

**Lodged au Greffe on 8th February 2000
by the Finance and Economics Committee**



STATES OF JERSEY

STATES GREFFE

180

2000

P.5

Price code: B

Explanatory Note

The object of the amendments contained in this draft Law is to introduce in the Registration of Business Names (Jersey) Law 1956 standard provisions dealing with -

- (a) the giving of false or misleading information to the registrar of business names;
- (b) the responsibility of members of limited liability partnerships and officers of bodies corporate for offences under that Law committed by those partnerships or bodies; and
- (c) aiding and abetting the commission of offences.

The provisions referred to at (a) and (b) above replace provisions that already exist in different form.

The draft Law also -

- (d) makes it clear that if a fee is not paid with an application under the Law, the registrar can refuse to provide the service applied for and if a periodic fee is not paid, the registrar may cancel the registration to which the fee relates; and

(e) makes amendments for the sake of textual revision.

Draft Laws, in similar terms, amending four other Laws administered by the Jersey Financial Services Commission on behalf of the Finance and Economics Committee have also been lodged "au Greffe" (P.4/2000 to P.8/2000). A detailed Report setting out the background to all five Laws accompanies P.4/2000.

REGISTRATION OF BUSINESS NAMES (AMENDMENT No. 2) (JERSEY) LAW 200-

A LAW to amend further the Registration of Business Names (Jersey) Law 1956, sanctioned by Order of Her Majesty in Council of the

(Registered on the day of 200-)

STATES OF JERSEY

The day of 200-

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law -

ARTICLE 1

In the Registration of Business Names (Jersey) Law 1956, as amended^[1] -

- (a) in sub-paragraph (a) of paragraph (1) of Article 5^[2] for the words “Judicial Greffier” there shall be substituted the word “registrar”;
- (b) there shall be substituted for Article 10^[3] the following Article -

“ARTICLE 10

False information and failure to supply information

(1) Any person who knowingly or recklessly provides the registrar or any other person entitled to information under this Law with information that is false or misleading in a material particular shall be guilty of an offence if the information is provided -

- (a) in purported compliance with a requirement imposed under this Law or any Order made thereunder;
- (b) otherwise than as mentioned in sub-paragraph (a) of this paragraph but in circumstances in which the person providing the information intends, or could reasonably be expected to know, that the information would be used by the registrar for the purpose of carrying out his functions under this Law.

(2) Any person who knowingly or recklessly provides the registrar or any other person with information that is false or misleading in a material particular shall be guilty of an offence if the information is provided in connection with an application for registration under this Law.

(3) A person guilty of an offence under paragraph (1) or (2) of this Article shall be liable to imprisonment for a term not exceeding five years or a fine, or both.”;

- (c) for sub-paragraph (b) of paragraph (1) of Article 16^[4] there shall be substituted the following sub-paragraph -

“(b) obtain a copy of all or part of a certificate of registration issued under this Law, a copy of all or part

of a document filed under this Law or a certified copy of such a certificate, document or part.”;

- (d) for paragraph (2) of Article 16^[5] there shall be substituted the following paragraph -

“(2) Such a copy, if certified in writing by the registrar (whose position it is unnecessary to prove) to be an accurate copy of the certificate, document or part, shall in all proceedings be admissible in evidence as of equal validity with the original and as evidence of any fact stated in it of which direct oral evidence would be admissible.”;

- (e) in Article 16A^[6] there shall be inserted after paragraph (3) the following paragraphs -

“(4) The registrar may refuse to carry out any function for or with respect to the carrying out of which a fee is prescribed under this Article in any case where the fee for the carrying out of the function has not been paid.

(5) The registrar may remove from the register a firm, or individual, in respect of the registration of the name of which a fee prescribed under this Article has remained unpaid for two months after it was due in accordance with an Order under this Article.”;

- (f) there shall be substituted for Article 20^[7] the following Article -

“ARTICLE 20

Connivance, abetting etc.

“(1) Where an offence under this Law committed by a limited liability partnership or body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of -

- (a) a person who is a partner of the partnership, or director, manager, secretary or other similar officer of the body corporate; or
- (b) any person purporting to act in any such capacity,

the person shall also be guilty of the offence and liable in the same manner as the partnership or body corporate to the penalty provided for that offence.

(2) Where the affairs of a body corporate are managed by its members, paragraph (1) of this Article shall apply in relation to acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(3) Any person who aids, abets, counsels or procures the commission of an offence under this Law shall also be guilty of the offence and liable in the same manner as a principal offender to the penalty provided for the offence.

(4) Nothing in paragraph (3) of this Article affects the operation of paragraph (1) or (2) of this Article.”.

ARTICLE 2

- (1) This Law may be cited as the Registration of Business Names (Amendment No. 2) (Jersey) Law 200-.

(2) This Law shall come into force on such day as the States may by Act appoint and different days may be appointed for different provisions or different purposes of this Law.

^[1] Tome VIII, page 519, Volume 1994-1995, page 100 and Volume 1998, pages 256 and 729.

^[2] Tome VIII, page 523.

[3] Tome VIII, page 526.

[4] Tome VIII, page 528 and Volume 1998, page 257.

[5] Tome VIII, page 528 and Volume 1998, page 257.

[6] Tome VIII, page 529 and Volume 1998, page 729.

[7] Tome VIII, page 530.