THE STATUTES OF THE REPUBLIC OF SINGAPORE

BUSINESS REGISTRATION ACT (CHAPTER 32)

Act 36 of 1973

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CHAPTER 32

Business Registration Act

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An Act to provide for the registration of persons carrying on business in Singapore and for matters incidental thereto.

[1st September 1974]

Part I

Preliminary

Short title. 1. This Act may be cited as the Business Registration Act.

- 2.—(1) In this Act, unless the context otherwise requires
 - "business" includes every form of trade, commerce, craftsmanship, calling, profession and any activity carried on for the purposes of gain but does not include any office, employment or occupation, or any of the businesses specified in the First Schedule;
 - "business name" means the name or style under which a person carries on business;
 - "certificate of registration" means a certificate issued under section 9;
 - "corporation" means a company registered under the Companies Act or under any corresponding previous legislation and includes any body corporate formed or incorporated outside Singapore and any branch or subsidiary thereof;
 - "firm" means an unincorporated 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

Cap. 50.

Interpretation. 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 Singapore;
- "individual" means a natural person and includes an administrator, executor, liquidator, trustee, nominee of any person, guardian and committee having a direct control or management of any business but does not include a corporation;
- "inspector" means a person authorised in writing by the Registrar to be an inspector for the purposes of this Act;
- "person" includes a corporation, firm, foreign firm and individual;
- "person responsible for the management of a business" includes every director, manager, partner, officer, individual, secretary, agent or employee at any time charged either solely or to a substantial extent with the management of a business;
- "register" means any register kept under or by virtue of the provisions of this Act or of any rules made thereunder;
- "Registrar" means the Registrar of Businesses appointed under section 3 and includes any Deputy Registrar or Assistant Registrar of Businesses appointed under that section.

(2) A person who has a place of business in Singapore shall be deemed to be carrying on business in Singapore for the purposes of this Act.

(3) Where a person carrying on business is required under this Act to do any act or thing, the person responsible for the management of the business for or on behalf of the first-mentioned person shall also be answerable for the doing of that act or thing.

3.—(1) The Minister may appoint a public officer by Appointname or office to be the Registrar of Businesses and may ments. also appoint from amongst public officers such Deputy Registrars and Assistant Registrars of Businesses as he may consider necessary for the purposes of this Act.

(2) The Registrar may, subject to such conditions or restrictions as he thinks fit, for the purposes of the administration of this Act delegate to any person all or any of the powers, functions and duties vested in him by this Act.

(3) The Registrar shall be responsible generally for the carrying out of the provisions of this Act and for the collection of the fees thereunder and shall pay all amounts collected in respect thereof into the Consolidated Fund.

Exemptions.

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4.—(1) This Act shall not apply to —

- (a) any individual or class of individuals carrying on any of the businesses specified in the First Schedule;
- (b) any statutory authority or other body established under any written law;
- (c) any institution, society or person specified in the First Schedule to the Income Tax Act;
- (d) any society registered under the Societies Act;
- (e) any society registered under the Co-operative Societies Act;
- (f) any mutual benefit organisation registered under the Mutual Benefit Organisations Act;
- (g) any person carrying on any business consisting solely of the exercise of any profession which under the provisions of any written law can be exercised only by those who possess certain qualifications prescribed by the written law and whose names are registered or otherwise recorded in the manner prescribed by any written law;
- (h) any charitable institution which is exempt from tax under section 13 (1) (g) of the Income Tax Act;
- (i) the Public Trustee or the Official Assignee of the property of a bankrupt;
- (j) any foreign company carrying on business in Singapore which is registered under the Companies Act and carries on the business under its corporate name without any addition; and
- (k) any other person or class of persons for the time being exempted by the Minister, by notification in the *Gazette*, from all the provisions of this Act.

Cap. 134.

- Cap. 311.
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Cap. 191.

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(2) This Act shall not apply to any company registered under the Companies Act or any previous legislation carry- Cap. 50. ing on business under a business name which consists of its corporate name without any addition.

