

Rwanda

## Ministerial Order relating to Business of Low Income

### Ministerial Order 2-MINICOM of 2009

Legislation as at 8 May 2009

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## Rwanda

# Ministerial Order relating to Business of Low Income

## Ministerial Order 2-MINICOM of 2009

Published in Official Gazette special on 8 May 2009

**Assented to on 8 May 2009**

**Commenced on 8 May 2009**

*[This is the version of this document from 8 May 2009.]*

### **The Minister of Trade and Industry;**

Pursuant to the Constitution of the Republic of Rwanda of 04 June 2003, as amended to date, especially in Articles 120, 121 and 201;

Pursuant to Law N° 07/2009 of 27<sup>th</sup> April 2009 relating to companies in its article 375;

After consideration and approval by the Cabinet in its session of 06/05/2009;

### **HEREBY ORDERS:**

### **Article One – Purpose of this Order**

This Order determines modalities of registration, the nature and organisation of business whose income is less than ten thousand Rwandan francs (10,000 Rwf) per day.

### **Article 2 – Definition of a business activity**

In this Order, a business activity shall mean any business activity carried out by any individual regardless of sex and registered as provided for by this Order. It shall include purchase and sale, service delivery or any other professional activity done on a regular basis in order to gain profit.

### **Article 3 – Capacity of doing business**

Any person who is at least 16 years old, who has registered his/her business activity and who has a registration certificate according to this Order shall be entitled to conduct business activities on the territory of the Republic of Rwanda.

Under the majority age, he/she shall perform all business activities including filing suits in courts through his/her legal guardian.

### **Article 4 – Registration in the register of trade**

Every trader concerned by this Order must be registered in the register of trade and get a certificate of registration from the Office of the Registrar General.

Such registration shall take place at the head office of the Registrar General and other branch offices.

## **Chapter II**

### **Structure of the register of trade**

#### **Article 5 – Use of the register of trade**

A register of trade is a register in which business activities are recorded and kept by the Registrar General or his/her representative.

#### **Article 6 – Content of the register of trade**

The register of trade shall contain data in the following order:

- The date and number of registration of the business activity;
- Names and address of the registered trader;
- Business activity to be registered;
- The company name if available;
- Category of commercial activity.

The Registrar General shall set up a model of a register of trade in which shall be recorded data on business activities.

## **Chapter III**

### **Registration and application for registration in register of trade**

#### **Article 7 – Application for registration in register of trade**

The application for registration in register of trade shall be made by filling in two printed forms prepared by the Office of the Registrar General or by filling them in electronically.

The application forms for business registration shall be filled in and signed by the applicant.

One form shall be kept by the Registrar General or his/her representative whereas the other shall be given to the applicant.

#### **Article 8 – Content of the application letter**

The application letter must contain:

- Names of the applicant;
- Date and the place of birth;
- Place of residence and domicile;
- Nationality of the applicant;
- Business name;
- Business activities.

### **Article 9 – Documents accompanying the application of registration in the register of trade**

In confirmation of data submitted for registration purposes, the applicant must submit the following documents:

- Copy of the national identity card;
- Payment evidence of required registration fees for the relevant business activity;
- Three colored passport photos

### **Article 10 – Registration certificate**

Registration certificate shall mention the following:

- Registration number of the business activity;
- Names of the registered person;
- Business name, name of the business activity and name of the trader;
- Brief and precise description of the registered business activity;
- The company head office and the place of business;
- The date on which the registration certificate was issued;
- Signature and stamp of the Registrar General or his/her representatives;
- Category of the commercial activity.

### **Article 11 – Display of the registration certificate**

The registration certificate or a copy bearing the signature of the Registrar General has to be displayed in a visible manner at the place of the business activity;

### **Article 12 – Obstacles to registration in the register of trade**

Any person who is under 16 of age as well as other people who are not authorized shall not be entitled to registration in the register of trade.

### **Article 13 – Removal from register**

Every registered trader shall, within one month after suspension of business activity, request the removal of such activity from the register of trade.

In case of death of the trader, the heirs shall, within three months from the date of death, request the removal of his/her names from the register or change names if they decide to continue the activity.

### **Article 14 – Functioning of the Office of Registrar General**

The Registrar General may delegate, in a written form, to his/her representatives either at the head office or elsewhere, the power of receiving applications and sign them in his/her name.

### **Article 15 – Grounds for rejecting applications for registration**

The Registrar General or his/her representatives at the district level can reject the registration of a business activity under a company name contrary to morals and for reasons of public order observed in Rwanda.

In case the registration application in the register of trade does meet all criteria set by this Order, the Registrar General or his/her representatives must, within five working days from the day of receipt of the application, give to the applicant the registration number as well as the certificate of registration. If the period of five days expires without any reply, the application shall be deemed approved.

If there is any reason to reject the application, the Registrar General shall notify him/her in writing within five working days and give motives.

If the applicant is not satisfied with the decision of the Registrar General's representatives, he/she can appeal before the Registrar General within 15 working days. If the decision has been taken by the Registrar General, the applicant can file an appeal before a court in a period within 15 working days.

### **Article 16 – Prohibition to be registered under many numbers or under an existing business name**

No one shall be authorized to be registered under many different numbers or under a business name which looks like another name already registered.

### **Article 17 – Fees to be paid for registration**

The fees to be paid for registration or registration of additional documents in the register of trade shall be of Rwf 2,000.

## **Chapter IV Penalties**

### **Article 18 – Offences and penalties provided for by this Order**

The list enumerated in this article contains offences punished by this Order as follows:

- Regularly practice of a business activity which is not registered, shall be punished with a fine ranging from Rwf 10,000 up to Rwf 50,000;
- False declaration of data to be recorded in the register of trade or a declaration which is inconsistent with the conducted activity shall be punished with a fine ranging from Rwf 10,000 up to Rwf 50,000 according to the kind of business activity being carried out contrary to what is provided for by this Order;

- Failing to exhibit the registration certificate every time it is so requested by competent authorities shall lead to a fine ranging from Rwf 5,000 up to Rwf 10,000.

These offenses shall be investigated and proved by the Registrar General or his/her representatives.

The staff of the office of Registrar General or the representative of Registrar General who observed the offense shall report it in writing and give a copy to the trader in default or his/her legal guardian who shall sign it acknowledging receipt.

The condemned trader shall be entitled to appeal with evidence of his/her innocence within five working days starting from the date of reception of report of offense showing his/her guilt.

Fines stated in this Order must be paid within 30 working days counted from the date of issuing reports showing the offence. In the event of delay of payment, the accused trader shall lose his/her registration certificate followed by the deletion from the register of trade in case of his/her persistence.

## **Chapter V**

### **Transitional and final provisions**

#### **Article 19 – Compliance with the Law relating to companies in Rwanda**

Any person concerned by this Order who will start earning above ten thousand Rwandan francs (10,000 Rwf) per day shall have to immediately get registered according to the law relating to companies in Rwanda.

#### **Article 20 – Implementation of this Order**

The Registrar General shall be responsible for the implementation of this Order.

#### **Article 21 – Repealing of inconsistent provisions**

All previous provisions contrary to this Order are hereby repealed.

#### **Article 22 – Commencement**

This Order shall come into force on the date of its publication in the Official *Gazette* of the Republic of Rwanda.