

THE TERRITORY FOR THE SEAT OF GOVERNMENT.

No. 14 of 1935.

AN ORDINANCE

To amend the *Companies Ordinance 1931-1932*.

BE it ordained by the Governor-General in and over the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Seat of Government Acceptance Act 1909* and the *Seat of Government (Administration) Act 1910-1933*, as follows:—

1.—(1.) This Ordinance may be cited as the *Companies Ordinance 1935*. Short title and citation.

(2.) The *Companies Ordinance 1931-1932*, as amended by this Ordinance, may be cited as the *Companies Ordinance 1931-1935*.

2. After section twelve of the *Companies Ordinance 1931-1932* the following section is inserted:—

“12A. Section two hundred and thirty-four of the *Companies Act, 1899*, is repealed, and the following section inserted in its stead:—

‘234.—(1.) No company or foreign company shall be entitled to be registered under this Act or the *Companies (Amendment) Act, 1906*, in its application to the Territory, by a name— Prohibition against identity of name in company.

(a) which is identical with that by which a company or a foreign company is already registered, or so nearly resembles that name as to be calculated to deceive, except where the last-mentioned company or foreign company is in course of being dissolved and signifies its consent in such manner as the Registrar requires; or

(b) which is identical with that by which any corporation (wheresoever incorporated) is carrying on business in any part of the Commonwealth or any Territory of the Commonwealth, or so nearly resembles that name as to be calculated to deceive.

‘(2.) If any company or foreign company, through inadvertence or otherwise, is, or has been registered by a name—

(a) which is identical with that by which a company or a foreign company is already registered, or so nearly resembles that name as to be calculated to deceive,

and the lastmentioned company or foreign company is not in course of being dissolved and does not signify its consent in such manner as the Registrar requires; or

- (b) which is identical with that by which any corporation (wheresoever incorporated) is carrying on business in any part of the Commonwealth or any Territory of the Commonwealth, or so nearly resembles that name as to be calculated to deceive,

the first-mentioned company or foreign company shall, within such time, after being served with a notice by the Registrar requiring the company or foreign company so to do, as the Registrar deems reasonable, change its name.

‘(3.) Any company or foreign company which makes default in complying with the requirements of the last preceding subsection shall be guilty of an offence.

Penalty: Fifty pounds for every day during which the default continues.

‘(4.) Where a company or foreign company changes its name, the Registrar shall enter the new name on the register in place of the former name, and shall issue a certificate of incorporation or registration altered to meet the circumstances of the case.

‘(5.) The change of name shall not affect any rights or obligations of the company or foreign company, or render defective any legal proceedings by or against the company or foreign company, and any legal proceedings that might have been continued or commenced against it by its former name may be continued or commenced against it by its new name.

‘(6.) For the purposes of this section, the expression ‘foreign company’ means a company formed or incorporated outside the Territory.’”

Dated this eighteenth day of September, 1935.

ISAAC A. ISAACS

Governor-General.

By His Excellency's Command,

ROBERT G. MENZIES

for Minister of State for the Interior.