

## BUSINESS NAMES ORDINANCE

### BUSINESS NAMES REGULATIONS

REGULATIONS 1966, No. 11\*

1. These Regulations may be cited as the Business Names Regulations Citation.

2.—(1.) In these Regulations, “the Ordinance” means the *Business Names Ordinance 1963-1966*. Interpretation.

(2.) In these Regulations—

- (a) a reference to a Schedule by number shall be read as a reference to the Schedule so numbered to these Regulations; and
- (b) a reference to a form by number shall be read as a reference to the form so numbered in the Second Schedule.

3. Where a provision of the Ordinance is specified in the first column of the First Schedule, the form set out in the Second Schedule the number of which is specified in the third column of the First Schedule opposite to that provision is prescribed as the form to be used for the purposes of that provision in relation to the matter or thing described in the second column of the First Schedule opposite to that provision. Forms.

4. A form prescribed by these Regulations shall be completed in accordance with such directions as are specified in the form as so prescribed. Directions in forms.

5. A document to be lodged with the Registrar in pursuance of the Ordinance or these Regulations shall comply with the following requirements:— General requirements for documents lodged with Registrar.

- (a) the document shall be on paper of medium weight and good quality and of foolscap folio size;
- (b) the document shall be printed, typewritten or handwritten, or in part printed, in part typewritten or in part handwritten, and shall be legible;
- (c) the document shall not be a carbon copy;
- (d) where the document comprises two or more sheets, the sheets shall be bound together securely; and
- (e) the document shall be folded lengthwise and, as so folded, shall have endorsed on the outside—
  - (i) on the upper left-hand corner—the registered number (if any) allotted by the Registrar to the business name to which the document relates;
  - (ii) the business name to which the document relates;
  - (iii) the title of the document (being, if the document is a form prescribed by these Regulations, the same as the heading to the form);

\* Made under the *Business Names Ordinance 1963-1966* on 7 September, 1966; notified in the *Commonwealth Gazette* and commenced on 15 September, 1966.

## BUSINESS NAMES ORDINANCE—

(iv) the name, address and telephone number of the solicitor or other person by whom, or on whose behalf, the document is lodged; and

(v) the following words:—

“Lodged in the office of the Registrar of Companies on

Registrar of Companies.”.

**Fees.**

6. The fees specified in the third column of the Third Schedule shall be paid to the Registrar in respect of the respective matters in the second column of that Schedule opposite to which they are so specified.

## THE SCHEDULES

## FIRST SCHEDULE

Regulation 3.

## LIST OF FORMS

First Column Section of Ordinance	Second Column Description	Third Column Number of Form
<b>Section—</b>		
7 (1.), (2.); 8 (1.) ..	Application for registration of business name ..	1
7 (4.), (5.) ..	Certificate of registration of business name ..	2
11 (1.) ..	Renewal of registration of business name ..	3
12 (1.) (a), (b), (2.) ..	Statement of change in certain particulars ..	4
12 (3.) ..	Notice of cessation of business under business name	5
12 (3.), (4.), (5.), (6.), (8.)	Statement of change in persons in relation to whom business name is registered	6
12 (1.) (c) ..	Statement of change in particulars relating to resident agent	7
12 (7.) ..	Notice that person has ceased to be resident agent	8
12 (9.), (10.) ..	Notice of appointment of resident agent ..	9

## SECOND SCHEDULE

Regulation 3.

## FORM 1

## AUSTRALIAN CAPITAL TERRITORY

*Business Names Ordinance*

Sections 7 (1.), (2.); 8 (1.).

