

Rules made under s. 19

## BUSINESS NAMES RULES

(1918.10.29)

29.10.1918

Amending enactments	Relevant current provisions	Commencement date
rules of 13.2.1958		
L.N.s 1971/008	r. 9 and Sch.	
1971/050	r. 9	
1985/038	r. 9	1.4.1985
1989/020	r. 9	1.4.1989
1993/076	Sch.	1.5.1993
2001/073	r.9(3)	28.6.2001
2001/106	r.9	23.8.2001
Act. 2007-17	rr. 2, 4, 5, 6, 7, 8, 9, Form 3, Form 3a, Form 3b, Form 6	14.6.2007
L.N. 2013/131	r.9	1.1.2014

**1918-21**

## Business Names Registration

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**Subsidiary  
1918.10.29**

### **BUSINESS NAMES RULES.**

#### **ARRANGEMENT OF RULES.**

Rule

1. Title.
2. Notice of refusal to register, etc.
3. Removal from register.
4. Time to appeal.
5. Notice of appeal.
6. Hearing of appeal.
7. Decision.
8. Enlargement of time.
9. Fees.
10. Forms.

#### **SCHEDULE.**

Forms.

### **Title.**

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

### **Notice of refusal to register, etc.**

2. Where the Registrar, pursuant to section 16(1) of the Act, decides to refuse to register any business name or to remove any business name from the register, he shall send by post to the firm or individual applying for registration or registered, as the case may be, in respect of such business name, a notice in writing of such decision and such notice shall contain a statement that any person aggrieved by such decision may appeal to the Minister responsible for finance within twenty-one days of such notice.

### **Removal from register.**

3. If within twenty-one days from the date of the notice of a decision of the Registrar as in rule 2 mentioned, no notice of appeal from such decision is received by the Registrar, or if on appeal such decision of the Registrar is upheld, the Registrar shall remove such business name from the register in accordance with his decision.

### **Time to appeal.**

4. Any person intending to appeal to the Minister responsible for finance 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 such decision, send by post or deliver to the Registrar a notice of appeal in the Form R.B.N. 6 set out in the Schedule. Such notice shall be accompanied by a statement of the grounds of appeal and of the appellant's case in support thereof.

### **Notice of appeal.**

5. 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 Registrar's notice shall at the same time be delivered by the appellant to the Minister responsible for finance.

### **Hearing of appeal.**

6. Upon receipt of such documents the Minister responsible for finance shall, if the appellant states in his notice of appeal that he desires to be heard, fix a time and date for such hearing and shall appoint a committee of not more than three persons to hear the appellant and the Registrar and the committee shall make a report in writing to the Minister responsible for finance for his final decision. If the appellant does not attend or is not

**BUSINESS NAMES RULES.**

represented on and during the hearing he may be treated as not desiring to be heard and the Minister responsible for finance may proceed to the decision. The hearing may be postponed or adjourned by the Minister responsible for finance or the committee.

**Decision.**

7. The decision of the Minister responsible for finance shall be communicated to the appellant in writing.

**Enlargement of time.**

8. The time prescribed in these rules for doing any act thereunder by or to the Registrar, or by or to the Minister responsible for finance may be enlarged by the Minister responsible for finance upon such terms as the Minister responsible for finance may direct, and such enlargement may be granted though the time has expired for doing such act.

**Fees.**

9. The fees to be paid to the Registrar under the Act are as follows—

- |     |  |        |
|-----|--|--------|
| (a) | Registration   |        |
|     | On a statement of particulars required by section 5 of the Act (to include the issue of one certificate of registration)   | £20.00 |
| (b) | Changes  |        |
|     | On any additional particulars required under section 5 or any change under section 8 (to include the issue of one certificate of registration of such statement) | £15.00 |
| (c) | On any appeal to the Minister responsible for finance from a decision of the Registrar   | £30.00 |
| (d) | Lodging of Annual Return   | £15.00 |
| (e) | Lodging of late Annual Return or substitution of an Annual Return after the due date for filing of that return   | £30.00 |
| (f) | Notice of cessation  | £15.00 |

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## BUSINESS NAMES RULES.

**Subsidiary  
1918.10.29**

- (g) Lodging any document required to be delivered to the Registrar or registered by him (except where otherwise specified) or to lodge a substitute document for a document lodged or filed in the Register (other than an Annual Return) £10.00
  
- (h) Inspection of documents
  - (i) Personal search £10.00
  - (ii) Certified copy of Certificate £5.00
  - (iii) Certified copy of any document, per page £0.50
  - (iv) Copy of any document, per page £0.25

### **Forms.**

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

Section 3 (b) & (c).

