

2014/09/25

OBJECTS AND REASONS

This Bill makes provision for information, forms and documents to be electronically filed with the Registrar in respect of a person or legal entity.

Arrangement of Sections

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SCHEDULE

Designated enactments

BARBADOS

A Bill entitled

An Act to make provision for information, forms and documents to be electronically filed with the Registrar in respect of a person or legal entity.

ENACTED by the Parliament of Barbados as follows:

Short title

- 1.** This Act may be cited as the *Electronic Filing Act, 2014*.

Interpretation

2. In this Act,

“designated enactment” means an enactment listed in the *Schedule*;

“electronic filing with the Registrar” means the filing of information, forms or documents that are required to be filed by a person or a legal entity under a designated enactment in an electronic or other machine-readable format either by optical scanning, by direct electronic transmission, or by key data entry in one or more databases established or operated by the Registrar;

“legal entity” means a business or other entity registered under the relevant designated enactment; and

“Registrar” means Registrar of Companies.

Electronic filing

3.(1) A person or legal entity may electronically file with the Registrar information, forms or documents that are required to be filed by a person or a legal entity under a designated enactment.

(2) The Registrar is authorized to

- (a) accept;
- (b) register;
- (c) maintain;
- (d) store; and
- (e) reproduce,

any information, forms or documents that are required to be filed with the Registrar in respect of a designated enactment, in electronic or other machine-readable format either by optical scanning, by direct electronic transmission, or by key data entry in one or more databases established or operated by the Registrar.

(3) An electronic database established or operated by the Registrar under subsection (2) is deemed to be the register or other official record, if any, required to be kept by the Registrar under a designated enactment.

(4) A form filed in an electronic form has the same effect as if the form were submitted in paper form.

(5) Information, forms, or documents filed electronically pursuant to this Act are deemed to be filed for the purpose of the designated enactment.

Format for electronic filing

4. Any information, forms, or documents required to be filed with the Registrar in respect of a designated enactment shall be presented for filing in a format suitable for optical scanning where the Registrar requires a permanent digital optical reproduction of an original document.

Electronic format of information

5.(1) Upon payment of the prescribed fee, the Registrar may provide a certified copy of any document filed in an electronic format with the Registry.

(2) A document that is a certified copy of information filed in an electronic format has the same probative value and may be used in like manner as a certified copy of a document filed by any other means.

On-line access to electronic database

6. Upon payment of the prescribed fee, the Registrar may permit a person to have on-line access to the electronic database for the purpose of examining any information, form, or document.

Time of receipt

7. Where information, forms or documents are filed in electronic format or by direct electronic transmission they are deemed to be filed with the Registrar at the time and on the date that the electronic system confirms receipt of the information, form or document and assigns the time and date of filing.

Regulations

8.(1) The Minister may, subject to negative resolution, make regulations for the proper carrying into effect of this Act, and, in particular, may make regulations

- (a) authorizing or requiring information that is to be filed under a designated enactment to be filed and maintained in an electronic or other prescribed format;
- (b) authorizing or requiring information that is required to be filed under a designated enactment, be filed by direct electronic transmission to an electronic database;
- (c) authorizing or requiring forms that are required to be filed under a designated enactment, to be signed by electronic signature or by signature copied or reproduced in a prescribed manner;
- (d) authorizing or requiring forms required to be filed under a designated enactment, to be filed without signatures;
- (e) prescribing fees for filing information or forms that a person or a legal entity is required to file under a designated enactment;
- (f) prescribing the electronic format that may be used when information is filed pursuant to a designated enactment;
- (g) governing the filing of information by direct electronic transmission;
- (h) prescribing the effect of the payment of fees or charges where payment is required to accompany an electronic filing;
- (i) prescribing common dates or time periods for filing information or forms, the payment of fees for other charges under designated enactments;
- (j) prescribing methods for the payment of fees or other charges under designated enactments;

- (k) prescribing methods for allocating payments made under designated enactments;
- (l) prescribing the format for the filing of information or forms pursuant to any designated enactment from time to time, with or without conditions;
- (m) prescribing information to be provided by a person or legal entity to the Registrar for the purpose of administering and enforcing this Act; and
- (n) prescribing any other matter which is required for the efficient administration of this Act.

(2) Where a form is required to be filed, under this Act or a designated enactment, without signatures, that form has the same effect for all purposes as if the form were signed by the party or parties that would have been required to sign the form, but for a regulation made pursuant to this Act or a designated enactment.

Amendment of *Schedule* by Order

9. The Minister may by Order amend the *Schedule*.

Commencement

10. This Act shall come into effect on a date fixed by proclamation.

SCHEDULE

(Section 2)

Designated enactments

1. *Bills of Sale Act, Cap. 306*
2. *Charities Act, Cap. 243*
3. *Companies Act, Cap. 308*
4. *Companies Regulations, 1984 (S.I. 1984 No. 29)*
5. *Exempt Insurance Act, Cap. 308A*
6. *Foundations Act (Act 2013-2)*
7. *International Business Companies Act, Cap. 77*
8. *International Business Companies Regulations (S.I. 1992 No. 21)*
9. *Limited Partnership Act, Cap. 312*
10. *Pharmacy Act, Cap. 372D*
11. *Private Trust Companies Act (Act 2012-22)*
12. *Registration of Business Names Act, Cap. 317*
13. *Business Names Rules, 1940 (S.I. 332 No. 1940)*
14. *Registration of Newspapers Act, Cap. 302*
15. *Societies with Restricted Liabilities Act, Cap. 318B*
16. *Societies with Restricted Liabilities Regulations, 1995 (S.I. 2005 No. 127)*
17. *Trade Unions Act, Cap. 361*

Read three times and passed the House of Assembly this
day of _____, 2014.

Speaker

Read three times and passed the Senate this _____ day of
, 2014.

President