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BUSINESS NAMES REGISTRATION ACT 2014 (ACT 29 OF 2014)

BUSINESS NAMES REGISTRATION REGULATIONS 2015

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In exercise of the powers conferred by section 43 of the Business Names Registration Act 2014, the Minister for Finance makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Business Names Registration Regulations 2015 and come into operation on 3 January 2016.

Definitions

2. In these Regulations —

“electronic transaction form” means a form on the electronic transaction system provided by the Registrar for the purpose of carrying out a transaction with the Registrar;

“electronic transaction system” means the electronic transaction system established by the Authority under section 28B(1) of the Accounting and Corporate Regulatory Authority Act (Cap. 2A).

Requirement to use electronic transaction system

3.—(1) Except as provided in paragraph (2) or as the Registrar otherwise requires or permits, any transaction with the Registrar under the Act must be carried out using the electronic transaction system on the electronic transaction form provided for that purpose.

(2) If a transaction with the Registrar referred to in paragraph (1) cannot be carried out using the electronic transaction system, the person seeking to carry out the transaction must carry out the transaction with the Registrar in such other form and manner as the Registrar may determine.

(3) The Registrar may refuse to process a transaction with the Registrar if the person seeking to carry out the transaction —

- (a) does not comply with paragraph (1) or (2);
- (b) does not comply with regulation 4, 5 or 6;
- (c) being required to complete an electronic transaction form, or other form, provided by the Registrar for that purpose, fails to properly complete the form in accordance with the instructions contained in the form;
- (d) being required to attach any document to, or provide any information required in, an electronic transaction form, or other form, provided by the Registrar for that purpose, fails to attach the document or provide the information, as the case may be; or
- (e) fails to pay the fee prescribed for the transaction.

(4) To avoid doubt, a reference to a refusal to process a transaction with the Registrar in paragraph (3) includes, where the transaction relates to the filing or lodging of a document with the Registrar, a refusal to accept the document for filing or lodgment.

Translations of document

4.—(1) Where a document required to be filed or lodged with the Registrar is not in the English language, that document must be filed or lodged together with a certified translation of the document in the English language.

(2) The Registrar may, before accepting a translation for filing or lodgment, require the person filing or lodging the translation to furnish to the Registrar such evidence as the Registrar thinks sufficient of the ability of the person by whom the translation is made to make the translation.

(3) In paragraph (1), “certified translation” means a translation that is certified to be a correct translation in the English language by a person approved by the Registrar.

Identification documents

5. The Registrar may require the production of the identity card or the passport, or such other identification documents as may be acceptable to the Registrar, for the verification of the identity of any person who carries out any transaction with the Registrar or whose particulars are to be registered under the Act.

Endorsements

6. Where an electronic transaction form is required to be endorsed by more than one person —

(a) such endorsements must be made —

- (i) if the endorsement is made in respect of registration, within 60 days after the date on which the Registrar informs the applicant that the electronic transaction form is required to be endorsed; or

- (ii) if the endorsement is made in respect of any other matter, within 14 days after the date on which the electronic transaction form is first submitted; and
- (b) payment of the prescribed fee for the transaction with the Registrar to which the electronic transaction form relates must be made by the last person endorsing the electronic transaction.

Business name to be printed on business documents

7.—(1) A person who is registered under the Act must ensure that the invoices and official correspondence used for the purposes of the person's business bear the registered business name and number.

(2) Any person who contravenes paragraph (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

Registration by nominee or trustee

8. For the purposes of section 7(1) of the Act, a person who or which carries on a business wholly or mainly as nominee or trustee of or for another person, for the general purposes of the business in Singapore, must provide the following particulars:

- (a) if the nominee or trustee is a corporation —
 - (i) the date of appointment of the nominee or trustee;
 - (ii) the name, address and unique identity number, if any, of the nominee or trustee; and
 - (iii) whether the beneficiary is an individual, a corporation, class of children or class of other persons, the description of class (if applicable);
- (b) if the nominee or trustee is an individual —
 - (i) the date of appointment of the nominee or trustee;
 - (ii) the name, address, nationality, date of birth, identification type and number of the nominee or trustee;

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- (iii) the contact information and email address of the nominee or trustee; and
 - (iv) whether the beneficiary is an individual, a corporation, class of children or class of other persons;
- (c) where the beneficiary is an individual, the name, address and nationality;
- (d) where the beneficiary is a corporation, the name of the corporation, address and nature of business of the corporation;
- (e) where the beneficiary is a class of children or a class of other persons, a description of the class.

Appeal to Minister

9. Any appeal under section 8(7), 12(4), 16(5) or 17(9) of the Act to the Minister must —

- (a) be in writing and addressed to the Minister;
- (b) state the type of notice or the decision of the Registrar in respect of which the appeal is brought;
- (c) specify the grounds on which the appeal is brought; and
- (d) be accompanied by such documentary evidence as the Minister considers necessary.

