



WELCOME

Volume 5. May 18, 2010

Welcome to our fifth issue of the Companies Office of Jamaica's COJ Advisory! Using this medium, the COJ aims to apprise you of new developments and happenings within the Agency. In this volume, please see updates, new policies and other important reminders. This newsletter is distributed electronically and we welcome your comments on the information presented in this or any issue at info@orcjamaica.com.

OPENING HOURS



The COJ is opened for business during the following hours:

Mondays to Wednesdays: 8:30 a.m. - 3:30 p.m.

Thursdays and Fridays: 8:30 a.m. - 3:00 p.m.

Our Drop Off Box facility is available from 7:00 a.m. to 7:00 p.m. Mondays to Fridays

COMING SOON!!!

COJ FEES INCREASE



The COJ has applied for a fee increase. If granted, implementation is expected around July 2010.



PROTECTION, FREEDOM & COMMERCE

CEO VISIT TO COLUMBIA



Judith Ramlogan, Chief Executive Officer and Registrar of Companies was invited to attend and make a presentation at the inaugural "International

Conference - Reforms on Business Entry: Sharing Good Practices". The event was held in Bogotá, Colombia on April 27th to 28th 2010. Registries' representatives from the region and other countries gathered with the following objectives:

1. To share good practices in implementing business entry reforms in the region and in other countries such as Canada, Singapore, Mauritius and Portugal;
2. To support those agencies and entities responsible for business registration in Latin America and the Caribbean in obtaining updated information and knowledge; and,
3. To provide an opportunity to create a network of registries for the region aimed at identifying potential opportunities for collaboration among them.

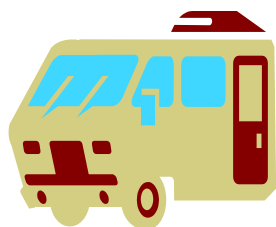
Jamaica's presentation set out the history of the Companies Office of Jamaica and its evolution from a central Government Department to an Executive Agency as well as the Agency's plans for service improvements.

All the presentations were interesting but the ones with which Jamaica could most closely identify were those from Singapore and Mauritius.

Those countries appeared to have faced and overcome the challenges presently being faced by Jamaica.

The conclusion was that, the future of business registry reform lies in Electronic registration of documents and the creation of a One-Stop Shop environment where all the requirements for opening a business are present. This allows individuals to have a pleasant and timely experience when opening a new business.

COJ PUBLIC OUTREACH



COJ Mobiles

The COJ mobile continues to be the Agency's premier outreach activity providing a fillip to compliance and revenue intake, and is an important vehicle availing persons outside the corporate area full access to the Agency's services.

2010/2011 Mobiles Schedule

May Activities

May 17 th	St. Mary - Port Maria Civic Centre (Hudson Street, Port Maria)
May 18 th	St. Mary - Shop # 4, Triple B Plaza (Main Street, Highgate)
May 19 th	Portland - Shop # 40 Royal Mall (2-4 Fort George Street, Port Antonio)
May 20 th & 21 st	St. Thomas-Trinity Baptist Church Hall (37 Queen Street, Morant Bay)

Upcoming Mobiles

July 2010-	St. Ann/ Trelawny
September 2010	St. Catherine
November 2010	Westmoreland/ Hanover
January 2011	St. James/ St. Elizabeth
March 2011	Manchester/ Clarendon

Dates and Venues for mobiles after May will be announced when fixed.



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COJ PUBLIC OUTREACH Public Education Seminars & Presentations



The COJ has as part of its mandate the responsibility of educating the public on their obligations under the Companies Act 2004 and the Amended Registration of Business Names Act.

To this end, the office participates in seminars, expositions, workshops, symposiums; and also makes presentations to final year university students, professional bodies and other interest groups.

The COJ encourages persons interested in having us participate in such events to write to us directly at 1 Grenada Way, Kingston 5, or email us at info@orcjamaica.com or berbickjs@orcjamaica.com

RESULTS OF CHARITIES AMNESTY



The 'Charities Amnesty' launched in September 2009 targeted Companies Limited by Guarantee such as churches, charities, service clubs, non-profit organisations, non-governmental organisations, and professional organisations. This strategy sought to encourage compliance at significantly reduced fees.

A total of 708 companies participated and filed 5,867 returns. Whilst the number of companies seizing the opportunity to become compliant was below projection, the amnesty proved a successful strategy in boosting compliance, as the companies that filed, were not companies that the COJ expected to otherwise comply. The COJ now has the opportunity to ensure that these companies stay up to date.



CUSTOMER SATISFACTION SURVEY

The results are in! The customer satisfaction survey conducted by Market Research Services Limited during the months of February and March 2010 provided a vehicle for the carriage of customer opinions in relation to the COJ. The results boasted an overall satisfaction level of 77.5%.

Highlights of the results include:

- Majority of customers felt that the COJ's service is better than other public service companies, citing a "better system" as the chief reason.
- The length of time taken to receive service and the willingness of staff to provide assistance are the factors which had the greatest impact on overall satisfaction.
- The friendliness & courtesy of the staff was the service area with the highest rating overall. The top three service areas most satisfied are: friendliness & courtesy of the staff, the willingness of staff to provide assistance, and the ability of staff to provide assistance.

The top recommendations given include:

- Increasing the staff complement,
- Providing more training,
- A bigger office, and
- Improvement to the website

The COJ thanks you, our valued customers, for the time spent in helping us to take steps in improving the quality of service we provide. We now take this opportunity to remind you of our suggestion box located in the lobby. We hope to continue to hear from you as we seek to serve you better.



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NEW PHONE SYSTEM



In order to provide improved services to our internal and external customers, the COJ seamlessly implemented a Voice Over Internet Protocol (VOIP) telephony system in March 2010.

