

Business Registration (Amendment) Bill

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Bill No: 17/2002

Read the first time: 23rd May 2002

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Explanatory Statement

Expenditure of Public Money

Business Registration (Amendment) Bill

Bill No. 17/2002

Read the first time on 23rd May 2002.

An Act to amend the Business Registration Act (Chapter 32 of the 2001 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act may be cited as the Business Registration (Amendment) Act 2002 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Amendment of section 2

2. Section 2(1) of the Business Registration Act (referred to in this Act as the principal Act) is amended —

(a) by inserting, immediately after the definition of “corporation”, the following definition:

“ “document” means any application, form, report, certification,

notice, confirmation, declaration or other document to be filed or lodged with or submitted to the Registrar or, as the case may be, any certificate, notice or other document to be issued by the Registrar;” and

- (b) by inserting, immediately after the definition of “person responsible for the management of a business”, the following definition:

“ “prescribed person” means a person, or a person within a class of persons, prescribed by the Minister;”.

Amendment of section 5

3. Section 5 of the principal Act is amended —

- (a) by deleting the words “carrying on business in Singapore shall” in subsection (1) and substituting the words “shall, before carrying on business in Singapore;” and
- (b) by deleting subsection (2).

Amendment of section 6

4. Section 6 of the principal Act is amended —

- (a) by deleting the words “Every person who makes an application under section 5 for registration under this Act” in the 1st and 2nd lines of subsection (1) and substituting the words “In connection with an application under section 5 for registration under this Act, the appropriate person”; and
- (b) by deleting subsections (2), (3) and (4) and substituting the following subsections:

“(2) The Registrar may, in any particular case, require the statement referred to in subsection (1) to be verified in such manner as the Registrar may consider fit.

(3) The High Court may, on the 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.

(4) In this section, “appropriate person”, in relation to an application for registration, means —

- (a) where the registration to be effected is that of an individual, the individual;

- (b) where the registration to be effected is that of a corporation, a director or the secretary of the corporation or an agent of the corporation within the meaning of section 366(1) of the Companies Act (Cap. 50);
- (c) where the registration to be effected is that of a foreign firm, the manager of the foreign firm or the person having direct control of the management of the business of the foreign firm; or
- (d) where the registration to be effected is that of a firm (other than a foreign firm), every individual who is a partner of the firm, and a director or the secretary of every corporation which is a partner of the firm,

and includes a prescribed person authorised by a person referred to in paragraph (a), (b), (c) or (d), as the case may be.”.

Repeal of section 8

- 5. Section 8 of the principal Act is repealed.

Amendment of section 9

- 6. Section 9 of the principal Act is amended —

- (a) by deleting the words “certificate of registration” in subsection (2) and substituting the words “notice of registration”;
- (b) by deleting subsection (3) and substituting the following subsections:

“(3) The Registrar may, upon receipt of the application in the prescribed form of a person registered under subsection (1) and payment of the prescribed fee, issue to that person a certificate of confirmation of registration in such form as the Registrar may determine.

(3A) Every registration under this Act shall be valid for such period as the Registrar may specify and shall, subject to the provisions of this Act and upon payment of the prescribed fee, be renewable for such period as the Registrar may approve.”;

- (c) by deleting the words “a certificate of” in the 1st line of subsection (4);
- (d) by deleting the words “certificate of” in the penultimate line of subsection

- (4);
- (e) by deleting the words “certificate of” in subsection (5);
- (f) by deleting the words “The issue or renewal of a certificate of registration to” in the 1st line of subsection (6) and substituting the words “The registration or renewal of registration of”; and
- (g) by deleting subsection (7).

Amendment of section 10

7. Section 10 of the principal Act is amended by inserting, immediately after the words “section 6” in subsections (1) and (2), the words “or 12(1)”.

Repeal and re-enactment of section 11

8. Section 11 of the principal Act is repealed and the following section substituted therefor:

“Restrictions on registration of business names

11.—(1) Except with the consent of the Minister, the Registrar shall refuse to register a person under this Act to carry on business under a name which, or to allow a person to change the name under which he carries on business to one which, in the opinion of the Registrar —

- (a) is undesirable;
- (b) is identical to that of any corporation or to any other business name;
- (c) is identical to a name that is being reserved under this section or under section 27 of the Companies Act (Cap. 50); or
- (d) is a name of a kind that the Minister has directed the Registrar, by notification in the *Gazette*, not to accept for registration.

(2) A person may apply in the prescribed manner to the Registrar for the reservation of a name set out in the application as —

- (a) the name of an intended business; or
- (b) the new name of the registered business of the person.

(3) Upon receipt of an application under subsection (2) and payment of the prescribed fee, the Registrar may, if he is satisfied that the name to be reserved is not one which may be rejected on any ground referred to in subsection (1)(a), (b), (c) or (d), reserve the name for a period of 2 months from the date of lodgment of the application or such longer period as the Registrar may allow.