

CHAPTER 249

REGISTRATION OF BUSINESS NAMES

*Ordinances Nos. 8 of 1923, 2 of 1945, 22 of 1962,  
5 of 1965, 37 of 1966*

AN ACT TO PROVIDE FOR THE REGISTRATION OF FIRMS AND  
PERSONS CARRYING ON BUSINESS UNDER BUSINESS NAMES AND  
FOR PURPOSES CONNECTED THEREWITH.

[29th November, 1923.]

*Short title*

1. This Act may be cited as the Registration of Business Names Act.

*Interpretation*

2. In this Act, unless the context otherwise requires—  
“business name” means the name or style under which any business is carried on whether in partnership or otherwise;  
“Christian name” includes any forename;  
“firm” means an unincorporate 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 another with a view to carrying on business for profit;  
“individual” means a natural person and does not include a corporation;  
“initials” includes any recognized abbreviation of a Christian name;  
“prescribed” means prescribed by regulations made in pursuance of this Act;  
“Registrar” means the Administrator-General.

*Firms and persons to be registered*

3. Subject to the provisions of this Act—
  - (a) every firm having a place of business in Fiji and carrying on business under a business name which does not consist of the true surnames of all partners who are individuals and the corporate names of all partners who are corporations without any addition other than the true Christian names of individual partners or initials of such Christian names;
  - (b) every individual having a place of business in Fiji and carrying on business under a business name which does not consist of his true surname without any addition other than his true Christian names or the initials thereof;
  - (c) every individual or firm having a place of business in Fiji who or a member of which has either before or after the commencement of this Act changed his name except in the case of a woman in consequence of marriage;

(d) every company as defined in the Companies Act carrying on business under a business name which does not consist of its corporate name without any addition, (Cap. 247.)  
shall be registered in the manner directed by this Act:

Provided that—

- (i) where the business is carried on by a trustee in bankruptcy or a receiver or manager appointed by any court registration shall not be necessary; and
- (ii) a purchase or acquisition of property by two or more persons as joint tenants or tenants in common is not of itself to be deemed carrying on a business whether or not the owners share any profits arising from the sale thereof. (Section amended by 5 of 1965, s. 2.)

*Manner and particulars of registration*

4.—(1) Every firm or person required under this Act to be registered shall furnish by sending by post or delivering to the Registrar a statement in writing in the prescribed form containing the following particulars:—

- (a) the business name;
- (b) the general nature of the business;
- (c) the principal place of business;
- (d) where the registration to be effected is that of a firm, the present Christian name and surname, any former Christian name or surname, the nationality 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 individuals who are partners, and the corporate name and registered or principal office of every corporation which is a partner;
- (e) where the registration to be effected is that of an individual, the present Christian name and surname, any former Christian name or surname, the nationality 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 such individual;
- (f) if the business is commenced after the commencement of this Act, the date of the commencement of the business.

(2) Where a business is carried on under two or more business names each of those business names must be stated.

*Statement to be signed by persons registering*

5. The statement required for the purpose of registration must in the case of an individual be signed by him and in the case of a firm either by all the individuals who are partners and by a director or the secretary of all corporations which are partners or by some individual who is a partner or a director or the secretary of some corporation which is a partner, and in either of the last two cases must be verified by statutory declaration made by the signatory:

Provided that no statutory declaration 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 that the Supreme 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.

*Time for registration*

6.—(1) The particulars required to be furnished under this Act shall be furnished within one month after the firm or person commences business or the business in respect of which registration is required as the case may be.

(2) This section shall apply in the case where registration is required in consequence of a change of name as if for references to the date of the commencement of the business there were substituted references to the date of such change.

*Registration of changes in firm*

7. Whenever a change is made or occurs in any of the particulars registered in respect of any firm or person, such firm or person shall, within one month after such change or such longer period as the Minister may, on application being made in any particular case whether before or after the expiration of such month, allow, furnish by sending by post or deliver to the Registrar a statement in writing in the prescribed form specifying the nature and date of the change signed and where necessary verified in like manner as the statement required on registration.

*Penalty for default in registration*

8. If any firm or person by this Act required to furnish a statement of particulars or of any change in particulars without reasonable excuse makes default in so doing in the manner and within the time specified by this Act, every partner in the firm or the person so in default shall be liable to a fine not exceeding ten dollars for every day during which the default continues and the court shall order a statement of the required particulars or change in the particulars to be furnished to the Registrar within such time as may be specified in the order.

(Amended by 2 of 1945, s. 63.)

