

**REGISTRATION OF BUSINESS PREMISES
LAW, 2013.**

NO. 10 OF 2013.

EKITI STATE OF NIGERIA

REGISTRATION OF BUSINESS PREMISES LAW, 2013

Arrangement of Sections.

1. Establishment of Business premises registry.
2. Registration of Business Premises.
3. Exemption.
4. Manner and particulars of registration.
5. Signing of statement.
6. Time for registration.
7. Extension of time for registration.
8. Changes in registered particulars.
9. Correction of errors.
10. Issuance of certificate for filings of statement and certificate of registration.
11. Evidence of registration.
12. Register of all Business Premises.
13. Notice of cessation of Business.
14. Inspection of register and copies of entries in register.
15. Duty to furnish particulars.
16. Inspectors.
17. Right of entry.
18. Identity of inspector.
19. Legal Adviser.
20. Offences.
21. Regulations.
22. Fees.
23. Interpretations.
24. Citation.

First Schedule.

Second Schedule.

Third Schedule.

Fourth Schedule.

A LAW TO PROVIDE FOR THE REGISTRATION OF BUSINESS PREMISES AND OTHER MATTERS CONNECTED THEREWITH.

NO. 10 OF 2013.

EKITI STATE OF NIGERIA.

COMMENCEMENT []

ENACTED by Ekiti State House of Assembly as follows:

Establishment of Business premises registry.

1. (1) There is hereby established a Business premises registry in the Ministry of Trade, Investments and Innovation with an office at such place or places as the Permanent Secretary from time to time direct.

(2) The Director of Commerce in the Ministry of Trade, Investments and Innovation shall be the Registrar of Premises.

(3) The Permanent Secretary shall cause to be provided for the Registrar such staff and equipment as may be required for the efficient performance by the Registrar of his duties under this Law.

Registration of Business Premises.

2. (1) There shall be registered in the manner prescribed by this Law the Premises on which every owner or occupier is carrying on any business in the State.

(2) When an owner or occupier whose business premises required to be registered under this Law:-

- (a) Changes his business name after it has been registered, or
 - (b) Changes his business name after the date or commencement of this law but before the business has been registered, such owner or occupier shall: -
 - (i) In the case of (a) above, notify the registrar of the changes of name for alteration in the register; and
 - (ii) In the case of (b) above, register his business premises under the new business name.
- (3) Where an owner or occupier of a business premises, after it has been registered under this Law, changes its location, the owner or occupier shall notify the registrar in writing of the change in address and the registrar shall alter the register accordingly.

Exemption.

3. (1) The following shall be exempted from registration:-

- (a) Where the business is carried on by trustee in bankruptcy or by a receiver or manager appointed by any Court or by the Administrator - General or by Public Trustee or by any person acting under or appointed by the Administrator-General or Public Trustee by virtue of any powers conferred on him by any Law:
- (b) Where the business is carried on directly by any Government in Nigeria or by any Government Agency.

(2) The Governor may by notice signed by him and published in the State Gazette exempt from registration under this Law business premise of any owner or occupier carrying on business in the State.

Manner and particulars of Registration.

4.(1) Every owner or occupier whose business premises are required to be registered under this Law shall furnish by sending through registered post or by delivering to the registrar at his office in Ado Ekiti, a statement in writing containing particulars stated in Forms 1, 2 and 3 in the First Schedule to this Law.

(2) Where a business is carried on in two or more different premises, one of the premises shall be registered as the head office while others shall be registered as a branch (es) in which the business is carried on in accordance with this Law.

Signing of statement.

5. The statement required under Section 8 of this Law shall be signed-

- (a) In the case of a company, by a Director or the Secretary,
- (b) In the case of a firm, by at least two principal partners
- (c) In the case of an individual by himself: and
- (d) In any case under paragraph (a) or (b) above, the signature shall be verified by the signatory upon declaration made by him in accordance with this Law.

Time for registration.

6. An owner or occupier of a business premises whose business is required to be registered according to this Law shall do so -
 - (a) In the case of an existing business, within 28 days from the date of commencement of this Law, and
 - (b) In any other case, within 21 days of the commencement of the business.

Extension of time for registration.

7. The Registrar may on application 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.

Changes in registered particulars.

8. Whenever a change is made or occurs in any of the particulars registered in respect of any owner or occupier, the person or persons authorized by Section 5 of this Law shall within fourteen (14) 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 the date of the change, the statement shall be signed by him or them and, where necessary, verified in like manner as in Section 5.

