

CHAPTER R1 - REGISTRATION OF BUSINESS PREMISES LAW

ARRANGEMENT OF SECTIONS

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GENERAL NOTE: The expression "Chief Commercial Officer" is substituted with the

expression "Director of Commerce" wherever it appears in this Law; the law title "Companies Act, 1968" is substituted with the law title "Companies and Allied Matters Act" wherever it appears in this Law and, the word "industry" is substituted with the word "co-operatives" wherever it appears in this Law, by Law No. 4 of 2006.

REGISTRATION OF BUSINESS PREMISES LAW

[KWS 13 of 1986, No. 4 of 2006.]

A Law to provide for the registration of business premises in the State—

[Date of commencement: 18th June, 1986]

1. Short title

This Law may be cited as the Registration of Business Premises Law, 1986 and shall be deemed to have come into force on the 18th day of June, 1986.

2. Interpretation

In this Law, unless the context otherwise requires—

"business" includes any trade, co-operatives, profession, occupation or calling by which an individual or group of individuals ordinarily seek to obtain their livelihood or by which an individual or group directly or indirectly derive any earning or profit, but does not include such type or class of business as the Registrar may specify as not being registrable as a business, having regard to the nature, scale and presumed income of such type or class of business;

"business particulars" include details about the name or style by which the business is usually identified, its registration number and the date of registration, address (street number, compound or premises), and the details relating to the directors, partners or individual, as the case may be, owning the business and other documents or record which having regard to their nature and contents, in the opinion of the registrar, supply the required details that give the business its identity;

"business premises" means the premises or place on which a company, firm or individual carries on any business, whether situated within or without a building or other structure, and whether fenced or unfenced;

"Commissioner" means the Commissioner charged with responsibility for commerce and co-operatives;

"Company" means a limited liability company incorporated under the Companies and Allied Matters Act and includes a company owned wholly or in part by the State Government or any other Government in Nigeria;

"Ministry" means the Ministry of Commerce and Co-operatives;

"Permanent Secretary" means the Permanent Secretary of the Ministry of Commerce and Co-operatives;

"the Director of Commerce" means the Director of Commerce in the Ministry of Commerce and Co-operatives with responsibility for Trade;

"existing business" means any business existing in the State prior to the commencement of this Law;

"firm" means a partnership which is an unincorporated body of—

- (a) two or more individuals;
- (b) one or more individuals and one or more corporate bodies; or
- (c) two or more corporate bodies who have entered into partnership with one another to carry on business.

"Gazette" means the State Gazette;

"personal representative" includes an executor or an administrator of a deceased individual;

"prescribed" means prescribed by this Law or by regulations made thereunder;

"principal representative" means a person in the State who is ultimately responsible in the State for the affairs of the company of which he is such representative;

"register" means the register of business premises kept for the purposes of this Law;

"Registrar" means the Registrar of business premises designated as such under section 3; and

"State" means the Kwara State of Nigeria.

3. Registrar of business premises

For the purposes of this Law, the Director of Commerce, Ministry of Commerce and Cooperatives shall be and is hereby appointed the Registrar of business premises referred to (in this Law as "the Registrar").

4. Registration of business premises

Subject to the provisions of this Law, there shall be registered in the manner prescribed in this Law the business premises of every company, firm or individual carrying on any form of business in the State, but where the business is carried on by a Trustee in bankruptcy or the Administrator-General in pursuance of any powers conferred on him by any law, registration of such premises shall not be required.

5. Power of Commissioner to exempt from registration

The Commissioner may, by notice signed by him and published in the Gazette, exempt from registration under this Law the business premises of any company, firm or individual.

6. Manner and particulars of registration

(1) Every company, firm or individual whose business premises is required to be registered under this Law shall furnish, by sending, by registered post or by delivering to the office of the Registrar in Ilorin or the Registrar's representative in each Local Government area in the State, a statement in writing containing the particulars set out in Forms A, B and C of Schedule 1 to this Law.

[Schedule.]

(2) Where a business is carried on in more than one business premises in the State, each business premises shall be registered accordingly.