*Persons in default bringing action shall be ordered by the court to register*

9.—(1) Where any firm or person by this Act required to send or deliver any statement to the Registrar has therein made default and during such default commences any suit or action in any court in the business name or for a cause of action arising out of any dealing by such firm or person in the business name, such court shall order the firm or person in default to send or deliver to the Registrar the proper statement as required by this Act and may stay all proceedings in the suit or action until the order be complied with or allow proceedings to be continued on an undertaking to comply with such order within a time to be limited by the court.

(2) The power by this section given to the court may be exercised by the Supreme Court or by a magistrates' court.

*Proceedings against non-registered firms*

10. If any firm or person required to be registered as provided in this Act fails to register accordingly, all proceedings in any court of competent jurisdiction may be taken and prosecuted against such firm or person in the name under which such firm or person is carrying on business and such name shall, for the purposes of such proceedings, be a sufficient designation of such firm or person in all writs, summonses and other legal documents and instruments:

Provided however that nothing in this section shall be construed to exempt any firm or person from compliance with any of the provisions of this Act.

*Penalty for false statements*

11. If any statement required to be furnished under this Act contains any matter which is false in any material particular to the knowledge of any person signing it, that person shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding one hundred dollars or to both such imprisonment and fine. (Amended by 2 of 1945, s. 63.)

*Registrar to file statement and to issue certificate of registration*

12. On receiving any statement or statutory declaration made in pursuance of this Act the Registrar shall cause the same to be filed, and he shall send by post or deliver a certificate of the registration thereof to the firm or person registering, and the certificate or a certified copy thereof shall be kept exhibited in a conspicuous position at the principal place of business of the firm or individual, and if not kept so exhibited every partner in the firm or the person as the case may be shall be liable to a fine not exceeding forty dollars. (Amended by 2 of 1945, s. 63.)

*Index to be kept*

13. The Registrar shall keep an index of all the firms and persons registered at his office under this Act.

*Removal of names from register*

14.—(1) If any person or individual registered under this Act ceases to carry on business it shall be the duty of the persons who were partners in the firm at the time when it ceased to carry on business or of the individual or, if he is dead, his personal representative within three months after the business has ceased to be carried on to send by post or deliver to the Registrar notice in the prescribed form that the firm or individual has ceased to carry on business, and if any person whose duty it is to give such notice fails to do so within such time as aforesaid he shall be liable to a fine not exceeding forty dollars. (Amended by 2 of 1945, s. 63.)

(2) On receipt of such a notice as aforesaid the Registrar may remove the firm or individual from the register.

(3) Where the Registrar has reasonable cause to believe that any firm or individual registered under this Act is not carrying on business, he may send to the firm or individual by registered post a notice that unless an answer is received to such notice within three months from the date thereof the firm or individual may be removed from the register.

(4) If the Registrar either receives an answer from the firm or individual to the effect that the firm or individual is not carrying on business or does not within three months after sending the notice receive an answer, he may remove the firm or individual from the register.

*Inspection of statements registered*

15.—(1) Any person may inspect, make a copy of or extracts from the statements filed with the Registrar and there shall be paid for every such inspection the prescribed fee. (Amended by 5 of 1965, s. 3.)

(2) Any person may require a certificate of the registration of any firm or person or a copy of or extract from any registered statement to be certified by the

Registrar, and there shall be paid for every such certificate, copy or extract the prescribed fee. (*Amended by 5 of 1965, s. 3.*)

(3) A certificate of registration or a copy of or extract from any statement registered under this Act purporting to be signed and certified by the Registrar shall in all courts within Fiji be admitted as prima facie evidence of the fact and date of registration as shown thereon and of the other particulars therein contained.

*Regulations*

16. The Minister may make regulations not inconsistent with the provisions of this Act—

- (a) prescribing the fees to be paid to the Registrar under this Act: Provided that for the registration of any one statement the fee shall not exceed the sum of fifty cents;
- (b) prescribing the forms to be used under this Act;
- (c) prescribing the duties or additional duties to be performed by the Registrar for the purposes of this Act; and
- (d) prescribing generally the conduct and regulation of registration under this Act and as to any matters incidental thereto.

(*Section amended by 37 of 1966, s. 61.*)

*Offences of corporations*

17. Where a corporation is guilty of an offence under this Act every director, secretary and officer of the corporation who is knowingly a party to the default shall be guilty of a like offence and be liable to a like penalty.

*Misleading business names*

18.—(1) The Registrar shall refuse registration of a business name which is identical with that of a business name registered under this Act or with the name of a company incorporated or registered under the Companies Act or which, in his opinion, so nearly resembles any such name as to be likely to deceive or cause confusion or which is, in his opinion, otherwise undesirable. (*Cap. 247.*)

(*Inserted by 22 of 1962, s. 2.*)

(2) The registration of a business name under the provisions of this Act shall not be construed as authorising the use of that name if apart from such registration the use thereof could be prohibited.