PART II

REGISTRATION

5.-(1) Subject to the provisions of this Act, every Application person carrying on business in Singapore shall make an for registraapplication to the Registrar in the prescribed manner for registration under this Act.

(2) The application, referred to in subsection (1), shall be made before a person commences carrying on business.

(3) Notwithstanding this section, only one application for registration is required to be made where the same person or persons carry on business under the same business name.

6.—(1) Every person who makes an application under Manner and section 5 for registration under this Act shall send by post or particulars deliver to the Registrar a statement in writing in the tion. prescribed form containing the following particulars:

- (a) the business name;
- (b) the general nature of the business;
- (c) the principal place of business and any other place where the business is carried on;
- (d) the present name (including aliases, if any), any former name, the identity card number, the nationality and race, and the usual residence and the other business occupation (if any) of each of the persons responsible for the management of the business:
- (e) where the registration to be effected is that of a firm, the present name (including aliases, if any), any former name, the identity card number, the nationality and race and, if that nationality is not the nationality of origin, the nationality of origin, the usual residence and the other business occupation (if any) of each of the persons who are partners, and the corporate

name and registered or principal office of every corporation which is a partner;

- (f) where the registration to be effected is that of an individual, the present name (including aliases, if any), any former name, the identity card number, the nationality and race and, if that nationality is not the nationality of origin, the nationality of origin, the usual residence and the other business occupation (if any) of that individual;
- (g) where the registration to be effected is that of a corporation, its corporate name and registered or principal office and the names and nationalities of its directors, secretary and managers; and
- (h) if the business is commenced after the commencement of this Act, the date of the commencement of that business.

(2) Where a business or a share in a business is owned by a joint Hindu family or co-parcenary that business or share shall for the purposes of this Act be deemed to be owned by the karta or manager of that family or co-parcenary.

Registration by nominee.

as nominee or trustee of or for another person, or other persons, or acts as agent for any foreign firm for the general purposes of the business of that foreign firm in Singapore, the first-mentioned person shall, in addition to the particulars required by section 6, furnish the particulars mentioned in the Second Schedule.

7. Where a person carries on a business wholly or mainly

Statement to be signed by persons registering. 8.—(1) The statement required for the purposes of registration shall be signed —

- (a) where the registration to be effected is that of an individual, by the individual;
- (b) where the registration to be effected is that of a corporation, by a director or secretary thereof;
- (c) where the registration to be effected is that of a foreign firm, by the manager or person having direct control of the management of the business and the statement shall be verified by an affidavit made by the signatory; and

- (d) where the registration to be effected is that of a firm
 - (i) by the individuals who are partners and by a director or the secretary of every corporation which is a partner;
 - (ii) by some individual who is a partner; or
 - (iii) by a director or the secretary of a corporation which is a partner.

(2) Where the statement referred to in subsection (1) is signed in accordance with paragraph (d) (ii) or (iii) of that subsection, the statement shall be verified by an affidavit made by the signatory and if there are more than one signatory by an affidavit made by each of the signatories.

(3) No affidavit sworn in pursuance of subsection (2) 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 High 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.

9.—(1) On receiving the statement referred to in section Registra-6, the Registrar shall, subject to the provisions of this Act, ^{tion.} cause that statement, upon payment of the prescribed fee, to be entered in the register.

(2) The Registrar shall, after the registration of a person in accordance with subsection (1), issue and send by post or deliver a certificate of registration to that person and the certificate or a certified copy thereof shall be exhibited in a conspicuous place at the principal place of business of the person referred to therein and at every other place where that person carries on business.

(3) A certificate of registration issued under this section shall be valid for a period of one year from the date of issue and shall, subject to the provisions of this Act and upon payment of the prescribed fee, be renewed from year to year thereafter.

(4) On receiving an application for the renewal of a certificate of registration, the Registrar may require

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additional particulars or other information and may refuse to renew the certificate of registration if he is not furnished with those particulars or information.

(5) Nothing in this section shall be construed to require the Registrar to register any person or renew any certificate of registration if he is not satisfied with the particulars or other information furnished under the provisions of this Act.