7. Signatories to forms

The forms referred to in section 6 of this Law shall be signed—

- (a) in the case of an individual, by him or his representative;
- (b) in the case of a firm, either by all or a majority of all the individuals who are partners or by a manager, secretary or the principal representative, as the case may be, of the firm;
- (c) in the case of a company, by a director, secretary, manager, principal representative thereof or any official duly authorised to do so.

8. Time for registration

An application for registration under this Law shall be made—

- (a) in the case of an existing business, within sixty days after the date of commencement of this Law; and
- (b) in any other case, within thirty days after the commencement of the business.

9. Extension of time of registration

The Registrar may on application being made to him in that behalf extend the time for registration if he is satisfied that there are grounds in the application to justify such extension.

10. Procedure on change of business name

(1) Where a company, firm or individual whose premises is required to be registered under this Law—

- (a) changes its or his business name after it has been so registered; or
- (b) changes its or his business name after the commencement of this Law, but before the business particulars have been filed, such company, firm or individual shall—
 - (i) in the case of (a) above, notify the Registrar in writing of the change for correction in the register; and
 - (ii) in the case of (b) above, file its or his business particulars under the new business name.

(2) Where a company, firm or individual changes its or his business particulars after they have been filed under this Law, the company, firm or individual shall notify the Registrar in writing of the change and the Registrar shall amend the register accordingly.

11. Changes in registered particulars Schedule

Whenever a change is made or occurs in any of the particulars filed in respect of any company, firm or individual, the person authorised under section 7 to sign such statement shall, within fourteen days after the occurrence of the change, furnish by sending, by post or delivering to the Registrar in Ilorin a statement in writing as in Form D of Schedule 1 to this Law specifying the nature and date of the change and the statement shall, as the case may be, be signed by him.

12. Correction of errors

(1) The Registrar may on application made as in Form E of Schedule 1 and upon the payment of the prescribed fees by a company, firm or individual correct any error in any particulars registered by him under this Law.

[Form E, Schedule 1.]

(2) If the Registrar refuses an application made under subsection (1), he shall within fourteen days of the receipt of such application, by writing notify the company, firm or individual of such refusal.

(3) Any person aggrieved by the refusal of the Registrar to correct any error, may within fourteen days from the receipt of the notification of such refusal, appeal to the Permanent Secretary against the refusal.

13. Filing of statements and certificate of registration

(1) On receiving a statement made in pursuance of section 6 in relation to any business premises and on payment by the applicant of the fees prescribed in Schedule 4, the Registrar shall file that statement and shall send by post, or deliver to the company, firm or individual furnishing such statement, a certificate of registration duly signed by him in the form prescribed in Schedule 2.

[Schedule 2.]

(2) The certificate or a certified copy thereof shall be kept exhibited in a conspicuous place at the business premises of the company, firm or individual.

(3) A duplicate or counterpart of a certificate issued under subsection (1) shall be preserved in the office of the Registrar.

(4) The Registrar may upon the request in writing of any person to whom a certificate of registration has been issued and upon the payment of the prescribed fee, issue to such person—

(a) a certified copy of a certificate of registration the original of which had been issued to such person; or

(b) a certified copy of any application for registration of business premises made by such person.

14. Certificate as evidence of registration

A certificate issued in accordance with section 13 of this Law shall be prima facie evidence that the business premises to which it relates has been duly registered.

15. Register of business premises

(1) The Registrar shall keep a register of all business premises registered under this Law.

(2) The register shall contain—

(a) the name of the company, firm or individual carrying on the business;

(b) the general nature of the business carried on;

(c) the address (not post office box) of the principal place of business;

(d) the addresses (not post office boxes) of other places in the State where the business is carried on;

(e) the date of commencement of the business;

(f) the capital (nominal and paid up) of the business;

[No. 51 of 1968.]

(g) the name and registration number under the Companies and Allied Matters Act of each company and partnership; and

(h) the number of employees of the company, firm or individual.

[No. 4 of 2006.]

