

CHAPTER 499

REGISTRATION OF BUSINESS NAMES ACT

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

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Rules under Section 22

REGISTRATION OF BUSINESS NAMES RULES

[L.N. 136/1975, L.N. 248/1988, L.N. 83/1997, L.N. 89/2003.]

1. These Rules may be cited as the Registration of Business Names Rules .
2. Subject to any directions which may be given by the Registrar, every statement of particulars, notice of change, notice of cessation, application for extension of time or other document intended for registration or filing shall be upon paper of durable quality and of a size approximately two hundred and ninety-seven millimetres by two hundred and ten millimetres and shall have on the left hand part thereof a margin of approximately thirty millimetres.
3. The register shall be in the Form BN/1 in the Schedule.
4. Every statement of particulars lodged under section 6 of the Act shall be in the Form BN/2 in the Schedule.
5. Every certificate under section 14(1) of the Act shall be in the Form BN/3 in the Schedule.
6. Every notice of change of particulars lodged under section 9 of the Act shall be in the Form BN/4 in the Schedule.
7. Every certificate under section 14(2) of the Act shall be in the Form BN/5 in the Schedule.
8. Every notice of cessation of business lodged under section 15(1) of the Act shall be in the Form BN/6 in the Schedule.
9. Every notice of the happening of an event, in consequence of which registration under the Act ceases to be necessary, lodged under section 15(5) of the Act shall be in the Form BN/7 in the Schedule.
10. The following fees shall be payable—

	Kshs.
(a) on enquiring whether a proposed name may be registered.....	100
(b) on lodging a statement of particulars if required under the Act	600
(c) on lodging a notice of change	600
(d) for the issue of a fresh certificate under section 14(2)	200
(e) for inspecting the register in respect of any one business name	200
(f) for a certified copy of or an extract from any filed document	100
(g) on an application to lodge a statement of particulars or a notice of change out of time—	
(i) for the first month or part thereof during which the default continues	200
(ii) for every subsequent month during which the default continues (up to a maximum of Ksh.400)	100
(h) For lodging a notice of cessation of business	200
(i) For the issue of a certificate of registration	200

Registration of Business Names

[Subsidiary]

SCHEDULE

FORM BN/1

(r. 3)

THE BUSINESS NAMES REGISTER

Number

Business name

Principal place of business

.....

Postal address

Other places of business

.....

Nature of business

.....

Date of registration

.....

PARTNERS OR PROPRIETOR

<i>Name(s)</i>	<i>Any former name(s)</i>	<i>Nationality</i>
.....
.....
.....
.....
.....
.....

Registration of Business Names

[Subsidiary]

SCHEDULE—continued

FORM BN/2

(r. 4)

STATEMENT OF PARTICULARS

Please read carefully the notes printed overleaf

- 1. Business name
(State reference and date of registrar's approval of name BNS/20/ of 20.....)
- 2. Nature of business.....
- 3. Date of commencement
- 4. Address of the principal place of business
(Plot No., Section and Name of Street or Road.)
- 5. Postal address
- 6. Address of any other places of business
(Branch Office under the above name.)
- 7. Particulars of proprietor or partners—

<i>Full names and former names if any, and (if a married woman) full name of husband</i>	<i>Nationality and Citizenship</i>	<i>Nationality of Origin</i>	<i>Age</i>	<i>Sex</i>	<i>Usual place of residence</i>	<i>Other business occupation</i>

FEE: SH. 100 Signed

Registration of Business Names

[Subsidiary]

NOTES

Item 1.—Where a business is carried on under two or more business names, every such name must be given.

Item 2.—The nature of the business should be given as clearly as possible. General words such as "shop" or "retail trade" are not sufficient.

Item 3.—The date required is the date when business was begun under the business name, or when the change occurred which makes registration necessary. It should be noted particularly that a Statement of Particulars can only be lodged after a business is begun.

Item 4.—This should be as complete as possible, and should contain the Land Office reference number.

Item 6.—To be completed only if there are any branches operating under the business name.

Item 7.—When the proprietor or a partner is a corporation, the name of the corporation should be given in the first column, the country in which it was incorporated in the second column and the address of the registered office (or in the case of a foreign company, the name and address of the person authorized to accept service) in the sixth column; the other columns should be left blank.