Correction of errors.

9. (1) The Registrar may on application made in Form 5 of the first schedule and upon the payment of the prescribed fees by an owner or occupier 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 sub-section (1) he shall within fourteen (14) days of the receipt of such application by writing notify the owner or occupier of such refusal.

(3) Any person aggrieved by the refusal of the Registrar to correct any error may within fourteen (14) days from the receipt of the notification of such refusal, appeal to the Permanent Secretary, Ministry of Trade, Investment and Innovations against the refusal.

Issuance of certificate for filings of statement and certificate of registration.

10. (1) On receiving a statement made in pursuance of Section 8 in relation to any business premises and or payment by the applicant of the fees prescribed in Section 22 of this Law, the Registrar shall file the said statement and shall send by post or deliver to the owner or occupier furnishing such statement, a certificate in respect of those premises duly signed by him.

(2) The certificate shall be in the form prescribed in the second schedule.

(3) A Duplicate or counterpart of the certificate issued under sub - section (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

such a person 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 owner or occupier.

**Evidence of
Registration.**

11. A certificate issued in accordance with Section 10 of this Law shall be prima - facie evidence that the business Premises to which it relates is duly registered under this Law.

**Register of
all business
Premises.**

12. The Registrar shall keep a register of all business premises registered under this Law: the description and address of the business premise, the name of the owner or occupier whose business is carried on in the premise and the nature of the business carried on by the owner or occupier of the premise.

**Notice of
cessation of
Business.**

13. (1) If any owner or occupier whose business is 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 sign a statement under Section 8 or, if he is dead, of his personal representative within 60 days after the business ceased to be carried on or 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 on the registered premises and the address of the

business premises.

- (2) Where the Registrar is satisfied that an owner or occupier: -
- (a) has ceased to carry on business, or
 - (b) has ceased to carry on business on the registered premises;

He shall in the case of paragraph (a) remove the name of the owner or occupier from the register and, in the case of (b) substitute the new business for the registered business premises.

Inspection of register and copies of entries in Register.

14. (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,
- (a) 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 10 issued to such person a copy of that certificate, or an extract thereof, certified under the hand of the Registrar.
 - (b) The Registrar shall give a certified copy of any entry in the register or of any filed document, other than a certificate, to any person applying thereof after paying the prescribed fee.
 - (c) A certified copy of the Certificate or any entry in the register 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.

15. The registrar may require any person to furnish him with such particulars as appear to him necessary for the purpose 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 premises have not been registered, he shall proceed to register those premises in the manner provided by this Law.

Inspectors.

16. (1) The Permanent Secretary may by notice in the Gazette designate any person 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 registered business premises to ensure that the provisions of this Law are 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.

Right of Entry. 17. An inspector may at all reasonable times during the hours of eight 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.

Identity of Inspector. 18. (1) Any inspector shall at all times in the course of his lawful duties carry a certificate of identity which shall be in the form prescribe in the Third schedule and signed by the Permanent Secretary.

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

(3) The duty of the Permanent Secretary under sub - section 1 shall not be delegated.

Legal Adviser. 19. (1) There shall be a Legal Adviser in the Business Registry to be appointed by the Attorney - General.

(2) It shall be the duty of the Legal Adviser to advise the Registry on all Legal issues and to ensure that registration is done in accordance with the provisions of this Law.

Offences. 20. (1) (a) If any owner or occupier 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, he shall be liable to a fine of **One thousand Naira (N 1,000)** for every day that the default continues until the premises are

registered, otherwise the business premises, after due notice has been served on the owner or occupier, shall be closed down and the wears and properties therein seized by the officers designated by the Registrar.

(b) If any person required by the registrar to furnish any particulars under Section 15 refuses or fails to furnish them within the time or in the manner specified by the registrar, he shall be guilty of an offence and may be liable on conviction to a fine of **Ten Thousand Naira (N10, 000.00)**.

(c) Any person required by this Law to give any notice of:

- (i) a cessation of business; or
- (ii) a cessation to carry on business on any premises as required under Section 13 of this Law, the person charged under Section 13 of this Law with the duty to notify the Registrar of such cessation shall be guilty on conviction to a fine of **Ten Thousand Naira (N10, 000.00)**.

(d) If any statement required to be furnish 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 **Twenty thousand Naira (N20, 000.00) or imprisonment for Six months or both.**

(2) Any person who with the intent to defraud, alters or mutilates a Certificate issued under this Law, shall be guilty of an offence and liable on conviction to a fine of **Twenty**

thousand Naira (N20,000.00) or imprisonment for six months.