16. Returns to be made to the Registrar

In addition to the particulars required to be registered under this Law—

(a) a company carrying on business in the State shall furnish the Registrar annually with a certified copy of the annual returns which it submits to the Registrar of Companies, Abuja;

(b) a partnership or individual carrying on business in the State shall file with the Registrar annual returns which shall include particulars of the proprietors and a certified copy of annual accounts.

[No. 4 of 2006.]

17. Cessation of business and removal of name from register

(1) If any company, firm or individual whose business premises is registered under this Law—

(a) ceases to carry on business; or

[Form F, Schedule 1.]

(b) ceases to carry on business at the registered premises, it shall be the duty of the person who may sign a statement under section 7 of this Law, or if he is dead, his personal representative, within three months after the business has ceased to be carried on or has ceased to be carried on at a particular registered premises, as the case may be, to send by post or deliver to the Registrar notice as in Form F of Schedule 1 to this Law of the cessation of business on the registered premises, as the case may be, and the address of the new business premises.

(2) Where the Registrar is satisfied that a company, firm or individual—

(a) has ceased to carry on business; or

(b) has ceased to carry on business at the registered business premises, he shall in the case of paragraph (a)—

(i) remove the name of the company, firm or individual from the register; and

(ii) in the case of paragraph (b), substitute the new business premises for the registered business premises.

18. Inspection of register and copies of entries in register

(1) Any person may at all reasonable times inspect the register or documents filed by the Registrar on the payment to the Registrar of the prescribed fee.

(2) The Registrar shall upon the request of and upon the payment of the prescribed fee by a person to whom a certificate has been issued under section 13 of this Law, issue to such person a copy of the certificate, or an extract thereof certified under the hand of the Registrar.

(3) The Registrar shall give a certified, copy of any entry in the register or of any file document, other than a certificate, to any authorised person.

(4) A certified copy of the certificate or any entry in the register, or any filed document shall in all legal proceedings whether civil or criminal, be received in evidence without further or other proof.

19. Duty to furnish particulars

The Registrar may require any person to furnish him with such particulars as appear to him necessary for the purpose of giving effect to this Law, or for the purpose of ascertaining whether any business premises registrable under this Law is registered, and if he is satisfied from enquiries that any registrable business premises has not been registered, he shall proceed to register the premises in the manner provided by this Law.

20. Inspectors

(1) The Director of Commerce may designate any officer not below the rank of an Assistant Trade Officer in the Trade Division of the Ministry to be an inspector for the purposes of this Law.

(2) It shall be the duty of an inspector within his area of operation—

(a) to visit every registered place of business to ensure that the provisions of this Law are being complied with and to report to the registrar any contravention or disregard thereof;

(b) to ascertain whether any business premises registrable under this Law has not been registered and to report to the registrar the existence of such premises and the fact that it has not been registered; and

(c) to carry out such other duties as the registrar or the Permanent Secretary may from time to time assign to him.

21. Power of inspectors, etc.

(1) An inspector may at all reasonable times between the hours of seven o'clock in the morning and six o'clock in the evening enter upon any business premises in the course of the performance of his duties under this Law.

(2) Any person who obstructs or assaults an inspector acting in the lawful execution of his duties under the provisions of this Law shall be guilty of an offence and shall be liable on conviction to a fine of five thousand naira or imprisonment for six months.

22. Identity of inspector

(1) An inspector shall at all times in the course of his lawful duties carry his certificate of identity which shall be in the form prescribed in Schedule 3 hereto and shall be signed by the Permanent Secretary.

(2) The production by an inspector of a certificate of identity shall for all purposes be sufficient evidence of the authority of the inspector.

23. Offences

(1) (a) If any company, firm or individual, whose business premises is required to be registered under this Law, fails or neglects to register such premises in the manner and within the time specified by this Law and pay the prescribed fee, the company or every partner in the firm or the individual, as the case may be, shall be guilty of an offence and shall be liable on conviction to fine of ten thousand naira or imprisonment for a term of six months and if the offence is a continuing one, to a further fine of one thousand naira for every day or part of a day during which the default continues until the premises is registered.

