



UNTAET

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23 April 2002

REGULATION No 2002/4

**ON THE REPLACEMENT OF REGULATION 2000/4 ON REGISTRATION OF
BUSINESSES**

The Special Representative of the Secretary-General (hereinafter: Transitional Administrator),

Pursuant to the authority given to him under United Nations Security Council resolution 1272 (1999) of 25 October 1999, as reaffirmed in United Nations Security Council resolution 1338 (2001) of 31 January 2001,

Taking into account United Nations Transitional Administration in East Timor (UNTAET) Regulation 1999/1 of 27 November 1999 on the Authority of the Transitional Administration in East Timor,

After consultation with the Council of Ministers and the Constituent Assembly,

For the purpose of registering businesses in East Timor,

Promulgates the following:

Section 1
Definitions

Wherever used in the present Regulation, shall have the following meanings:

1.1 '*legal person*' means

- (i) a natural person, including a sole trader/proprietor;
- (ii) a partnership, wherever formed;
- (iii) a company, an enterprise or other juridical entity, wherever incorporated or formed;
- (iv) any other body, as registered pursuant to UNTAET Regulation No. 2000/4.

1.2 '*partnership*' means an association of two or more persons who have expressly or implicitly agreed to carry on, as co-owners, a business for profit. The rights and the obligations of the partners are governed by the terms of the agreement between them.

1.3 '*incorporated entity*' means a legal entity as created by Law, Act of Parliament, international treaty or registration, which is formed upon an association of individuals but is distinct from its members. The legal entity holds the same responsibility and accountability to the law, which are attributable to a natural person.

Section 2 **Operation of a business**

2.1 Every entity and every legal person operating or intending to operate a business in East Timor shall register the business with the Business Registration Unit of the Ministry of Economic Affairs.

2.2 Businesses that have not registered after the date of entry into force of the Regulation 2000/4 shall be considered as illegally operating in East Timor and be subjected to the penalty as provided for in Section 8.

2.3 For the purposes of the present regulation, a business shall be considered every undertaking, operated by an individual or a legal entity, which facilitates or transacts the exchange of goods or services with the objective of making a profit.

2.4 The present regulation shall not apply to street peddlers or market hawkers, as defined by a directive.

Section 3 **Registration**

3.1 An application for registration shall comprise the following information:

- (a) Name of the enterprise;
- (b) Nature or field of operation of the enterprise;
- (c) Current business address of the legal entities seeking registration and residential address of individuals;
- (d) Place and date of first and subsequent registration(s) of business name and company name both in East Timor and elsewhere;
- (e) Official extract of company registration showing names and address of all office bearers, and if a publicly listed company, the identity of all shareholders with holdings greater than 25%;
- (f) Names of all persons including legal entities with any interest in the proposed business;
- (g) The identity of any related companies.

3.2 An application shall include a declaration by the applicant that the entity has not been the subject of an insolvency application.

3.3 The Business Registration Unit may refuse to register a business if the name of the proposed business is reasonably likely to be confused with any names resembling the name of a current national or international governmental or non-governmental organization or a local government entity.

3.4 Upon approval and payment of the registration fee a Certificate of Registration shall be issued in the form prescribed by the Minister of Economic Affairs.

3.5 The information shall be entered into a register with the Business Registration Unit that shall be publicly accessible.

3.6 The Certificate of Registration shall be displayed at the principal place of business.

Section 4 **Change of Address and Effective Control**

4.1 The Business Registration Unit shall be informed, in writing, within 30 days of any change
(a) in effective control of any registered business;
(b) in location or business address.

4.2 For the purpose of the present regulation, '*change in effective control*' means a change in the name of the individual entity conducting that business, the addition of any further individual, or, a change in ownership of more than 25% of the registered shareholding.

Section 5 **Registration fee**

5.1 Upon registration, a non-refundable fee of US \$100 shall be paid by legal entities or a non-refundable registration fee of US \$10 for individuals and US \$ 25 for partnerships.

5.2 Upon renewal of the registration, a non-refundable fee of US \$ 100 shall be paid by legal entities or a non-refundable renewal registration fee of US\$ 10 for individuals.

5.3 The fee shall be paid into an account that shall be administered by the Central Fiscal Authority, in accordance with UNTAET Regulation No. 2000/1.

Section 6 **Duration of registration**

6.1 The registration and any renewal after the entry into force of the present Regulation, shall be issued for a period of one (1) year following the date of registration or renewal, and shall lapse unless renewed on or before the date of its expiry.

6.2 Requests for renewal shall be directed to the Business Registration Unit.

6.3 All applications for renewal of registration shall include the notification of any change in the information provided for initial registration and a further declaration in the terms of Section 3.2 of the present regulation. All such information shall be publicly accessible from the Business Registration Unit.

Section 7 **Refusal of Registration**

7.1 The Business Registration Unit may refuse to register or renew the registration of a business, if that business fails to comply with the requirements of the present regulation.

7.2 If the business continues to operate, the Business Registration Unit may take all appropriate actions to terminate that business.

Section 8 **Penalty**

8.1 The failure to comply with the above registration requirement shall incur a penalty of US \$500. The Business Registration Unit shall impose the penalty. The provisions of Section 5.2 of the present regulation shall apply accordingly.

8.2 The penalty shall accrue to the East Timor Consolidated Budget, as provided for under UNTAET Regulation No. 2000/1.

8.3 The payment of the penalty shall be effectuated within a period of two (2) weeks. In case of non-payment within the time limit, the Business Registration Unit may take all appropriate actions to terminate the operations of the business concerned.

8.4 Pending the establishment of adequate judicial procedures for administrative matters, the individual or the representatives of the legal entity operating the business against which a measure under this present Section has been taken, may challenge the measure with the competent judicial authorities in East Timor.

Section 9 **Other permissions**

The present regulation shall not affect the obligation of the legal entity or individual to obtain any permission that may be required under the applicable law in East Timor, pursuant to UNTAET Regulation No 1999/1.

Section 10
Entry into force

The present Regulation replaces Regulation 2000/4 and shall be deemed to have become effective on 27 March 2002.

Sergio Vieira de Mello
Transitional Administrator