

CHAPTER 109**THE BUSINESS NAMES REGISTRATION ACT.**

Commencement: 15 October, 1918.

An Act to provide for the registration of firms and persons carrying on business under business names and for purposes connected therewith.

1. Interpretation.

(1) In this Act, unless the context otherwise requires-

- (a) "business" includes profession;
- (b) "business name" means the name or style under which any business is carried on, whether in partnership or otherwise;
- (c) "Christian name" includes any forename;
- (d) "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;
- (e) "foreign firm" means any firm, individual or corporation whose principal place of business is situate outside the Commonwealth;
- (f) "individual" means a natural person and shall not include a corporation;
- (g) "initials" includes any recognised abbreviation of a Christian name;
- (h) "showcards" means cards containing or exhibiting articles dealt with, or samples or representations thereof;
- (i) "surname", in the case of a peer or person usually known by a title different from his or her surname, means that title.

(2) References in this Act to a former Christian name or surname shall not include a former Christian 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.

(3) References in this Act to a change of name shall not include a change of name which has taken place before the person whose name has been changed has attained the age of eighteen years, or, in the case of a peer or a person usually known by a title different from his or her surname, the adoption of or succession to the title.

2. Firms and persons to be registered.

(1) Subject to this Act-

- (a) every firm having a place of business in Uganda 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 Uganda and carrying on business under a business name which does not consist of a true surname without any addition other than his or her true Christian names or the initials thereof;
- (c) every individual or firm having a place of business in Uganda who, or a member of which, has either before or after the passing of this Act changed his or her name, except in the case of a woman in consequence of marriage,

shall be registered in the manner directed by this Act.

(2) Notwithstanding subsection (1)-

- (a) where two or more individual partners have the same surname, the addition of an "s" at the end of that surname shall not of itself render registration necessary;
- (b) where the business is carried on by a receiver or manager appointed by any court, registration shall not be necessary; and
- (c) 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.

3. Registration by nominee, etc.

Where a firm, individual or corporation having a place of business in Uganda carries on the business wholly or mainly as nominee or trustee of or for

another person, or other persons, or another corporation, or acts as general agent for any foreign firm, the first-mentioned firm, individual or corporation shall be registered in the manner provided by this Act, and, in addition to the other particulars required to be furnished and registered, there shall be furnished and registered the particulars mentioned in the Schedule to this Act; except that where the business is carried on by a receiver or manager appointed by any court, registration under this section shall not be necessary.

4. Manner and particulars of registration.

(1) Every firm or person required under this Act to be registered shall furnish by sending by post or delivering to the registrar at the register office 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 the business;
- ((I) 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) where the registration to be effected is that of a corporation, its corporate name and registered or principal office;
- (g) if the business is commenced after the passing of this Act, the date of the commencement of the business;
- (h) where the registration to be effected is that of a firm, the age of each of the firm's partners;
- (i) where the registration to be effected is that of an individual, the age of such individual, but where any such person is of or over

the age of twenty-one years, it shall be sufficient to state his or her age as "full age".

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

5. Statement to be signed by persons registering.

The statement required for the purpose of registration must in the case of an individual be signed by the individual, and in the case of a corporation by a director or secretary of the corporation, 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 a statutory declaration made by the signatory; but no such 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 or her liability or nonliability as a partner, and the high Court or a judge of the High Court may on the 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.

6. Time for registration.

(1) The particulars required to be furnished under this Act shall be furnished within fourteen days 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.

7. Registration of changes in firm.

Whenever a change is made or occurs in any of the particulars registered in respect of any firm or person, that firm or person shall, within fourteen days after the change or such longer period as the Minister may, on application