

REGISTRATION OF BUSINESS NAMES (AMENDMENT) ACT, 2012 (ACT 837)

ARRANGEMENT OF SECTIONS

Section

1. Section 15A inserted
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THE EIGHT HUNDRED AND THIRTY-SEVENTH

ACT

OF THE PARLIAMENT OF THE REPUBLIC OF GHANA

ENTITLED

REGISTRATION OF BUSINESS NAMES (AMENDMENT) ACT, 2012

AN ACT to amend the Registration of Business Names Act, 1962 (Act 151) to provide for electronic transactions under the Act and to provide for related matters.

DATE OF ASSENT: 1st March, 2012.

PASSED by Parliament and assented to by the President.

Section 1—Section 15A inserted

The Registration of Business Names Act, 1962 (Act 151) is amended by the insertion after section 15 of

15A "Electronic transactions

(1) Despite any provision of this Act and any other enactment to the contrary, the registrar may for purposes of this Act authorise

- (a) the registration of a business name;
- (b) the removal of a business name from the register upon cessation;
- (c) the submission of written statements;
- (d) the signing of documents;
- (e) the submission of annual renewal notices;
- (f) the filing of changes in particulars;
- (g) the issue of a certificate of registration;
- (h) the issue of a notice of the cessation of a business;
- (i) the issue of a notice to inquire about the existence of a registered company;

- (j) the submission of particulars for purposes of registration;
- (k) searches;
- (l) the keeping, maintenance and inspection of a register;
- (m) the issue of a certified copy of an entry in the register; and
- (n) the performance of any act or thing required to be done in relation to paragraph (a) to (m) to be effected electronically through an electronic system in the manner approved by the Registrar.

(2) With effect from the date notified in the Gazette, the registrar may direct that any matter, act or thing referred to in subsection (1), or required to be done under this Act; be submitted or done electronically.

(3) The registrar shall inform its clients of the electronic system intended to be used as the medium for the electronic transactions and obtain the written consent of each client concerned to use the designated electronic system.

(4) Without limiting subsection (2), a document or information may be sent in electronic form to a person or the registrar through an electronic system for the performance of any act or thing under this Act, if

- (a) the intended recipient has consented in writing to the despatch and receipt of the document or information as a substitute for the hard copy form, at a designated electronic address to and from the party responsible for sending it; or
- (b) it is required by law to receive a document or information in electronic form.

(5) The registrar may by legislative instrument make Regulations

- (a) to prescribe the mode of electronic transactions between
 - (i) individuals registered under this Act and the general public;
 - (ii) individuals registered under this Act and regulatory agencies;
 - (iii) companies registered under this Act and the general public; and
 - (iv) companies registered under this Act and regulatory agencies;
- (b) for application procedures for registration by electronic filing;
- (c) to provide for the use of documents reproduced electronically or by other means by the registrar as original documents by individuals and companies registered under this Act;
- (d) for electronic record keeping of documents by registered individuals and companies;
- (e) for procedures for the authentication of electronic documents by registered individuals and companies;
- (f) for the use of websites and electronic filing addresses for the purpose of this Act;
- (g) for the format of statutory forms and documents for electronic filing;

(h) to prescribe the payment systems for electronic filing, electronic searches and electronic downloads of requested documents from the registrar; .

(i) authorising the destruction of any document that has been recorded or stored electronically;

(j) to give effect to and ensure the efficient operation of, any device or facility; and

(k) required for the purposes of electronic transactions under this Act.

(6) Where in an enactment a person is required to provide evidence of a transaction in respect of a matter specified under subsection (1), proof of that matter as transacted electronically in the manner approved by the registrar under that enactment shall suffice."

Section 2—Transitional and saving provisions

(1) A matter specified under section 15A in respect of which a transaction may be effected electronically on the commencement of this Act, shall after five years from the commencement date of this Act be effected electronically only.

(2) Section 15A of Act 151 does not affect the validity of anything done manually relating to the operation by individuals and companies established before the commencement of this Act.

Section 3—Modification

The Electronic Transactions Act, 2008 (Act 772) shall be read as one with section 15A of Act 151 and where there is a conflict between section 15A of Act 151 and Act 772, section 15A of Act 151 shall prevail.

Date of Gazette Notification: 2nd March, 2012.