- (3) Any person who impersonates the holder of a Certificate issued under this Law shall be guilty of an offence and liable on conviction to a fine of **twenty thousand Naira (N20,000)** or imprisonment for six months.
- (4) The Court convicting any owner or occupier under this Section, may in addition to any penalty, which it is empowered to impose, order the owner or occupier to do other thing under this Law for the purpose of complying with the provisions of this Law.
- (5) 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 on summary conviction liable to a fine of **Twenty Thousand Naira (N20, 000.00) or to an imprisonment for six months.**

Regulations

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

Fees.

22. Until any regulations are made under Section 21 prescribing otherwise, there shall be paid annually for the registration, or renewal of business registration premises under this Law as classified in the fees as shall be set out by the Permanent Secretary.

Interpretations. 23. In this Law unless the context requires:-

"Business" means any trade industry or profession and any occupation carried on for profit but does not include farming except such types of classes of farming as the registrar may specify as being registrable as business

"Business Name" means the name or style under which any business is carried on whether in partnership or otherwise;

"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;

"Company" means Limited Liability Company registered under the Companies and Allied Matter Act, 1990, and does not include a statutory Corporation or a company whole owned by the government of the State or by any other Government in Nigeria;

"Ministry" means Trade, Investments and Innovation.

"Attorney General" means Attorney General of Ekiti State.

"Firm" means a partnership, which is unincorporated body of;

- (a) Two or more individuals, or
- (b) One or more individuals and one more corporate body: or
- (c) Two or more corporate bodies who have agreed with one another to carry on a lawful business.

“**Governor**” means the Governor of Ekiti State.

“**Owner or Occupier**” means a person authorized under Section 5 and Section 8 of this Law to sign and give statement on behalf of the business:

“**Permanent Secretary**” means Permanent Secretary in the Ministry of Trade, Investments and Innovation of the State.

“**Personal representative**” include an executor and administrator of a deceased individual;

“**Prescribed**” means prescribed by this Law or regulation made there under:

“**Registrar**” means the registrar of business premises appointed in accordance with Section 1 (b) of this Law;

“**State**” means the Ekiti State of Nigeria.

Citation. 24. This Law may be cited as Registration of Business Premises Law, 2013.

FIRST SCHEDULE

FORM 1

REGISTRATION OF BUSINESS PREMISES LAW, 2013

(Particulars a Company is required to furnish to the Registrar)

The Registered Name of the Company _____

The General Nature of business _____

The Principal place of business _____

Other places (if any) in the State _____

Address at which the business is carried on (giving full address not P.O. Box of the Premises) _____

Date of commencement of business _____

Name and address of Secretary _____

Names and addresses of every Director:

(i) _____

(ii) _____

(iii) _____

Tax Identification Number (TIN) _____

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 wherever any change(s) is/are made or occurs in any of them.

Dated this _____ day of _____ 20____

Signature or Signatures of person or persons required to sign under Section 8.

* If prior to the commencement of this Law it is sufficient so to State.

FORM 2

REGISTRATION OF BUSINESS PREMISES LAW, 2013

(Particulars a Firm is required to furnish to the Registrar)

- (a) Business Name of the Firm _____
- (b) The General Nature of Business _____
- (c) The Principal place of business _____
- (d) Other place of business at which
the business is carried on (Giving address not P.O. Box of
the premises _____

- (e) Full name of each individual partner (in case of companies
in partnership (give the Registered Name of each Company) :
 - (i) _____
 - (ii) _____
 - (iii) _____

- (f) Date of commencement of business _____
- (g) Tax Identification Number (TIN) _____

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 wherever any changes is made or occurs in any of them.

Dated this _____ day of _____ 20_____

Signature or Signatures of person or
persons required to sign under Section 8.

* If prior to the commencement of this Law it is sufficient so to State.

FORM 3

REGISTRATION OF BUSINESS PREMISES LAW, 2013

(Particulars an individual is required to furnish to the Registrar)

- (a) Business Name of the individual _____
- (b) The General Nature of Business _____
- (c) The Principal place of business _____
- (d) Other place (if any) in the State at which the business is carried on (giving address not P.O. Box of the premises) _____
- (e) Full name and address of the individual owing the business _____
- (f) Date of commencement of business _____
- (g) Tax Identification Number (TIN) _____

Dated this _____ day of _____ 20____

Signature of Individual

* If prior to the commencement of this Law it is sufficient so to State

FORM 4

REGISTRATION OF BUSINESS PREMISES LAW , 2013

Notification of change in registration particulars to the
Registration of Business premises.

