in the prescribed form containing the following particulars, that is to say,

- (a) the business name;
- (b) the general nature of the business;
- (c) the principal place of the business;
- (d) all other places at which the business is carried on;
- (e) where the registration to be effected is that of an individual,
  - (i) his present first name and surname;
  - (ii) his nationality and, if that nationality is not the nationality of origin, his nationality of origin;
  - (iii) his usual residence and other business occupation, if any; and
  - (iv) whether he is under the age of twenty-one years at the date of furnishing the statement and, if so, his date of birth;
- (f) where the registration to be effected is that of a company, its corporate name and registered office;
- (g) the date of the commencement of the business.

#### Section 3—Statement to be Given by Person Registering.

The statement mentioned in section 2 of this Act shall be signed,

- (a) in the case of an individual, by the individual; and
- (b) in the case of a company, by a director or secretary thereof.

#### Section 4—Time for Registration.

The particulars referred to in section 2 of this Act shall be furnished within fourteen days after such person commences the business in respect of which registration is required.

#### Section 5—Refusal to Register and Cancellation of Registration.

- (1) The Registrar shall refuse to register the business name of any person if he has reason to believe that the business carried on or about to be carried on by that person is unlawful.
- (2) The Registrar may refuse to register the business name of any person if, in his opinion, such name is calculated to lead to the belief that the general nature of the business is other than that specified in the written statement furnished under section 2 of this Act, or is in any other respect misleading or undesirable.
- (3) Any person aggrieved by the refusal of the Registrar to register a business name under subsection (1) or (2) of this section, may, within twenty-one days of the receipt of a notification from the Registrar informing him of the refusal and the grounds therefor, appeal to the High Court whose decision thereon shall be final.
- (4) Where a business name registered under this Act is subsequently found to be misleading or undesirable by reason of a change in the nature of the business carried on, the Registrar may notify the person responsible for the registration of his intention to cancel the registration.
- (5) At the expiration of twenty-one days from the date of such notice or such longer period as the Registrar may allow, the Registrar shall cancel such registration unless within that time that person has lodged an appeal to the High Court against the Registrar's decision; and the decision of the High Court on any such appeal shall be final.

#### Section 5A—Annual Renewal of Registration.

- (1) Once in every year an individual or company registered under this Act shall deliver to the Registrar for registration a renewal notice in the prescribed form renewing the registration.
- (2) Without prejudice to any other liability prescribed by this Act, any registration which is not renewed in accordance with this section shall be deemed to have lapsed and the Registrar may remove from the register the business name of any person whose registration has so lapsed after the expiration of the period prescribed for such renewal.
- (3) In the case of every person registered between the 1st day of January and the 30th day of June in any year the renewal notice shall be delivered for registration within 28 days after the 1st day of January each year; and in the case of every person registered between the 1st day of July and the 31st day of December in any year the renewal notice shall be delivered for registration within 28 days after the 1st day of July each year.