(b) If any person Required by the registrar to furnish any particulars under section 19 refuses or fails to furnish those particulars or to furnish them within the time or in the manner specified by the Registrar or furnishes incomplete particulars, he shall be liable on conviction to a fine of two thousand naira or imprisonment for a term of three months and if the offence is a continuing one, to a further fine of five hundred naira for every day or part of a day that the default continues until the complete particulars are furnished.

(c) If any company, firm or individual fails or neglects to notify the registrar of—

(i) a cessation to carry on business; or

(ii) a cessation to carry on business at a particular registered address of the business premises,

every person required under section 17 to notify the registrar of such cessation of business or business at a particular registered address shall be guilty of an offence and shall be liable on conviction, to a fine of five thousand naira or imprisonment for six months.

(d) If any statement required to be furnished under this Law contains any information which is false to the knowledge of the person signing it, that person, shall be guilty of an offence and shall be liable on conviction, to a fine of ten thousand naira or imprisonment for six months or to both such fine and imprisonment.

[No. 4 of 2006.]

(2) Any person who, with intent to defraud, alters, erases or mutilates a certificate or any other document issued under this Law shall be guilty of an offence and shall be liable on conviction to a fine of ten thousand naira or to imprisonment for one year.

[No. 4 of 2006.]

24. Sign posts

(1) Every company or firm registered under This Law shall display in a conspicuous place in its business premises a sign post in legible characters showing—

- (a) the name of the company or firm;
- (b) its address which shall contain—
 - (i) number and name of street, or name of compound where the business is situated;
 - (ii) office telephone number (if any); and
 - (iii) post office box number (if any).

(2) The fact that the particulars specified in subsection (1) appear on—

- (a) business letters;
- (b) trade catalogues;
- (c) trade circulars; and
- (d) show cards,

of a company shall not be regarded as satisfying the requirements of this section.

(3) Where an address given by a company carrying on business prior to the commencement of this Law is not in conformity with the provisions of this section, such company shall be required to comply with the provisions of this section within twenty-one days of the coming into operation of this Law.

(4) Any company or firm guilty of an offence under this section shall be liable on conviction to a fine not exceeding ten thousand naira and if the offence is a continuing one, to a further fine of one thousand naira for every day or part of a day that the offence continues.

[No. 4 of 2006.]

25. Power to make regulations

The Commissioner may with the approval of the Military Governor make regulations prescribing all matters which by this Law are required or authorised to be prescribed or which are necessary or convenient for giving effect to the provisions of this Law.

26. Annual Fees payable

(1) Until any regulations are made under section 25 prescribing otherwise, there shall be paid annually for the registration or renewal of registration of business premises registrable under this Law and classified therein the fees set out in Schedule 4 to this Law.

(2) Subject to Section 25, the Commissioner may, from time to time, by notice published in the Gazette vary or amend Schedule 4.

SCHEDULE 1

[No. 4 of 2006.)

Registration of Business Premises (Form 'A') General Information Format

1. Name of the Business
2. Type of Business
3. Year of Establishment
4. Ownership of Business:
- (i) Government
- (ii) Private
- (iii) Government/Private
5. Postal Address:.....
-
6. Physical Location of Business if different from above
7. Approximate Land Area Occupied
- (i) Small
- (ii) Medium
- (iii) Large
8. Year of Establishment in the State
9. Employment during 20
- (i) Nigerians
- (ii) Non-Nigerians
-
10. Number of Workers as
11. Products of Business
-
12. Local Government Area
13. Progress/Problem of the Company/Business.....
-
14. Source of Capital:
- (i) Government Loan.....
- (ii) Share Capital–Paid up–Paid up–
- (iii) Private

FORM A—*continued*

15. Signature of Owner/Manager of the Business

DECLARATION

I/We hereby certify that the foregoing particulars are to the best of my/our knowledge, information and belief correct, and I/We undertake to notify the registrar whenever any change occurs in or affects any of these particulars.

Dated at.....this..... day of , 20.....

.....) Signature(s) of person(s) required to
) sign under section 7.

.....)

)

.....)

)

.....)

)

If the space provided is not enough, please use a separate sheet of paper and attach to the form.

16. Name and address of Enumerator

.....

.....