**FORM R.B.N. 1.**—*Application for Registration by an Individual.*

No. of  
Certificate.

NOTE.—£2.50 in stamps must be affixed in the space provided and the statement must then be sent or delivered to the Registrar of Business Names, at the office of the Registry.

£2.50 in  
stamps to be  
affixed here.

I, the undersigned, hereby apply for registration pursuant to the provisions of the Business Names Registration Act, and for that purpose furnish the following statement of particulars.

	(1) The business name.	
	(2) The general nature of the business.	
(See Note B).	(3) The principal place of the business.	
(See Note C).	(4) The present fore name (or names) and surname of the individual.	
	(5) Any former fore name (or names) or surname of the individual.	
	(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.	
	(11) Any other business name or names under which the business is carried on.	

Dated this      day of                      , 20      .

(Signature)

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**BUSINESS NAMES RULES.****Subsidiary  
1918.10.29**

NOTE A.—This statement must in all cases be signed by the individual applying for registration, and must be sent by post or delivered to the Registrar within fourteen days of commencing to carry on such business.

(See Note A).

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 £5 for every day during which the default continues. 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 imprisonment for three months and to a fine of £20.

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 R.B.N. 2 must also be furnished on such form and sent by post or delivered to the Registrar in manner and within the time before specified.

NOTE B.—Section 2(1) and (2) of the Act provide that a fore name includes any forename and that in the case of a peer or person usually known by a British title different from his surname, the title by which he is known shall be substituted in the Act for his surname.

NOTE C.—Section 2(3) of the Act provides that reference in the Act to a former fore name or surname shall not, in the case of natural-born British subjects, include a former fore 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.







**BUSINESS NAMES RULES.**

known by a British title different from his surname, the title by which he is known shall be substituted for his surname.

NOTE C.—Section 2(3) of the Act provides that references in the Act to a former fore name or surname shall not, in the case of natural-born British subjects, include a former fore 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 R.B.N. 1b.** – *Application for Registration by a Corporation carrying on the business wholly or mainly as nominee or trustee, etc., or acting as general agent for any foreign firm*

Section 4.

No. of Certificate.
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NOTE.—£2.50 in stamps must be affixed in the space provided and the statement must be sent or delivered to the Registrar of Business Names, at the office of the Registry.

£2.50 in stamps to be affixed here.
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(*Insert name of corporation*) hereby applies for registration under the provisions of the Business Names Registration 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.	
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.	



**Subsidiary  
1918.10.29**

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 £5 for every day during which the default continues, and where a corporation is guilty of an offence against the 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 imprisonment for three months and to a fine of £20.

NOTE B.—Section 2(1) and (2) of the Act provide that a fore name includes any forename and that in the case of a peer or a person usually known by a British title different from his surname, the title by which he is known shall be substituted for his surname.

NOTE C.—Section 2(3) of the Act provides that references in the Act to a former fore name or surname shall not, in the case of natural-born British subjects, include a former fore 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.

# Business Names Registration

**1918-21**

## BUSINESS NAMES RULES.

**Subsidiary  
1918.10.29**

**FORM R.B.N. 2.**— *Statement of Additional Particulars to be furnished by an individual.*

Section 4.

No of Certificate.
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A.—Where an individual having a place of business within Gibraltar 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.

(See Note B).

	1	2	3	4	5	6	7
1.—The present fore 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 in whose behalf the business is carried on.							
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 beneficiaries.							

(See Note C).

B.—Where any individual having a place of business within Gibraltar 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.							
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If the business is carried on as agent for three or more foreign firms, it is

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**BUSINESS NAMES RULES.**

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sufficient to state the fact that the business is so carried on, specifying the countries in which such foreign firms carry on business.

\* "Foreign firm" means any firm, individual or corporation whose principal place of business is situated outside Her Majesty's dominions.

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(See Note A)

Dated this                      20                      .  
Signature.

NOTE A.—This statement must in all cases be signed by the individual applying for registration, and must be sent by post or delivered to the Registrar within fourteen days of commencing to carry on such business. Where the individual is only under liability to furnish one set of these additional particulars he should strike out the other set.

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 £5 for every day during which the default continues. 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 imprisonment for three months and to a fine of £20.

NOTE B.—Section 2(1) and (2) of the Act provide that a fore name includes any forename and that in the case of a peer or a person usually known by a British title different from his surname, the title by which he is known shall be substituted for his surname.

NOTE C.—Section 2(3) of the Act provides that references in the Act to a former fore name or surname shall not, in the case of natural-born British subjects include a former fore 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.



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**BUSINESS NAMES RULES.**

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Signatures.

Dated this                      day of    20    .    (*See Note A*).

