

CHAPTER 114

REGISTRATION OF BUSINESS PREMISES

A LAW TO REGISTER BUSINESS PREMISES IN KATSINA STATE

KDS 7 of
1979.
KTSLN 1 of
1988.
KTS 3 of
1988.

[24 May 1979] Date of
commence-
ment.

1. This Law may be cited as the Registration of Business Title Premises Law.

2. In this Law unless the context otherwise requires:-

Interpreta-
tion.

“business” includes any trade, industry or profession, and any occupation carried on for profit but does not include farming, except such types or classes of farming as the registrar may specify as being registrable as a business, having regard to the nature, scale and presumed income of such farming business;

“business name” means the name or style under which any business is carried on whether in partnership or otherwise;

“business premises” means the premises on which any business is carried on whether situated within or without a building or other structure, and whether fenced or unfenced;

“existing business” means any business existing in the State prior to the date of commencement of this Law;

“Governor” means the Governor of Katsina State;

“Permanent Secretary” means the Permanent Secretary, Ministry of Trade and Industry;

“personal representative” includes an executor and 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 and whose head office is outside the State;

"Registrar" means the Registrar of Business Premises designated in accordance with section 4 of this Law;

"State" means the Katsina State of Nigeria.

Business
Premises
Registry.

3.—(1) There shall be in the State a Business Premises Registry with a Head Office at the Trade Division of the Ministry of Trade and Industry, Katsina and field offices at such places as the Governor may from time to time direct.

(2) The Business Premises Registry shall be headed by a Registrar who shall be the Chief Commercial Officer in the Ministry of Trade and Industry.

(3) The Registrar shall be assisted in the field offices by assistant registrars who shall be the Divisional Commercial Officers.

Business
Premises of
Companies
firms and
individuals
to be
registered.

4.—(1) There shall be registered in the manner prescribed by this Law the premises on which every company, firm or individual is carrying on any business in the State.

(2) Where a company, firm, or individual whose business premises are required to be registered under this Law:—

(a) changes its or his business name after it has been registered, or

(b) changes its or his business name after the date of commencement of this Law but before the business premises have been registered, such company, firm or individual shall:—

(i) in the case of (a) above, notify the registrar of the change of name for alteration in the register; and

(ii) in the case of (b) above, register its or his business premises under the new business name.

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

5. The Governor may by notice signed by him and published in the Gazette exempt from registration under this Law any business premises of any company, firm or individual carrying on business in the State, or any class or classes of business premises situated in the State.

Exemption.

6.—(1) Every company, firm or individual whose business premises are required to be registered under this Law shall furnish by sending by registered post or by delivering to the Registrar at his office in Katsina a statement in writing containing particulars mentioned in Form 1, 2 or 3 respectively in the First Schedule to this Law.

Manner and Particulars of Registration.

(2) Where a business is carried on two or more different premises, each premises on which the business is carried on shall be registered in accordance with this Law.

Forms 1, 2, 3. First Schedule.

7. The statement required under section seven of this Law shall be signed:—

Signing of statements.

- (a) in the case of an individual, by him;
- (b) in the case of a company either by a director, secretary, manager or principal representative thereof; and
- (c) in the case of a firm either by all the individuals who are partners, or by a director, the secretary or the principal representative, as the case may be, of each company which is a partner; or by an individual who is a partner; and
- (d) in any case under paragraph (b) or (c) above the signature shall be verified by the signatory upon a declaration made by him in accordance with this Law.

8. An application under this Law shall be made:—

Time for registration.

- (a) in the case of an existing business, within twenty-eight days from the date of commencement of this Law; and
- (b) in any other case, within twenty-one days of the commencement of the business.

9. 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.

Extension of time for registration.

Changes in
registered
particulars.
Form 4.
First
Schedule.

10. Whenever a change is made or occurs in any of the particulars registered in respect of any company, firm or individual, the person or persons authorised by section 8 to sign statements of particulars required by this Law to be registered in respect of the company, firm or individual shall within fourteen days after the occurrence of such change, furnish by sending by post or delivering to the Registrar a statement in writing as in Form 4 of the First Schedule specifying the nature and date of the change; the statement shall be signed by him or them and, where necessary, verified in like manner as in section 8.

Correction
of errors.
Form 5.
First
Schedule.

11.—(1) The Registrar may on application made in Form 5 of the First Schedule 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; such application shall be signed and, where necessary verified in like manner as the statement required on registration.

(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 and the Permanent Secretary's decision on the matter shall be final.

Filing of
statements
and certi-
ficates of
registration.
Fourth
Schedule.

12.—(1) On receiving a statement made in pursuance of section 7 in relation to any business premises and on payment by the applicant of the fees prescribed in the Fourth Schedule, the Registrar shall file the said statement and shall send by post, or deliver to the company, firm or individual furnishing such statement, a certificate in respect of those premises duly signed by him.

Second
Schedule.

(2) The certificate shall be in the form prescribed in the Second Schedule.