In the case of individuals, the age must be given in the fourth column; the words "full age" are *not* sufficient.

Any person who has changed his name must give all former names, unless the change occurred before he attained the age of two years.

Usual place of residence (in column 6) must show: locality, land office, plot and section number, or house number where applicable.

Signature.—The statement must be signed by the proprietor or by all partners, as the case may be. A director or the secretary can sign for a corporation which is the proprietor or a partner. Where the statement is not signed by all partners, the Statutory Declaration printed alongside must be made before a Magistrate or Commissioner for Oaths, by one of the signatory partners.

STATUTORY DECLARATION
(See Section 7)

(to be made only in cases where *all* partners do not sign above statement)

I, _____

of _____

do solemnly and sincerely declare that the particulars set out herein are true and correct and I make this declaration conscientiously believing the same to be true and according to the Oaths and Statutory Declarations Act.

Declared at _____ this _____ day of _____, 19 _____

BEFORE ME, _____ *Signature*

Magistrate or Commissioner for Oaths

SCHEDULE—continued

FORM BN/3

(r. 5)

CERTIFICATE OF REGISTRATION

I HEREBY CERTIFY that

.....

carrying on business under the business name of

.....

.....

at

have/has been duly registered under No.

pursuant to and in accordance with the provisions of the Registration of Business Names Act and the Rules made thereunder.

GIVEN under my hand at NAIROBI this day of

Two thousand and

Registrar

FORM BN/4

(Rule 6)

NOTICE OF CHANGE

To: The Registrar-General

NOTICE IS HEREBY GIVEN of the following changes in the particulars registered relating to the business carried on under the Business name

.....

(registered under the No.), that is to say with effect from:—

DATED at this day of, 20

[Signed]

FEE: Sh. 100

NOTES

- (1) Where a business is transferred or a new partner taken in, full particulars of the new proprietor or partner are required as shown below.
- (2) The original Certificate of Registration should accompany this notice.
- (3) This notice must be signed by the proprietor or by all partners, as the case may be. A director or the secretary can sign for a corporation which is the proprietor or a partner.

Registration of Business Names

[Subsidiary]

SCHEDULE, FORM BN/4—*continued*

<i>Full names and former names if any, and (if a married woman) full name of husband</i>	<i>Nationality and citizenship</i>	<i>Nationality of Origin</i>	<i>Age</i>	<i>Sex</i>	<i>Usual place of residence</i>	<i>Other business occupation</i>

SCHEDULE—continued

FORM BN/5

(r. 7)

CERTIFICATE OF REGISTRATION OF A CHANGE OF PARTICULARS

I HEREBY CERTIFY that a change of particulars has this day been registered in the Register of Business Names in respect of the business name of

which business name was originally registered under the provisions of the Registration of Business Names Act, on the day of 20 under No.

Consequent on the registration of such change in particulars

are now registered as carrying on business at

under the (said) business name (of)

GIVEN under my hand at NAIROBI this day of Two thousand and

Registrar

FORM BN/6

(r. 8)

NOTICE OF CESSATION OF BUSINESS

To: The Registrar-General

NOTICE IS HEREBY GIVEN that the business registered and carried on under the business name

(registered under the No.) has ceased to be carried on, as from the day of, save for the purpose of winding up the said business.

DATED at this day of 20

[Signed]

No Fee Payable.

NOTES

- (1) The Certificate of Registration should be submitted for cancellation.
(2) This notice must be signed by the proprietor or by all partners, as the case may be. A director or the secretary can sign for a corporation which is the proprietor or a partner.

Registration of Business Names

[Subsidiary]

SCHEDULE—continued

FORM BN/7

(r. 9)

NOTICE OF HAPPENING OF AN EVENT RENDERING REGISTRATION UNNECESSARY

To: The Registrar-General

NOTICE IS HEREBY GIVEN THAT

[specify event which has happened]

in consequence of which registration under the Act of the business registered and carried on under the business name

(registered under the No.) has ceased to be necessary.

DATED at this day of 20

[Signed]

No Fee Payable.

NOTES

- (1) The Certificate of Registration should be submitted for cancellation.
(2) This notice must be signed by the proprietor or by all partners, as the case may be. A director or the secretary can sign for a corporation which is the proprietor or partner.



