

**FIRST SUPPLEMENT TO THE GIBRALTAR  
GAZETTE**

**No. 3,134 of 4th November, 1999**

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I ASSENT,

P. SPELLER,

ACTING GOVERNOR.

4th November, 1999.



**GIBRALTAR**

**No. 34 of 1999**

**AN ORDINANCE** to amend the Business Names Registration Ordinance to make provision in some cases for annual notification and registration, for the registration of websites established in or from within Gibraltar and to make a number of minor amendments for the purpose of the more efficient administration of the Ordinance.

**ENACTED** by the Legislature of Gibraltar.

**Title and commencement.**

*Business Names Registration (Amendment) Ordinance, 1999*

[No. 34 of 1999]

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1. This Ordinance may be cited as the Business Names Registration (Amendment) Ordinance 1999 and comes into operation on the 1st day of January 2000.

**Amendment to section 2.**

2. Section 2 (interpretation) of the Business Names Registration Ordinance (“the principal Ordinance”) is amended —

(a) in sub-section (1) —

(i) in the definition “business” by inserting —

“and the establishment or operation of a website —

(a) in or from within Gibraltar; or

(b) through an internet service provider in Gibraltar,

in connection with or for the purpose of promoting in any way any trade, business or profession whatsoever and wherever situated”

after “profession”;

(ii) in the definition “foreign firm” by omitting “Her Majesty’s dominions” and substituting “Gibraltar”;

(iii) in the definition “initials” by omitting “Christian” and substituting “fore”;

(iv) by inserting the following definition —

““Minister” means the Minister with responsibility for Trade and Industry;”

after the definition “initials”;

(b) in sub-section (2) by omitting “Christian” in the two places where that word occurs and substituting “fore”.

**Amendment to section 2A.**

*Business Names Registration (Amendment) Ordinance, 1999*  
[No. 34 of 1999]

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3. Section 2A (Registrar) of the principal Ordinance is amended -

- (a) by omitting “Governor” in the three places where that word occurs and substituting in each such place “Minister”;
- (b) in subsection (1) thereof, by omitting “approved” and substituting “designated”; and
- (c) in subsection (2) thereof, by omitting “appoint” and “appointed” and substituting “designate” and “designated” respectively.

**Amendment to section 3.**

4. Section 3 (firms and persons to be registered) of the principal Ordinance is amended in paragraphs (a) and (b) by omitting “Christian” where that word occurs in each paragraph and substituting “fore”.

**Amendment to section 5.**

5. Section 5 (manner and particulars of registration) of the principal Ordinance is amended in subsection (1) —

- (a) in paragraphs (d) and (e) by omitting “Christian” where that word occurs in each paragraph and substituting “fore”;
- (b) by omitting the full stop at the end of paragraph (g) and substituting a semi-colon and the following paragraph —

“(h) where the firm or person is —

- (i) licensed under the Financial Services Ordinance 1989; or
- (ii) authorised under the Banking Ordinance 1992 or the Financial Services Ordinance 1998;
- (iii) licensed or authorised in accordance with a Community requirement other than one falling within sub-paragraphs (i) or (ii),

*Business Names Registration (Amendment) Ordinance, 1999*  
[No. 34 of 1999]

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or is required to be so licensed or authorised, evidence of the consent of the competent authority under the relevant legislation to the proposed business name.”.

**Amendment to section 8.**

6. Section 8 (registration of changes in firm) of the principal Ordinance is amended by —

- (a) omitting “Governor” and substituting “Registrar”;
- (b) inserting “and the Registrar shall register such change and issue, if appropriate a certificate as provided for in section 13(1), but containing the details of the change or changes, as the case may be” after “registration”.

**Amendment to section 9.**

7. Section 9 (penalty for default in registration) of the principal Ordinance is amended by omitting “£250” and substituting “one half of the amount at level 2 on the standard scale”.

**Amendment to section 11.**

8. Section 11 (penalty for false statements) of the principal Ordinance is amended by omitting “£1,000” and substituting “one half of the amount at level 4 on the standard scale”.

**Amendment to section 12.**

9. Section 12 (duty to furnish particulars to the Governor) of the principal Ordinance including the marginal note thereto is amended —

- (a) by omitting “Governor” in the six places where that word occurs and substituting in each such place “Registrar”;
- (b) in sub-section (1) by omitting “£1,000” and substituting “one half of the amount at level 4 on the standard scale”.