(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 by any person and upon the payment of the prescribed fees, issue to a person:—

- (a) a certified copy of a certificate of registration the original of which had been issued to such a person; or
- (b) a certified copy of any application for registration of business premises made by such person.

(5) The certificate referred to in sub-section (1) or a certified copy thereof shall be kept exhibited in a conspicuous position at the business premises of the company, firm or individual.

13. A certificate issued in accordance with section 13 of this Law shall be prima facie evidence that the business premises to which it relates are duly registered under this Law. Certificate as evidence of registration.

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

(2) The register shall contain the date of registration, the description and address of the business premises, the name of the company, firm or individual whose business is carried on by the company, firm or individual on those premises.

15.—(1) If any company, firm or individual whose business premises are registered under this Law:—

- (a) ceases to carry on business; or
- (b) ceases to carry on business on the registered premises:

it shall be the duty of the person who may sign a statement under section 8 or, if he is dead, his personal representative, within one month after the business ceased to be carried on or has ceased to be carried on the registered premises, as the case may be, to send by post or deliver to the Registrar notice, as in Form 6 of the First Schedule, of the cessation of business, or as the case may be of the cessation of business on the registered premises and the address of the new business premises. Cessation of business and removal of name from register or cessation of business on registered premises and substitution with new business premises.
Form 6.
First Schedule.

(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 on the registered business premises,

he shall in the case of paragraph (a) remove the name of the company, firm or individual from the register and, in the case of paragraph (b) substitute the new business for the registered premises.

Inspection of register and copies or entries in register.

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

Fourth Schedule.

(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 issue to such person a copy of that certificate, or an extract thereof, certified under the hand of the Registrar.

(3) The Registrar shall give a certified copy of an entry in the register or of any filed document, other than a certificate, to any person applying therefor on paying the prescribed fee.

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

Duty to furnish particulars.

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

Inspectors.

18.—(1) The Permanent Secretary may designate any persons in the Ministry of Trade, Industry and Co-operatives to be inspectors 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 business premises 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 are not registered and report to the Registrar the existence of such premises and the fact that they have not been registered;
- (c) to carry out such other duties as the registrar or the Permanent Secretary may assign to him.

19. An inspector may at all reasonable times during the hours of 7 o'clock in the morning and 6 o'clock in the evening enter upon any business premises in the course of the performance of his duties under this Law. Powers of Inspectors.

20.—(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 the Third Schedule and shall be signed by the Permanent Secretary. Identity of Inspectors. Third Schedule.

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

- 21.—(1)** (a) if any company, firm or individual whose business premises are 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, the company or every partner in the firm or the individual as the case may be, shall be guilty of an offence and liable on conviction to a fine of one hundred naira and, thereafter, shall be liable to a fine of ten naira for every day that the default continues until the premises are registered. Offences.
- (b) if any person required by the Registrar to furnish any particulars under section 17 refuses or fails to furnish those particulars or to furnish them within the time or in the manner specified by the registrar, he shall be liable on conviction to a fine of fifty naira.
- (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 on any premises, every person liable under section 16 to notify the registrar of such cessation shall be guilty on conviction to a fine of fifty naira.

(d) if any statement required to be furnished under this Law contains any matter which is false to the knowledge of the person signing it, that person shall be guilty of an offence and liable on conviction to a fine of one hundred naira or imprisonment for three months or both.

(2) Any person who with intent to defraud, alters, erases or mutilates a certificate issued under this Law shall be guilty of an offence and liable on conviction to a fine of two hundred naira or imprisonment for six months.

(3) Any person who personates the holder of a certificate issued under this Law shall be guilty of an offence and liable on conviction to a fine of two hundred naira or imprisonment for three months.

(4) The court convicting any company or person under this section, may in addition to any penalty, which it is empowered to impose, order the company or the person to do, or to refrain from doing, anything under this Law which it or he has failed or refused or neglected to do or has persisted in doing, in contravention of any provisions of this Law.

Regulations. 22. The Governor may make regulations prescribing all matters which by this Law are required or authorised to be prescribed including fees for registration under this Law or which are necessary or convenient for giving effect to the provisions of this Law.

Fees.
Fourth
Schedule.

23. Until any regulations are made under section 22 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 the Fourth Schedule.

FIRST SCHEDULE

Section 6.

FORM I

(For use by Companies).

REGISTRATION OF BUSINESS PREMISES (Cap 129)

Particulars required to be furnished to the Registrar:-

- | | |
|---|---|
| (a) the registered name of the Company | (a) |
| (b) the general nature of business | (b) |
| (c) the principal place of business | (c) |
| (d) other places (if any) in the State at which the business is carried on (giving the address, not postal) of the premises | (d)
(i)
(ii)
(iii) |
| (e) the date of commencement of the business | (e) |
| (f) the name and address of Secretary | (f) |
| (g) the name and address of every director | (g)
(i)
(ii)
(iii) |

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 of Business Premises whenever any change is made or occurs in any of them.

DATED at Katsina thisday of [month] [year]

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

.....

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If prior to the commencement of this Law, it is sufficient so to state.