(6) The issue of a certificate of registration to any person shall not be deemed to imply that the requirements of any law in relation to any business carried on by that person, or to the persons carrying on the business or employed therein, have been complied with.

Use of business names.

10.—(1) No person who is registered under the provisions of this Act shall carry on business under a name which has not been filed with the Registrar under section 6.

(2) Where a person registered under this Act carries on business under a name which has not been filed with the Registrar under section 6, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

(3) The registration of a name under which a person carries on business shall not be construed as authorising the use of that name if, apart from such registration, the use thereof could be prohibited.

Restriction on registration of similar business names. 11. Where the Registrar is satisfied that any person registered under this Act carries on business, or any person applying for registration under this Act intends to carry on business, under a name which -

- (a) is identical to that of any other corporation or the name under which another person carries on business;
- (b) so nearly resembles the name of any corporation or the name under which another person carries on business as to be calculated to mislead, except where such other corporation is in the course of being dissolved or wound up or such other person signifies its or his consent in such manner as the Registrar may require; or

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- (c) is, in the opinion of the Registrar, undesirable or is a name of a kind which the Minister has directed the Registrar not to accept for registration,

the Registrar may cancel his registration or refuse to register him, as the case may be, unless he changes the name within 6 weeks from the date the Registrar requested him to do so; and any person aggrieved by a decision of the Registrar may appeal to the Minister whose decision shall be final.

12.—(1) Whenever a change is made or occurs in any of Registration the particulars registered in respect of any person or of the of changes business carried on by him, that person shall, within 14 days after the change, or such further period as the Registrar may on application allow, furnish, by sending by post or by delivering to the Registrar, a statement in writing in the form and manner prescribed specifying the nature and date of the change, signed and verified in like manner as the statement required for the purposes of registration.

(2) Whenever a change is made or occurs in the membership of a firm registered under this Act, any person who ceases to be a member of the firm shall, within 14 days after he ceases to be a member, furnish, by sending by post or delivering to the Registrar, a statement in the prescribed form notifying the Registrar that he has ceased to be a member of the firm.

(3) Subsection (2) shall not be construed to affect the generality of subsection (1).

13.--(1) Where any person registered under this Act has Cessation of ceased to carry on business, he shall, within one month of business. the cessation, send by post or deliver to the Registrar a notice in the prescribed form notifying the Registrar that he has ceased to carry on business.

(2) Any person who' fails to comply with subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

(3) On receipt of the notice referred to in subsection (1), the Registrar may cancel the certificate of registration issued to that person and remove from the register the name under which he carries on business.

(4) Where the Registrar has reasonable cause to believe that any person registered under this Act is not carrying on

in particulars.

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business, he may send by registered post to that person a letter to the effect that if an answer showing cause to the contrary is not received within one month from the date thereof, the certificate of registration issued to that person may be cancelled and the name under which he carries on business removed from the register.

(5) If the Registrar either receives an answer from the person referred to in subsection (4) to the effect that he is not carrying on business, or does not within one month after sending the notice receive an answer showing cause to the contrary, he may cancel the certificate of registration issued to that person and remove from the register the name under which he carries on business.

(6) The Registrar shall, by notification in the Gazette, publish such particulars as he thinks fit in respect of any person the certificate of registration of which has been cancelled under this section.

14. Where it appears to the High Court, as a result of evidence adduced before it, that any particular recorded in a register is incorrect or that a misleading business name has been registered or that the use of a business name should be prohibited, the Court may, by order, direct the Registrar to rectify the register in the manner specified in the order and the Registrar shall, upon receipt of the order, rectify the register accordingly.

15.—(1) The Registrar shall have power at all times to rectify any mistake in order to bring the entry in the register relating to any person into conformity with the documents relating to that person furnished under this Act.

(2) On application made by all the parties who have signed any particulars relating to a person under this Act the Registrar may rectify any mistake in those particulars or in the record or note thereof made in the register.

Request for copy of certificate of registration, etc.