**Amendment to section 13.**

*Business Names Registration (Amendment) Ordinance, 1999*

[No. 34 of 1999]

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10. Section 13 (Registrar to file statement and issue certificate of registration) of the principal Ordinance is amended —

- (a) by inserting “(1)” after “13”;
- (b) in sub-section (1), as now so numbered, by omitting “£1,000” and substituting “one half of the amount at level 4 on the standard scale”;
- (c) by inserting after sub-section (1), as now so numbered, the following sub-section —

“ (2) The registration of the business name and the certificate issued under sub-section (1) shall be valid —

- (a) in the case of a registration made and certificate issued before 1st January 2000, so long as either —
  - (i) the company, firm or business in respect of which it was issued carries on the business and is not required by virtue of sub-section (1) of section 15 to notify the Registrar, and the company, firm or individual has not been removed from the register in accordance with sub-section (2) of that section; or
  - (ii) the name has not been removed from the register in accordance with section 15(4);
- (b) in the case of a registration made and certificate issued on or after 1st January 2000, for a period of one calendar year from the date of issue unless the registration shall have been renewed in accordance with section 14A(2).”

**Amendment to section 14.**

11. Section 14 (index to be kept) of the principal Ordinance is amended by inserting “a register in the form of” after “keep”.

**New section 14A.**

12. The principal Ordinance is amended by inserting after section 14 the following section —

**“Annual Statement of Particulars**

14A.(1) There shall be furnished to the Registrar by any company, firm or individual in respect of every business name required to be registered under this Ordinance and first registered on or after 1st January 2000 once at least in every calendar year an annual statement of particulars in the form specified by the Registrar together with the documents specified in sub-section (2) during the last month of the current period of registration.

- (2) On receipt by the Registrar of —
- (a) the form prescribed in sub-section (1) properly completed;
  - (b) a declaration from the firm, individual or corporation that the information supplied at the time of the application for registration remains true, or in the event of a change in any of that information, a declaration containing details of the change or changes;
  - (c) such other documents or information as the Registrar may reasonably require to satisfy himself that the requirements of the Ordinance in respect of the registration of the business name continue to be satisfied;
  - (d) the prescribed fee;

if he is satisfied that the business name continues to be one to which paragraphs (a) and (b) of section 16(1) do not apply, and subject to sub-sections (3)(b) and (4), the Registrar shall enter in the register the date of renewal of registration.

- (3) Where —
- (a) after one month, or such longer period as the Registrar may agree in writing, from the date on which a registration has ceased to be valid under the provisions of section 13(2)(b) or this section the Registrar has not received an application for renewal of the registration of a registered business name; or

*Business Names Registration (Amendment) Ordinance, 1999*

[No. 34 of 1999]

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- (b) having received an application for renewal of registration, the Registrar has determined that the business name does not satisfy the requirements of the Ordinance,

the Registrar shall terminate the registration of the business name on the register and shall give notice of his decision to the company, firm or individual.

(4) Where a company, firm or individual has made a declaration of a change in any particular in accordance with sub-section (2)(b), the Registrar shall require such evidence of the change or changes of particulars so declared as may be required for the purposes of this Ordinance and shall apply the requirements of this Ordinance in respect of the matters so declared as changed, including if necessary the issuing of a revised certificate of registration.”

**Amendment to section 15.**

13. Section 15 (removal of name from register) of the principal Ordinance is amended in sub-section (1) by omitting “£1,000” and substituting “one half of the amount at level 4 on the standard scale”.

**Amendment to section 16.**

14. Section 16 (misleading business name) of the principal Ordinance is amended —

- (a) in sub-section (1) by omitting “Governor” and substituting “Minister”;
- (b) by inserting after sub-section (3) the following sub-section —

“ (4) The provisions of sub-section (1) in respect of the right of appeal to the Minister and any rules made under section 19 for the purpose of regulating the conduct of such appeals shall apply *mutatis mutandis* to any decision to remove a business name from the register made under sections 14A or 15.”.

**Amendment to section 19.**

15. Section 19 (rules) of the principal Ordinance is amended —

- (a) by omitting “(1)”;
- (b) by omitting “Governor” and substituting “Minister”;
- (c) by omitting sub-section (2).

**Amendment to section 20.**

16. Section 20 (publication of true names, etc.) of the principal Ordinance is amended —

- (a) in sub-section (1) by omitting “in any part of the Commonwealth”;



*Business Names Registration (Amendment) Ordinance, 1999*

[No. 34 of 1999]

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- (b) in sub-section (2) by omitting “£250” and substituting “one half of the amount at level 3 on the standard scale”;
- (c) by inserting after sub-section (3) the following sub-section —  
“(4) For the purposes of this section, “business letters” includes any form of communication by electronic means, including but not limited to fax, e-mail and websites.”.

**Amendment to Schedule.**

17. The Schedule (particulars to be furnished by nominee, trustee or general agent) to the principal Ordinance is amended by omitting “Christian” and substituting “fore”.

**Transitional Provisions.**

18. The provisions of the Ordinance in respect of the requirement to register a website shall operate in respect of a website in existence at 31st December 1999 within three months of that date.

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Passed by the Gibraltar House of Assembly on the 15th day of October, 1999.

D. J. REYES,

Clerk to the Assembly.

*Business Names Registration (Amendment) Ordinance, 1999*  
[No. 34 of 1999]

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