

Western Province Provincial Council

Business Names Statute

A STATUTE TO PROVIDE FOR THE REGISTRATION OF FIRMS AND PERSONS CARRYING ON BUSINESS UNDER BUSINESS NAMES WITHIN THE WESTERN PROVINCE AND FOR THE CHARGING OF FEES FOR SUCH REGISTRATION AND FOR MATTERS CONNECTED THEREWITH. THIS STATUTE IS INCONSISTENT WITH THE BUSINESS NAMES ORDINANCE(CHAPTER 149) ENACTED BY THE PARLIAMENT OF SRI LANKA.

Be it enacted by the Western Province Provincial Council as follows:-

Short title and date of operation. 1. This statute may be cited as the Western Province Business Names Statute No: 04 of 1990 and shall come into operation on 1.01.1991.

Administration of the statute. 2. (1) There shall be appointed for the purposes of this statute a Provincial Registrar of Companies(hereinafter referred as the "Provincial Registrar of Companies"). The Provincial Registrar of Companies shall be responsible for the General Administration of this statute. There shall be appointed such number of Provincial Assistant Registrars of Companies and such other officers and servants as may be necessary for the implementation or enforcement of the provisions of this statute.

(2) The powers, duties or functions of the Provincial Registrar of Companies under this statute may be exercised performed or carried out by any Provincial Assistant Registrar of Companies or by any other officer empowered in writing under the hand of the Provincial Registrar of Companies.

Registration of Business Names. 3. (1) Subject to sub-section 2 hereof, no business shall be carried on within the Western Province on or after the date of this statute under any business name except under the Authority of a certificate issued under this statute.

(2) A certificate already issued in respect of a business carried on within the Western Province, under the Business Names Ordinance (Chapter 149), shall be deemed to be a certificate

and such certificate shall be valid only for a period of six months from the date of this statute.

(3) The relevant certificate of Registration mentioned in sub-section (1) shall, after the date of this statute, be issued to firms and persons upon the registration of such firms and persons, and upon payment of the prescribed fee, in terms of the provisions of this statute.

(4) Any firm or person having a place of business in the Western Province and carrying on business under a business name without a valid certificate issued under this statute shall be subject to the penalties as provided in the Business Names Ordinance (Chapter 149), incorporated by section 4 of this statute.

Incorporation  
Clause.

4. (1) The provision of sections 2 to 16 (both inclusive) and sections 18 to 20 (both inclusive) of the Business Names Ordinance (Chapter 149) enacted by the Parliament of Sri Lanka shall be deemed to be incorporated into this statute, subject to the substitution of the word "statute" for the word "ordinance", wherever it occurs in the aforesaid sections and subject to the substitution of the words "a fine not exceeding two thousand five hundred rupees" for the words "a fine not exceeding one hundred rupees" in the section 8 of the said Business Names Ordinance and subject to the substitution of the words "a fine not exceeding two thousand five hundred rupees" for the words "a fine not exceeding three hundred rupees" in the section 10 of the said Business Names Ordinance and such provisions shall be construed as forming part of this statute. The said sections shall, mutatis mutandis, apply to the registration of firms and persons carrying on business under business names, within the Western Province.

(2) Any reference in the provisions of sub-section (1), to any officer, place, establishment or any other thing stated in column I herein, shall be deemed to be a reference to the officer, place, establishment or other thing appearing in the corresponding entry in column 2.

Column I

Column 2.

Minister

Provincial Minister in charge of the subject of Trade in the Provincial Council of the Western Province.

Registrar

Provincial Registrar of Companies.

This Ordinance

This Statute.

Business Names  
Ordinance  
(Chapter 149)  
not to apply  
within the

5. The provisions of the Business Names Ordinance (Chapter 149) shall cease to be in operation in relation to the registration of firms and persons carrying on business under business names and for purposes connected therewith within the Western Province, except in so far as they are deemed to be applicable by the provisions of

6. (1) The Provincial Minister in charge of the subject of Trade in the Provincial Council of Western Province may make rules or regulations concerning any of the following matters:-

- (a) the appointment of a Provincial Registrar of Companies and Provincial Assistant Registrars of Companies, and the establishment of register offices for the purposes of this statute;
- (b) the fees to be paid to the Provincial Registrar of Companies or Provincial Assistant Registrars of Companies under this Statute, so that they do not exceed the sum of five hundred rupees for the registration of any one statement;
- (c) the forms to be used under this Statute;
- (d) the duties to be performed by the Provincial Registrar of companies and the Provincial Assistant Registrars of Companies, under this Statute;
- (e) the performance by Provincial Assistant Registrars of Companies and other officers, of acts by this Statute required to be done by the Provincial Registrar of Companies;
- (f) the periodical publication in the Gazette or otherwise, of the registers kept under this Statute or of particulars or returns of particulars therein contained;
- (g) generally, the conduct and regulation of registration under this Statute, and any matters incidental thereto.

(2) All fees payable in pursuance of any such rules or orders shall, be applied as the Provincial Minister in charge of the subject of Trade in the Western Province may direct.

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21/9/50  
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GOVERNOR  
WESTERN PROVINCE.