16.—(1) Any person may, upon payment of such fees as may be prescribed, require a copy of a certificate of registration issued to any person, or a copy of or an extract from any document filed with the Registrar, to be certified by the Registrar.

(2) Any copy or extract given under subsection (1), if duly certified to be a true copy or extract under the hand of

Rectification of register.

Rectification of mistakes.

the Registrar, shall be received as prima facie evidence in any proceedings without proof being given that the certificate was signed by the Registrar.

(3) A register shall not be open to inspection by the public.

17.—(1) Where a person required to be registered under Disability this Act —

of persons in default.

- (a) carries on business without a valid certificate of registration; or
- (b) fails to furnish any information required under section 12.

then the rights of the defaulter under or arising out of any contract, in relation to the business carried on by the defaulter in respect of which no valid certificate of registration is in force or there is non-compliance with section 12, made or entered into by or on behalf of the defaulter at any time while he is in default shall, subject to subsection (2), not be enforceable by action or other legal proceedings either in the business name or otherwise.

(2) A defaulter, referred to in subsection (1), 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 contract, on condition that the costs of the application are paid by the defaulter, unless the court otherwise orders, and on such other conditions (if any) as the court may impose; but that relief shall not be granted except on such service and 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 the provisions of this Act had been complied with, he would not have entered into the contract.

(3) This section shall not prejudice the rights of any other party as against the defaulter referred to in subsection (1) in respect of a contract mentioned in that subsection.

(4) If any action or proceedings shall be commenced by any other party against the defaulter referred to in subsection (1) to enforce the rights of a party in respect of that contract, this section shall not preclude the defaulter from enforcing in that action or proceedings, by way of counter-claim, set-off or otherwise, such rights as he may have against that party in respect of that contract.

(5) In this section, "court" means the High Court or a Judge thereof.

(6) Without prejudice to the powers of the court to grant the relief referred to in subsection (2), if any proceedings to enforce any contract is commenced by a defaulter referred to in subsection (1) in a District or Magistrate's Court, the District or Magistrate's Court may, as regards that contract, grant relief under this section.

Part III

MISCELLANEOUS 18. Any person who is aggrieved by the refusal of the

Appeal.

Inspection.

19.—(1) The Registrar may authorise in writing any public officer to be an inspector for the purposes of this Act.

Registrar to grant or renew a certificate of registration may appeal to the Minister whose decision shall be final.

(2) The Registrar or any inspector shall, for the purposes of ascertaining whether the provisions of this Act or of the regulations made thereunder are being complied with, have power at all reasonable times to enter into any premises at which he has reason to believe any person is carrying on business and there to make such examination and inquiry as may be necessary for those purposes.

(3) The Registrar and every inspector when exercising any power under this Act shall declare his office and shall produce his authority in writing to any person affected by the exercise of that power.

(4) Any person who fails to comply with a request made by or resists or obstructs the Registrar or an inspector in the performance of his duties under this Act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 6 months or to both.

(5) It shall not be an offence for any person to refuse to comply with any request made by the Registrar or an

inspector, or to resist or obstruct the Registrar or an inspector in the performance of any of his duties under this Act, if the Registrar or inspector fails to declare his office and to produce his authority in writing.

20. In order to obtain such information as the Registrar Power of may consider necessary for the purposes of carrying out the provisions of this Act or any regulations made thereunder further regarding any person the particulars of whom and of his information. business are required to be registered under this Act, the Registrar may require any person responsible for the management of his business to answer any question in writing which the Registrar may consider necessary to ask for the purposes aforesaid or may summon that person to appear before him or an inspector or any other public officer whom the Registrar may designate to answer any such question orally and the Registrar may further require that person to make such further declaration or supply such further particulars as the Registrar may require.