Prescribed departments or Ministries of Government, etc., under section 27(1)(b)(ii) of Act

10. The departments or Ministries of the Government, statutory bodies and bodies corporate prescribed for the purposes of section 27(1)(b)(ii) of the Act are —

- (a) the Department of Statistics, Ministry of Trade and Industry;
- (b) the Ministry of Home Affairs;
- (c) the Ministry of Manpower; and
- (d) Singapore Post Limited.

Prescribed circumstances under section 27(2) of Act

11. The Registrar need not give the written notice referred to in section 27(2) of the Act before the Registrar rectifies or updates the register under section 27(1) of the Act if —

- (a) the conflict is between the particulars of the registered business or person in a register, and —
 - (i) the Singapore Standard Industrial Classification obtained from the Department of Statistics, Ministry of Trade and Industry;
 - (ii) the particulars (including residential address) of the person registered under the National Registration Act (Cap. 201) obtained from the Ministry of Home Affairs;
 - (iii) the foreign identification number of a foreigner obtained from the Ministry of Manpower; or
 - (iv) the building name, postal code or street name of a property obtained from Singapore Post Limited; and
- (b) the Registrar is satisfied that the effort involved in giving the written notice referred to in section 27(2) of the Act would be excessive, having regard to the likelihood that the registered business or person whose particulars are to be rectified or updated would object to the rectification or updating.

Fees and penalties

12.—(1) The fees specified in the First Schedule are payable to the Registrar.

(2) Where any person fails to comply with the time delimited by the Act for the filing or lodgment of a document, the penalty specified in the Second Schedule for late filing or lodgment must be paid in addition to the prescribed fee for the filing or lodgment of the document.

(3) The Registrar may for any reason waive, refund or remit, whether wholly or in part, any fee specified in the First Schedule or any penalty specified in the Second Schedule.

(4) Payment of fees and penalties under these Regulations must be made in such manner as directed by the Registrar.

(5) Despite paragraph (3), no fee paid is refundable in respect of —

- (a) any registration ceased or cancelled under the provisions of the Act; or
- (b) the withdrawal of any application or appeal.

Revocation

13. The Business Registration Regulations (Cap. 32, Rg 1) are revoked.

Transitional provision

14. Despite the revocation of the Business Registration Regulations (Cap. 32, Rg 1), any act, matter or thing that was done under or for the purposes of the revoked Business Registration Regulations are to be taken to have been done for the purposes of and have effect as if it had been made or done under the corresponding provisions of these Regulations.

FIRST SCHEDULE

Regulation 12(1) and (3)

FEES

1. Application for registration under section 6 of the Act \$100
2. Application to reserve a proposed registered business name under section 16(1) of the Act \$15
3. Application to change a registered business name under section 18(1) of the Act \$15
4. Application to the Registrar to direct another person to change his or her registered business name under section 17(6) of the Act \$200

FIRST SCHEDULE — *continued*

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|---|--------------------------------|
| 5. Application for renewal of registration under section 8(3) of the Act | \$30 per annum |
| 6. Lodgment of a notice of error under section 26(1) of the Act | \$60 |
| 7. Application for a certificate of confirmation of the registration of the person and the person's business name under section 8(2) of the Act | \$50 |
| 8. For supplying under section 28(1) of the Act, without any attachment — | \$11 per copy or extract |
| (a) a copy of notice of registration; or | |
| (b) a copy of or an extract from any document filed with the Registrar | |
| 9. For supplying under section 28(1) of the Act, with any attachment — | \$26 per copy or extract |
| (a) a copy of notice of registration; or | |
| (b) a copy of or an extract from any document filed with the Registrar | |
| 10. Certification under section 28(1) of the Act of a copy of notice of registration, or a copy of or an extract from any document filed or lodged with the Registrar | \$1 per page or part of a page |
| 11. Application to maintain alternate address under section 30(4) of the Act | \$40 |

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SECOND SCHEDULE

Regulation 12(2) and (3)

PENALTIES FOR LATE LODGMENT OF ANY DOCUMENT (INCLUDING LATE APPLICATION FOR RENEWAL OF REGISTRATION)

<i>Length of Default (calculated in terms of days after the date on which document was required to be lodged)</i>	<i>Late lodgment penalty</i>
1. Up to 30 days	\$10
2. 31 days to 60 days	\$25
3. 61 days to 90 days	\$50

SECOND SCHEDULE — *continued*

4. 91 days to 180 days	\$75
5. 181 days to 365 days	\$100
6. 366 days to 730 days	\$150
7. 731 days to 1095 days	\$200
8. Exceeding 1095 days	\$250

Made on 21 December 2015.

LIM SOO HOON
Permanent Secretary
(Finance) (Performance),
Ministry of Finance,
Singapore.

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