Pursuant to Section 8 concerning registered particulars to the registration of Business Premises Law, 2013, I/We hereby notify you of the following changes in the registered particulars of

_____ (Give the business name of the company / firm or Individual)

Particulars of changes and Date there of: -

_____ (Signature or Signatures of person or
_____) persons authorized to sign under
_____) Section 8 of this Law.

REG 013

FORM 5
REGISTRATION OF BUSINESS PREMISES LAW, 2013.

APPLICATION FOR CORRECTION OF ERRORS IN THE REGISTER TO REGISTRAR OF BUSINESS PREMISES:

I /We hereby state that the following error(s) in the register of Business Premises relating to the business particulars of: -

_____ situated at
(NAME OF COMPANY/FIRM/ INDIVIDUAL)

_____ be
corrected:

The Error

- (a) _____
- (b) _____
- (c) _____

Signature: _____

The correct particulars:-

sign: _____

- (a) _____
- (b) _____
- (c) _____

Dated this _____ day of _____ 20_____

_____ signature(s) of person(s)

FORM 6

REGISTRATION OF BUSINESS PREMISES LAW.

NOTICE OF CESSATION OF OR CESSATION OF BUSINESS
ON REGISTERED BUSINESS PREMISES.

TO THE REGISTRAR OF BUSINESS PREMISES

Pursuant to Section 13 of the registration of Business Premises
Law, 2012, I/we hereby notify you that the under mentioned
company/firm individual(s) has ceased to carry on Business at

_____ with effect from _____

20_____. The business name of the company / firm /
individual is _____.

Dated at _____ this _____ day of _____ 20_____.

_____) Signature or Signatures of person or

_____) Persons authorized to sign under

_____) Section 8 of the Law .

*Delete whichever is inapplicable.

SECOND SCHEDULE

REGISTRATION OF BUSINESS PREMISES LAW, 2013.

.....
(state here business name of Company / Firm / individual)

CERTIFICATE OF REGISTRATION

I hereby certify that the business premises situated at _____
in _____ Local Government on which _____
(state the business name of the company / firm / individual) is carrying on business have this day been registered in accordance with the registration of Business Premises Law, 2013.

The name of business carried on the Premises is _____

This License shall expire on _____

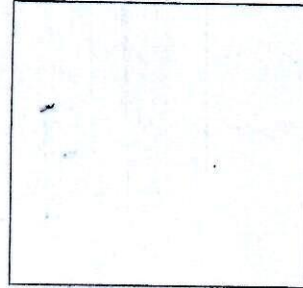
Made at Ado Ekiti thisday of20.....

REGISTRAR OF BUSINESS PREMISES

THIRD SCHEDULE
Section 17

REGISTRATION OF BUSINESS PREMISES LAW 2013

CERTIFICATE OF IDENTITY



I hereby certify that the person whose photograph is shown above is.....who has been appointed inspector of business Premises in accordance with the registration of Business Premises Law.

.....

Permanent Secretary
Ministry of Trade, Investment & Innovations.

REGISTRATION

FOURTH SCHEDULE
Section 3

PREMISES EXEMPTED FROM REGISTRATION

- (i) Fire Stations, Prisons, and Remand House.
- (ii) All homes used exclusively for charitable purposes and approved as such by the Commissioner.
- (iii) Approved and Recognized Government Educational Institutions excluding Rented accommodation for staff or student.
- (iv) Government hospitals including residential quarters and Hostels but excluding rented accommodation.
- (v) Cemeteries and Burial Grounds.
- (vi) Armed forces and police barracks excluding rented accommodation.
- (vii) All sport grounds including hostel and offices for players but not coaches excluding rented accommodation.
- (viii) All Government Buildings.

This printed impression has been carefully compared by me with the Bill, which has been passed by the Ekiti State House of Assembly and found by me to be a true copy of the said Bill.

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.....
MR. TOLA ESAN
Clerk of the House of Assembly

A. O. Omirin

.....
Rt. Hon. (Dr.) Adewale A. Omirin
Speaker of the House

Governor's Assent

I hereby signify my assent to this Bill

Kayode Fayemi

DR. KAYODE FAYEMI
Executive Governor of Ekiti State.

MADE AT ADO EKITI THIS *6th* DAY OF *December* 2013