21. In any case in which any individual, or all the partners Business of any firm, or all the directors and the secretary of any carried on by local corporation required under this Act to be registered reside managers. outside Singapore, and the business of the individual, firm or corporation is carried on in Singapore in the name of the individual, firm or corporation by a local manager, the local manager shall be personally responsible for the discharge of all obligations attaching to the individual, firm or corporation under this Act; and in the case of any default in respect of any such obligation, the local manager shall be subject to the same responsibilities, liabilities and penalties as the individual in whose name he carries on the business, or as a partner in the firm, or as a director or secretary of the corporation, as the case may be, and all the penal and other provisions of this Act shall be construed accordingly.

22.—(1) Any person who, being an undischarged bank- Restrictions rupt, directly or indirectly takes part in or is concerned in on undisthe management of any business carried on by any person bankrupt required to be registered under this Act, without the leave of the High Court, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 2 years or to both.

Registrar to obtain

charged

being manager. (2) Subsection (1) shall not apply to a person who, being an undischarged bankrupt, has taken part in or has been concerned in the management of a business carried on by a person required to be registered under this Act immediately prior to the date of the commencement of this Act and has continuously so taken part or has been concerned since that date and he was adjudged bankrupt prior to that date.

(3) The leave of the High Court for the purposes of this section shall not be given unless notice of intention to apply therefor has been served on the Official Assignee.

Offences.

23. Any person who —

- (a) being a person required to be registered under this Act carries on business without having obtained a certificate of registration or continues to carry on business after the expiry or cancellation of a certificate of registration;
- (b) fails to submit any change of particulars which is required to be submitted to the Registrar under section 12;
- (c) without lawful excuse fails to comply with any summons or requisition of the Registrar under section 20;
- (d) makes any statement or furnishes any information to the Registrar under the provisions of this Act or any regulations made thereunder, whether such statement is oral or in writing, which is false in any material particular or by reason of the omission of any material particular and which he either knows or has reason to believe is false;
- (e) being a person registered under this Act carries on business without exhibiting a valid certificate of registration or a certified copy thereof in a conspicuous place at the principal place of business of the person referred to in the certificate and at every place where that person carries on business; or
- (f) fails to comply with any of the regulations made under this Act,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 6 months or to both.

24.-(1) The Registrar may, in his discretion, compound Power to any such offence under this Act or any regulations made compound offences. thereunder as may be prescribed as being an offence which may be compounded by collecting from a person reasonably suspected of having committed the offence a sum of money not exceeding \$500.

(2) On payment of such sum of money, no further proceedings shall be taken against that person in respect of the offence.

(3) The Minister may make regulations to prescribe the offences which may be compounded and the method and procedure by which those offences may be compounded under this section.

25. All officers and inspectors appointed under this Act Officers and shall be deemed to be public servants within the meaning of inspectors the Penal Code.

deemed to be public servants. Cap. 224.

26. The Registrar may, if in his opinion it is no longer Destruction, necessary or desirable to retain any document, destroy or etc., of old records. give to the National Archives and Records Centre, after giving one month's notice in the Gazette of his intention to do so, any document which has been lodged, filed or registered for not less than 7 years.

27.--(1) If any person, having made default in complying Enforcewith –

- (a) any provision of this Act or of any other law which make requires the lodging or filing in any manner with the Registrar of any return, account or other document or the giving of notice to him of any matter; or
- (b) any request of the Registrar to amend or complete and resubmit any document or to submit a fresh document.

fails to make good the default within 14 days after the service on the person of a notice requiring it to be done, a District or Magistrate's Court may, on application by the Registrar, make an order directing that person, or if that person is a corporation any officer thereof, to make good the default within such time as is specified in the order.

ment of duty to returns.

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(2) Any such order may provide that all the costs of and incidental to the application shall be borne by that person or by any officer of the corporation responsible for the default if that person is a corporation.

(3) Nothing in this section shall limit the operation of any other provision of this Act or any written law imposing penalties on that person including an officer of a corporation if that person is a corporation in respect of any such default as aforesaid.

28.—(1) Where an offence under this Act is committed by a corporation or other body corporate and the offence is proved to have been committed with the consent or connivance of, or to have been facilitated by any neglect on the part of, any director, chairman, manager, secretary or other officer of the corporation or other body corporate he, as well as the corporation or body corporate, shall be deemed to be guilty of the offence and shall be liable to be punished accordingly.