.....

.....

.....

17. Date, 20.....

18. Remarks

.....

.....

...

20.

19. Zonal Officer's Signature

.....

FOR OFFICE USE ONLY

20. Grade of Business

21. Amount Payable for Registration

22. Date of Registration

23. Date of Renewal

24. SignatureRank

FORM B
[Section 6.]
[No. 4 of 2006.]
Business Particulars
(For use by Firms)

Particulars required to be furnished to the registrar:

(1) The registered business name of the

.....
firm.

(2) Its head office

.....

(3) The general nature of the business

..... (4) The principal place of business in the
State.

(5) Other places in the State where the (a)

.....
business is carried on giving in each ...
place the full address, mentioning spe- (b)

.....
cifically the street, number, name of (c)

.....
street or name of the compound, name(d)

.....
of the town and Local Government (e)

.....
Area in the State. W (f)

.....
(iii)

if)
(6) Date of commencement of business in (i)

.....
the State.

(7) The full names and address and nation- (ii)

.....
ality of each individual who is a partner.

(8) The registration of number of the

.....
business name under the Registration
of Business Name Act.

.....
(9) Capital invested in the business.....
.....

DECLARATION

I/We hereby certify that the foregoing particulars are to the best of my/our knowledge, information and belief correct and I/We undertake to notify the registrar whenever any change occurs in or affects any of these particulars.

Dated atthis.....day of 20

Signature(s) of persons(s) required to sign
.....) under section 7 of this Law.
.....)
.....)
.....)
.....)
.....)

If the space provided is not enough, please use a separate paper and attached form.

FORM C

[Section 6.]

[No. 4 of 2006.]

REGISTRATION OF BUSINESS PREMISES LAW

Business Particulars

(For use by Individuals)

Particulars to be furnished to the Registrar:

- (1) The name of the business
- (2) Its registered office
- (3) The general nature of business
- (4) The principal place of business in the State.

- (5) Other places in the State where the (a)

.....
business is carried on giving in each (b)

.....
place full address, mentioning specifi- (c)
cally the street number, name of street (d)

-
- or name of compound, name of town (e)
 and Local Government Area in the (f)
 State.
- (6) Date of commencement of business in the

 State.
- (7) Full names and address and nationality

 of the individual owning the business.
- (8) The registration number of the busi-

 ness name under the Registration of
 Business Names Act.
- (9) Capital invested in the business

DECLARATION

I hereby certify that the foregoing particulars are to the best of my knowledge, information and belief correct and I undertake to notify the registrar whenever any change occurs in or affects any of these particulars.

Dated atthisday of,20

.....
 Signature of the individual

FORM D

[Section 11.]

[No. 4 of 2006.]

REGISTRATION OF BUSINESS PREMISES LAW

Notification of Change in Business Particulars Filed

To the Registrar of Business Premises:

Pursuant to section 11 of the Registration of Business Premises Law, 1986, I/AVe hereby notify you that the following change(s) has/have been made in the business particulars of.....

....

(Name of Company/Firm/Individual)
situate

at

Particulars of change:	Date of change:
(1),
20.....	
(2),
20.....	
(3),
20.....	
(4)
.....,20.....	

.....)
Signature(s) of person(s) required to
sign

.....)
.....)
.....)
.....)
.....)

Dated atthis day of , 20.....

FORME

[Section 12.]

REGISTRATION OF BUSINESS PREMISES LAW

Application for Correction of Errors in the Register

To the Registrar of Business Premises:

I/AVE hereby apply that the following error(s) in the register of business premise relating to the business of

(Name of Company/Firm/Individual)

.....

situate atbe
corrected

The Errors:

(a)
.....

(b)

.....
.....

(c)

.....
.....

FORM E—continued

(d)

.....
...

The Correct Particulars

(a)

.....
...

(b)

.....
...

(c))

.....
...

(d)

.....
...

.....) Signature(s) of person(s) authorised
to sign

)
.....)
)
.....)
)
.....)

FORM F

[Section 17.]

[No. 4 of 2006.]