*Controlled by Ministry of the Attorney-General*

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CHAPTER 249

REGISTRATION OF BUSINESS NAMES

*Regulations 29th Nov., 1923, [in force 14th Dec., 1923],  
6th July, 1928, 15th April, 1965.*

SECTION 16—REGISTRATION OF BUSINESS NAMES REGULATIONS

*Made by the Governor*

*Short title*

1. These Regulations may be cited as the Registration of Business Names Regulations.

*Forms*

2. The forms in the First Schedule shall be the forms to be used (with such variations as the circumstances of each case may require) under the Act and these Regulations.

*Fees*

3. The fees set out in the Second Schedule shall be payable to the Registrar in respect of the several matters specified in such Schedule.

*(Substituted by Regulations 15th April, 1965.)*

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## FIRST SCHEDULE

(Regulation 3)

(Amended by Regulations 6th July, 1928.)

FORM 1

## REGISTRATION OF BUSINESS NAMES ACT

(Section 4)

Business Name No.:

Reference to Subsequent Registration No.:

## APPLICATION FOR REGISTRATION BY AN INDIVIDUAL

I, the undersigned, hereby apply for registration pursuant to the provisions of the Registration of Business Names 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 business .....	
4. The present Christian name (or names) and surname of the individual .....	
5. Any former Christian 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 if the business was commenced after 28th November, 1923 . . .	
11. Any other business name or names under which the business is carried on .....	

Dated this            day of            , 19            .

Registered            at            m.  
*Administrator-General*lodge by— *Signature*  
, Date            , 19.            .

FORM 2

REGISTRATION OF BUSINESS NAMES ACT

(Section 4)

Business Name No.:  
Reference to Subsequent Registration No.:  
APPLICATION FOR REGISTRATION BY A FIRM

DECLARATION

*This declaration is only required if the statement is not signed by all the individuals who are partners and by a director or the secretary of each corporation which is a partner.*

I, \_\_\_\_\_, of \_\_\_\_\_, do solemnly and sincerely declare and affirm that all the particulars contained in the within statement dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and signed by me, which is now produced and shown to be marked \_\_\_\_\_ are true.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act.

Declared at \_\_\_\_\_ this \_\_\_\_\_  
day of \_\_\_\_\_, 19\_\_\_\_.  
Before me— \_\_\_\_\_

[Insert name of firm] hereby apply for registration under the provisions of the Registration of Business Names 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 business .....	
4. The date of the commencement of the business if the business was commenced after 28th November, 1923 .....	
5. Any other business name or names under which the business is carried on	



The present Christian name or names and surname of every individual who is—and the corporate name of every corporation which is—a partner in the firm	Any former Christian name or names or surname of every individual partner in the firm	The nationality of every individual partner in the firm	The nationality or origin (if other than the present nationality) of every individual partner in the firm	The usual residence of every individual who is—and the registered or principal office of every corporation which is—a partner in the firm	The other business occupation, if any, of every individual or corporation partner in the firm
1					
2					
3					
4					

Dated this                      day of                      , 19                      .

}                      Signatures

Registered at                      m.                      Lodged by—

*Administrator-General*                      Date                      , 19                      .

FORM 3

REGISTRATION OF BUSINESS NAMES ACT

(Section 7)

Business Name No.:  
Reference to Previous Registration No.:  
Reference to Subsequence Registration No.:

**STATEMENT OF CHANGE IN THE PARTICULARS REGISTERED BY AN INDIVIDUAL OTHER THAN THE ADDITION OF A PARTNER OR PARTNERS**

1. The business name .....	Date of Change
2. The general nature of the business ..	
3. The principal place of business .....	
4. The present Christian name or (names) and surname of the individual .....	
5. Any former Christian name (or names) or surname of the individual .....	





FORM 6

REGISTRATION OF BUSINESS NAMES ACT

(Section 12)

Original/Duplicate.

No. of Certificate:

CERTIFICATE OF REGISTRATION

I hereby certify that a statement of \_\_\_\_\_ furnished by \_\_\_\_\_  
of \_\_\_\_\_, pursuant to section \_\_\_\_\_ of the abovementioned Act was  
registered on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_  
Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

Administrator-General

SECOND SCHEDULE

(Regulation 3)

(Inserted by Regulations 15th April, 1965.)

FEES

On delivery of statement (section 4) .....	c.
On statement of changes in firm (section 7) .....	50
On issue of certificate of registration of business name .....	25
On issue of certificate of change in particulars .....	50
On inspection of the particulars filed with the Administrator-General ..	50
For a certified copy of the certificate of registration .....	25
For a certified copy or extract of any statement filed with the Administrator-General (per folio of 72 words) .....	50
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Controlled by Ministry of the Attorney-General