(2) Whenever any agent or employee in the course of his employment does or omits to do any act, the doing of which or omission to do which by his principal or employer would be an offence under this Act that agent or employee shall be guilty of that offence.

(3) Any person who would have been guilty of an offence if anything had been done or omitted to be done by him personally shall be guilty of that offence and shall be liable to the same penalty if that thing had been done or omitted to be done by his partner, agent or employee in the course of the partnership business or in the course of his employment, as the case may be, unless he proves to the satisfaction of the court that the offence was committed without his knowledge or consent and that he took all reasonable precautions to prevent the doing of or omission to do that thing.

(4) This section shall be in addition to and not in derogation of any other provisions of this Act.

Government and its employees not liable to suit. **29.**—(1) Neither the Registrar nor any public officer or clerk, servant or employee of the Government shall be under any liability in respect of any error or inaccuracy in a register or in respect of any error or inaccuracy (whether in the copying or otherwise) in any certificate, certified

extract, copy or other document made or issued under this Act or any regulations made thereunder and no court shall entertain any suit or other proceedings or damages in respect of any such matter.

(2) Notwithstanding anything to the contrary in any written law, the Government shall not be under any liability or be liable to be sued in respect of any of the matters referred to in subsection (1).

30. Nothing in this Act shall be construed to require the Persons Registrar to register a person who carries on any business carrying on unlawful which is unlawful and in the case of a person registered business. under this Act who carries on any business which is unlawful the Registrar shall cancel his registration; and any person aggrieved by the decision of the Registrar may appeal to the Minister whose decision shall be final.

31. Any notice, written communication, certificate or Service of other document required to be given or served under the notices. provisions of this Act shall be deemed to have been duly given or served if posted by the Registrar to the registered principal place of business of the person to whom it is addressed.

32.-(1) The Minister may from time to time make Power to regulations for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the powers conferred by subsection (1), such regulations may prescribe —

(a) the powers and duties of the Registrar;

- (b) the form of registers to be kept and the places at which the registers are to be kept;
- (c) restrictions as to the business name which may be used by a person registered under this Act;
- (d) the fees to be charged in respect of anything done under or by virtue of this Act; and
- (e) the persons or classes of persons who are to be exempted from the payment of any fee or part thereof.

33. Nothing in this Act shall be so construed as to limit or saving for in any way affect any other written law. other

written law.

make regulations.

FIRST SCHEDULE

1. Any business of a licensed hawker, whether itinerant or otherwise, who sells or exposes for sale any food, drink, goods, wares or merchandise of any kind whatsoever, or who offers for hire his skill in handicraft or craftsmanship.

- 2. Any business of a craftsman who ---
 - (a) exercises his craft on his own domestic premises;
 - (b) does not display the products of his craftsmanship for sale in public; and
 - (c) does not employ any person other than members of his immediate family for the purpose of his business.
- 3. Any business of
 - (a) a taxi driver;
 - (b) a trishaw rider;
 - (c) a sampan man plying his sampan for hire; or
 - (d) a farmer, a fish pond keeper or a prawn pond keeper who --
 - (i) does not employ any person other than members of his immediate family;
 - (ii) does not own the land on which his farm or pond stands; and
 - (iii) does not charge members of the public any fee for admission.

SECOND SCHEDULE

Section 7.

Description of person

The additional particulars

1. Where the person carries on business as nominee or trustee of another person

2. Where the person carries on business as agent for any foreign firm for the general purposes of the business of such foreign firm in Singapore

The present full name, any former name, nationality, and, if that nationality is not the nationality of origin, the nationality of origin and usual residence, or, as the case may be, the corporate name, of every person on whose behalf the business is carried on and the general nature of that business except where 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.

The business name and address of the foreign firm for whom the business is carried on and the general nature of that business except where the business is carried on as agent for 3 or more foreign firms, it shall be sufficient to state the fact that the business is so carried on, specifying the firms and the countries in which those firms carry on business.

Section 2.