



**REGISTRY OF COMPANIES AND BUSINESS NAMES DIVISION
MINISTRY OF FINANCE
BRUNEI DARUSSALAM**

Guidelines for applying for 'ordinarily resident' status for purposes of section 138(2) of Companies Act (Chapter 39)

Effective from 1 July 2011, pursuant to section 138 (2) of the Companies Act, all companies incorporated in Brunei Darussalam whether before or after this date is required to have at least 2 directors, where one of the directors must be "ordinarily resident" and for a company with more than 2 directors, at least 2 directors must be "ordinarily resident".

To qualify as "ordinarily resident" you must submit an application to the Ministry of Finance using the **Application for 'ordinarily resident' status for purposes of section 138(2) of the Companies Act (Chapter 39)** form attaching the required documents. Successful applications will be granted an Ordinarily Resident Certificate which then can be uploaded as a supporting document when incorporating a company.

There is no legal definition of "ordinarily resident" in Companies Act (Chapter 39). Before making an application, please take note of the factors that the Ministry of Finance will take into account when considering your application:

1. Resident meaning as in section 2 of the Income Tax Act (Chapter 35).

Resident is defined "in relation to an individual, means a person who, in the year preceding the year of assessment, resides in Brunei Darussalam except for such temporary absences therefrom as to the Collector may consider reasonable and not inconsistent with a claim by such person to be resident in Brunei Darussalam, and includes a person who is physically present or who exercises an employment (other than as a director of a company) in Brunei Darussalam for 183 days or more during the year preceding the year of assessment".

2. Prospective Company's Business Plan.

A comprehensive business plan with details of your business idea, strategy, products/services, market analysis, marketing plan, operation plan, financial projections, management team and plan to employ locals.

3. Prospective Company's Bank Book or Letter of Guarantee confirming adequate investment.
4. Educational qualification or relevant experience in building a business.
5. Family already living in Brunei Darussalam.



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Application for 'ordinarily resident' status for purposes of section 138 (2) of Companies Act (Chapter 39)

Please take note of the following:

- You have read the **Guidelines for applying for 'ordinarily resident' status for purposes of section 138(2) of Companies Act (Chapter 39)**
- You have provided information which you believe to be true at the time of submission of application

Please attach the following documents:

- Copy of passport particulars (Front, back page and page containing employment pass if available);
- Copy of Identity Card (if any);
- Copy of prospective company's business plan;
- Copy of Bank book OR Letter of Bank Guarantee confirming balance adequate investment for the proposed business;
- Copy of certificate of highest qualification

Please fill the following in BLOCK LETTERS:

Full Name:

.....
.....

Passport Number:..... **Date of Issue:**..... **Date of Expiry:**.....

Identity Card Number:..... **Colour:**.....

Nationality:.....

Date of Birth:..... **Sex:**..... **Marital Status:**.....

Date of Arrival in Brunei Darussalam:.....

Current Address:

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Please indicate family members that are living with you in Brunei Darussalam and their occupations if applicable:

No	Name	Relationship	Occupation (<i>If Applicable</i>)

(Please attach extra paper if there are more than 5 family members)

If your family members are not in Brunei Darussalam, please indicate if and when they will be joining you in Brunei Darussalam.

Yes:

No:

Highest qualification:.....

Businesses owned outside Brunei Darussalam:

Name of Business	Type of Business	Place of Business

Experience of owning a business:.....

<p><u>Declaration</u></p> <p>I,.....confirm that the information that I provided is true and correct.</p> <p>..... (signature)</p> <p>..... (date)</p>
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