Features such as advanced call routing, voicemail, contact/call centers, sending and receiving fax electronically are easily available with VOIP.

WEBSITE REDEVELOPMENT PROJECT (WRP)

The COJ has embarked on a redevelopment of its website in an effort to make it more user-friendly and to also add new features and services. Some existing features that will be improved are:

- The printing, viewing and ordering of documents
- Company and Business Name Search

Some of the new features that will be added are:

- Online filing of new company and new business name documents
- Online filing and tracking of filed documents
- Company Name reservation
- Request and download of letters of good standing and letters of confirmation



ENFORCEMENTS

Late Fee on Annual Returns



Effective July 1, 2010, the Companies Office of Jamaica by virtue of **Section 121 (3) (a) and (b)** of Companies Act 2004 will be enforcing the penalty set out in Section 121 of the Companies Act.

Currently, the COJ forbears that penalty and only imposes a standard One Thousand Dollars (\$1,000.00) late fee on each Annual Return, irrespective of the period of lateness.

Under the Section 121 penalty regime by virtue of Section 121 (3) (a), where a company fails to file annual returns within the 28 day period from due date:

“That company shall be liable on default to a penalty of one hundred dollars for each day the default continues, subject to a maximum penalty of ten thousand dollars;”

A Court Order is not necessary for this penalty to be levied.

Delinquent Business Names to be Pursued in Court

By the second quarter of the financial year (**July-September 2010**), the COJ will begin to enforce provisions of the Registration of Business Names Act.

The Registrar in pursuance of section 12 of the Act may apply to a judge in Chambers for the closure of a business where the business name has been served by the COJ with three notices to either renew or register the business name and the proprietor/firm/partnership fails to do so within a year of being served.

An application to a Judge in Chambers is made by filing a Fixed Date Claim Form and Affidavit in Support at the Supreme Court Registry.



COJ/NLA TRANSACTIONS

Based on new guidelines implemented by the National Land Agency, company directors are **no longer required to submit a letter of confirmation** to the NLA and Titles Office to indicate their statuses on the Register of Companies.

Instead, certification by the Attorney engaged in the process attesting to the company's status will suffice as proof of the requisite due diligence.

This status report requires the Attorney to conduct searches of the records of the company at the COJ in order to ascertain the information required. **False certification issued by an Attorney, constitutes grounds for referral to the General Legal Council.**

For ease of process, the COJ encourages Attorneys to obtain this official letter of confirmation from its offices.

The COJ/NLA collaboration allows for the sharing of information stored in their respective databases.

As a matter of course, the COJ will review the list of land transfers of land recorded in the NLA database monthly, and will verify that the companies were on the Register of Companies at the time the transfer was done.



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COMPANIES ACT AMENDMENTS

Proposals for changes to the Companies Act 2004 are currently being reviewed by

representatives from The Ministry of Industry, Investment and Commerce; The Jamaica Bar Association; Members of the COJ Advisory Board; and representatives from the COJ.

The proposed revisions will cover the entire legislation and is anticipated to bring completion and clarity to the existing Act.

COJ POLICIES 2009

Charges

- There is no need to send in additional documentation to notify the Registrar where a charge has been signed by an authorized official.
- Where a charge is collateral to another document that other document must be filed.
- Guarantee documents do not have to be submitted.
- Where a charge is lodged within 21 days but is rejected and the date of resubmission is outside of 21 days of creation the following will apply:

Documents are not registered until they are perfected. Therefore, the date of resubmission will be taken to be the date of registration.

Amended Articles



- A company which is filing an Amended Articles of Incorporation using a Form 1A or Form 1B at the COJ may insert the names of the current directors and secretary as at the date of the amendment.
- Such companies do not have to insert the name of the first directors or company secretary as requested by the prescribed form.

IMPORTANT UPDATES

1. ONLINE SUBSCRIBERS

Online subscribers may top up accounts using VISA and MASTERCARD.

2. OFFICIAL RECEIPTS

All customers collecting document(s) from the COJ are required to present the official receipt received upon lodgment of the said document(s).

3. DROP OFF BOX

All customers are advised not to place '**Express documents**' in the Drop Off Box. Where applications requiring the express service are identified in the Drop Off Box, The COJ will accept no liability where the turnaround time falls outside of the express service standards. Thus, the customer will not be refunded when guaranteed service times are exceeded.



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IMPORTANT UPDATES

4. BROCHURES

Four (4) new brochures are now available! Their names are:

- Non-Profit Organizations - What You Need to Know;
- Restoration of a Limited Liability Company;
- The Complete Guide to Choosing a Business Name; and
- Business Registration – Frequently Asked Questions.

Ask for them on your next visit!

5. SECURITY MEASURES

In its continuous effort to protect its customers and the integrity of records filed with the COJ, measures have been put in place to safeguard against activities that may bring the reputation of the organization in disrepute:

- Customers are now required to submit cover letter(s) listing the details and types of payment(s) made on document(s);
- Customers are now required to write the company(s) and or business name(s) to which fees are to be applied on the back of cheques tendered as payment for document(s).

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APPOINTMENTS WITH EXAMINERS

Clients who are having issues with multiple rejections are reminded that they may come in and sit with a Business Registration examiner who will assist with the issues being experienced.

This service is available **Every Wednesday and by Appointment Only.**

To access this service simply:

Call our Customer Service Department at 754-2292 to make an appointment.

Or

Email:

- Sandrice Mcnichol at mcnicholst@orcjamaica.com
- Donald Kelly at kellydr@orcjamaica.com

LABOUR DAY

**The Companies Office of Jamaica
will be closed**

on

Monday May 24th, 2010.

We will resume regular opening hours

on

Tuesday May 25th, 2010.