NOTE A.—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) (i) by some individual who is a partner; or
- (ii) by a director or the secretary of some corporation which is a partner,

and in either of the cases (b)(i) and (ii) must be verified by statutory declaration made by the signatory.

This statement, when signed, must be sent by post or delivered to the Registrar within fourteen days of commencing to carry on such business, and where the signature of the statement is required to be verified by statutory declaration, the statutory declaration must be sent or delivered with the statement.

Where the firm is only under liability to furnish one set of these additional particulars, the other set should be struck out.

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 £5 for every day during which the default continues. 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 imprisonment for three months and to a fine of £20.

NOTE B.—Section 2(1) and (2) of the Act provide that a fore name includes any forename and that in the case of a peer or person usually known by a British title different from his surname, the title by which he is known shall be substituted for his surname.

NOTE C.—Section 2(3) of the Act provides that references in the Act to a former fore name or surname shall not, in the case of natural-born British subjects, include a former fore 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,



# Business Names Registration

1918-21

## BUSINESS NAMES RULES.

shall not include the name or surname by which she was known previous to the marriage.

Subsidiary  
1918.10.29

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### FORM R.B.N. 3.— *Statement of Change in the Particulars registered by an Individual.*

Section 8.

No. of Certificate.
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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<sup>\*</sup>

Dated this                      day of                      , 20                      .

Signature

NOTE A.—This statement must be signed by the individual, and, when signed, must be sent by post or delivered to the Registrar within fourteen days after any change in any of the particulars registered or within such longer period as the Minister responsible for finance 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 time specified will, in addition to any disability imposed by the Act, entail liability on conviction to a fine of £5 for every day during which the default continues. 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 imprisonment for three months and to a fine of £20.

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<sup>\*</sup> <sup>\*</sup> *Here insert business name of individual. Here insert nature and date of change.*  
( See Note A ).

**FORM R.B.N. 3a.**— *Statement of Change in the Particulars registered by a Firm.*

Section 8.

No. of Certificate.
---------------------

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\*

Dated this                      day of                      , 20     .

Signature

NOTE A.—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) (i) by some individual who is a partner; or
- (ii) by a director or the secretary of some corporation which is a partner,

and in either cases (b) (i) and (ii) must be verified by a statutory declaration made by the signatory.

This statement, when signed, must be sent by post or delivered to the Registrar within fourteen days after any change in any of the particulars registered or within such longer period as the Minister responsible for finance 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 £5 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 imprisonment for three months and to a fine of £20.

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\* Here insert business name of firm. Here insert nature and date of change.  
( See Note A ).

# Business Names Registration

1918-21

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## BUSINESS NAMES RULES.

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Subsidiary  
1918.10.29

**FORM R. B. N. 3b.**—*Statement of Change in the Particulars registered by a Corporation.*

Section 8.

No. of Certificate.
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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\*

Dated this                      day of                      , 20                      .

Signature

NOTE A.—This statement must be signed by a director or the secretary of the corporation and, when signed, must be sent by post or delivered to the Registrar within fourteen days after any change in any of the particulars registered, or within such longer period as the Minister responsible for finance 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 £5 for every day during which the default continues, and every director, secretary or officer of the corporation who is knowingly a 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 imprisonment for three months and to a fine of £20.

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\* *Here insert business name of corporation. Here insert nature and date of change.*  
( See Note A ).

**FORM R.B. N. 4.**—*Notice of Cessation of business by a registered Firm or Individual.*

Section 15.

No. of Certificate.

Notice is hereby given that\* of , ceased to carry on business on the day of , 20 .

Dated this day of , 20 .

Signature or }  
Signatures }

To

The Registrar of Business Names, at the office of the Registry.

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 sent by post or delivered to the Registrar within three 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 £20.

\* *Insert name and address of firm or individual as the case may be.*

# Business Names Registration

1918-21

## BUSINESS NAMES RULES.

Subsidiary  
1918.10.29

### FORM R. B. N. 5.—*Form of Certificate.*

Section 13.

No. of Certificate.
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### BUSINESS NAMES (REGISTRATION) 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 \_\_\_\_ .

(Signed)  
Registrar of Business Names.

\_\_\_\_\_

### FORM R. B. N. 6.—*Form of Appeal from the decision of the Registrar.*

Section 16(1)

I (We) (a) \_\_\_\_\_ of (a) \_\_\_\_\_, hereby give (a) *Insert full name and address of appellant.*  
notice of appeal to the Minister responsible for finance from the decision of the Registrar of the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ . whereby he decided (b). (b) *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 responsible for finance. (c) *Strike out if not so desired.*

(c) I (We) desire to be heard on this appeal.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ .

(Signed)

To the Registrar of Business Names, at the office of the Registry.

