MONTSERRAT

CHAPTER 6.15

REGISTRATION OF RECORDS (SPECIAL PROVISIONS) ACT

Revised Edition
showing the law as at 1 January 2002

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

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Act 5 of 1992 .. in force

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ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Interpretation
3. Governor to be the keeper of records
4. Registrar to be the keeper of records
5. Registrar's office to be record office
6. Maintenance and removal of records
7. Office copies to be evidence
8. Records not to be removed from the Record Office
9. Governor to transfer existing documents with the Registrar of Supreme Court to the Registrar of Offshore Companies and Insurance Companies in consultation with the Chief Justice
10. The Governor to make rules
11. Publication of Rules

CHAPTER 6.15

REGISTRATION OF RECORDS (SPECIAL PROVISIONS) ACT

(Acts 5 of 1992 and 16 of 1993)

AN ACT TO MAKE SPECIAL PROVISIONS WITH REGARD TO THE REGISTRATION, MAINTENANCE AND CUSTODY OF RECORDS RELATING TO OFFSHORE COMPANIES AND INSURANCE COMPANIES.

Commencement

[27 January 1993]

Short title

1. This Act may be cited as the Registration of Records (Special Provisions) Act.

Interpretation

2. In this Act, unless the context otherwise requires—

"Offshore Companies" means companies incorporated under the International Business Companies Act;

"Public Records" includes all documents by which Offshore Companies and Insurance Companies whether offshore or not are incorporated and other documents in respect of offshore companies and insurance companies deposited in the custody of the Record Office of the Registrar;

"Record Office" means the office of the Registrar of Offshore Companies and the Registrar of insurers where records in respect of Offshore Companies and insurance companies are kept in custody;

"Registrar" means the Registrar of Offshore Companies and Registrar of Insurers.

(Amended by Act 16 of 1993)

Governor to be the keeper of records

3. Notwithstanding anything in any other written law the Governor shall be *ex officio* keeper of public records as defined in section 2.

Registrar to be the keeper of records

4. There shall be a Registrar of Offshore Companies and a Registrar of Insurers appointed by the Governor who shall be the Registrar and under the direction of the Governor act as record keeper.

(Amended by Act 16 of 1993)

Registrar's office to be record office

5. The Registrar's Office shall be the record office and the Governor may from time to time cause suitable provision to be made for the safe keeping of all the records which under the provisions of this Act shall be in his legal custody and for the convenient transaction of the business of the record office.

Maintenance and removal of records

6. **(1)** The Governor shall have full power to make such orders as he may think fit for cleaning, repairing, preserving and arranging all the public records under his charge and superintendence, and for making calendars, catalogues, micro-films and indices to the same and for such purposes, to cause any of the said records to be, from time to time removed from their present place of custody and deposited in such safe place or places as he may order by warrant under his hand directed to the Registrar.

(2) The warrant issued by the Governor under the above subsection shall be sufficient authority for the removal of such records as shall be specified therein to the same place named in the warrant and such removal shall not in any manner affect the legal authority of such records. The place where such records shall be deposited and kept, from time to time, under his authority shall be taken to be for the time being its legal place of deposit.

(3) The records removed under the provisions of this section to the new place of deposit shall have the same validity and be received or rejected in evidence in all courts and proceedings in the same manner as if such records had remained in the custody in which they were at the time of such removal.

Office copies to be evidence

7. Every copy of a record in the custody of the Governor, certified by the Registrar to be a true copy, and purporting to be sealed with the seal of the Office, shall be received in evidence in all Courts of Justice within Montserrat, without further or other proof thereof, in every case in which the original record would have been received as evidence.

Records not to be removed from the Record Office

8. No public record, and no original document or writing, shall be taken out of the Record Office, unless under an order of the Governor or that of a competent Court.

Governor to transfer existing documents with the Registrar of Supreme Court to the Registrar of Offshore Companies and Insurance Companies in consultation with the Chief Justice

9. The Governor may in consultation with the Chief Justice transfer all documents and records in respect of offshore companies and insurance companies that are in the custody of the Registrar of the Supreme Court as record keeper under section 20 of the Registration of Records Act or under the provisions of any other written law on the day this Act comes into effect to the custody of the Registrar of Offshore Companies and Insurance Companies and the record office within the meaning of this Act shall for all purpose be the legal place of deposit of such records.

(Amended by Act 16 of 1993)

The Governor to make rules

10. The Governor may make rules by Order in relation to the following matters—

(a) the management of the Record Office;

(b) the duties to be performed by the Registrar and Clerks;

(c) the cleaning, arranging, repairing, and preserving of the records under his charge;

(d) the registration of documents of incorporation;

(e) the making and keeping of registers and indices;

(f) the admission of the public to the use of the records, calendars, catalogues and indices in the Record Office;

(g) the conduct of searches, and the making and certifying of copies and extracts in the Record Office; and

(h) the fees to be charged in the record office.

Publication of rules

11. Copies of all rules made under the provisions of section 10 shall be kept in a conspicuous place in the record office and published in the *Gazette*.

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