REGISTRATION OF BUSINESS PREMISES LAW

Notice of Cessation of Business

To the Registrar of Business Premises:

Pursuant to section 17 of the Registration of Business Premises Law, 1986, I/We hereby no-

tify you that the undermentioned *Company/Firm/Individual has ceased to carry on business

at.....

.....

with effect from....., 20.....

.....

Name *of*

Company/Firm/Individual

Dated atthisday of,
20.....

.....) Signature(s) of person(s) authorised
to

sign under section 17 of this Law.

)

.....)

)

.....)

)

.....)

Delete what is not applicable.

SCHEDULE 1

[Schedule 2, Form A, Section 6, Form B.]

[No. 4 of 2006.]

Registration of Business Premises Certificate

No.

I hereby certify that

.....

.....

.....

.....

.....

.....

.....

.....

is this day Registered/Renewed under the Registration of Business Premises Law of 1986.

Given under my hand thisday

of

.....Two thousand and

.....

This Certificate will expire on the:

.....

Fees Paid: H

Renewal Fees: H.....

.....

Registrar of Business Premises,
Ministry of Commerce and Co-operatives

SCHEDULE 3
REGISTRATION OF BUSINESS PREMISES LAW
Certificate of Identity

--

I hereby certify that Mr/Mrs/Miss

.....

whose passport photograph is attached hereto has been appointed Inspector of Business Premises in the State in accordance with section 20 of the Registration of Business Premises Law, 1986.

.....

Permanent Secretary,
Ministry of Commerce and Co-operatives

SCHEDULE 4
REGISTRATION OF BUSINESS PREMISES
Annual Fees Payable

NO.
ANNUAL

REGIST-

TRATION
REMEWAL

	N
N 161. Manufacturing Company with Sharecapital of above N30m	10,000
5,000	
2. Other Manufacturing Industries or Companies located—	
(a) In the State Capital	8,000
5,000	
(b) In Local Government Headquarters	5,000
3,000	
(c) In other areas	3,000
1,500	
3. Financial Institutions—	
(a) Banks in the State Capital	10,000
5,000	
(b) Banks in the Local Government Headquarters	5,000
3,000	
(c) Banks in other areas	3,000
2,000	
4. Medical Centres	
Private Hospitals located—	
(a) In the State Capital	8,000
5,000	
(b) In Local Government Headquarters	5,000
2,000	
(c) In other areas	3,000
1,500	
5. Hospitality Industries—	
(a) Hotels in the State Capital	10,000
5,000	
(b) Hotels in Local Government Headquarters	5,000
2,000	
(c) Hotels in other areas	2,000
1,000	
(d) Guest houses in the State Capital	5,000
3,000	
(e) In the Local Government Headquarters	2,000
1,000	
(f) In other areas	1,500

1,000		
6.	Commercial firms, petrol filling stations	
	Insurance companies located—	
(a)	In the State Capital	5,000
3,000		
(b)	In Local Government Headquarters	2,000
1,000		
(c)	In other areas	1,500
500		
7.	Auto – Mechanical Workshop, Motor Companies,	
	Printing and Publishing Companies. Legal Chambers, Chartered	
	Accountants, Estate Surveyors, Architects and Designers,	
	Pharmaceutical and Chemist Shops, Furniture Companies,	
	Shoes Industry and Cinema Houses located—	
(a)	In the State Capital	3,000
2,000		
(b)	In Local Government Headquarters	2,000
1,000		
(c)	In other areas	1,500
1,000		

SCHEDULE A—continued

NO.	REGIST- ANNUAL	
	TRATION RENEWAL	
	N	N
8.	Construction Companies located—	
(a)	In the State Capital.....	10,000
5,000		
(b)	In Local Government Headquarters.....	5,000
2,000		
(c)	In other areas.....	2,000
1,000		
9.	Limited Liability Companies located—	
(a)	In the State Capital	5,000
3,000		
(b)	In Local Government Headquarters.....	2,000
1,000		
(c)	In other areas	1,000

CHAPTER R1
REGISTRATION OF BUSINESS PREMISES LAW
SUBSIDIARY LEGISLATION

No Subsidiary Legislation