## APPLICATION FOR REGISTRATION OF BUSINESS NAME\*

1. Business name:
2. Where the business is or is proposed to be carried on—
  - (a) at one address in the Australian Capital Territory, state that address:
  - (b) at more than one address in the Australian Capital Territory, state—
    - (i) the principal address:
    - (ii) each other address:
3. Concise description of nature of business:

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SECOND SCHEDULE—*continued*

FORM 1—*continued*

4. Name and other particulars of each applicant:—

Christian Names and Surname† of each Individual and Corporate Name of each Corporation	Former Christian Names or Surname (if any) of each Individual	Usual Place of Residence of each Individual and Place of Registered Office in the Australian Capital Territory of each Corporation

5. Date or proposed date of commencement of carrying on business in the Australian Capital Territory under the above-mentioned business name by the applicant(s):

6. If the business name shown above (Item 1) is a name adopted in substitution for a business name already registered by the applicant(s), state that other name:

†7. Full name and address of resident agent authorized, in writing, to accept service on behalf of the persons carrying on or proposing to carry on business under the above-mentioned business name of any notices for the purposes of the *Business Names Ordinance 1963-1966* and of any process:

Signed at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19 . . . . . (Usual Signature)§

Signed by \_\_\_\_\_ Limited at \_\_\_\_\_ director/manager/secretary/agent|| of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19 . . . . . (Usual Signature)§

Signed by the person who has consented, in writing, to be the resident agent, at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19 . . . . . (Usual Signature of Resident Agent)

\* A business name can not be registered more than two months before the proposed date of commencement of business.

† If any applicant is under the age of twenty-one years, he is to be described as an infant and the date of his birth is to be set out in the above statement.

‡ This item is to be completed where the person or all the persons carrying on or proposing to carry on business in the Australian Capital Territory under a business name resides or reside outside the Territory or has or have no fixed address within the Territory.

§ This statement is to be signed by the person or all the persons carrying on or proposing to carry on the business or by some person or persons authorized, in writing, to sign the statement on his or their behalf. In the case of a corporation, the statement is to be signed by a director or manager or the secretary of the corporation or, in the case of a corporation registered under Division 3 of Part XI. of the *Companies Ordinance 1962-1966*, it may be signed by the agent of the corporation appointed for the purpose of that Division.

|| Strike out whichever are inapplicable.

**FORM 2**  
**AUSTRALIAN CAPITAL TERRITORY**  
*Business Names Ordinance*

No. \_\_\_\_\_ Section 7 (4.), (5).

**CERTIFICATE OF REGISTRATION OF BUSINESS NAME**

I hereby certify that the name \_\_\_\_\_ was on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_ registered as a business name under the *Business Names Ordinance 1963-1966*.

Given under my hand at Canberra, this \_\_\_\_\_ day of \_\_\_\_\_, 19 . . . . .

*Registrar of Companies.*

BUSINESS NAMES ORDINANCE—

SECOND SCHEDULE—*continued*

FORM 3

AUSTRALIAN CAPITAL TERRITORY

*Business Names Ordinance*

Section 11 (1).

STATEMENT FOR RENEWAL OF REGISTRATION OF BUSINESS NAME

1. Business name:\*

2. Where the business is carried on—

(a) at one address in the Australian Capital Territory, state that address:

(b) at more than one address in the Australian Capital Territory, state—

(i) the principal address:

(ii) each other address:

3. Concise description of nature of business:

4. Name and other particulars of each person carrying on business under the business name:—

Christian Names and Surname† of each Individual and Corporate Name of each Corporation	Former Christian Names or Surname (if any) of each Individual	Usual Place of Residence of each Individual and Place of Registered Office in the Australian Capital Territory of each Corporation

5.† Full name and address of resident agent authorized, in writing, to accept service on my/our§ behalf of any notices for the purposes of the *Business Names Ordinance* 1963-1966, and of any process:

Signed at \_\_\_\_\_ on the \_\_\_\_\_  
day of \_\_\_\_\_, 19 \_\_\_\_ .

(Usual Signature)||

or

Signed by \_\_\_\_\_ director/manager/secretary/agent§ of  
Limited at \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_ .

(Usual Signature)||

**SECOND SCHEDULE—continued.**

**FORM 3—continued.**

Signed by the person who has consented, in writing, to be the resident agent, at  
on the \_\_\_\_\_ day of \_\_\_\_\_  
, 19 \_\_\_\_ .  
(Usual Signature of Resident Agent)

- \* Here insert business name as registered.
- † If any individual is under the age of twenty-one years, he is to be described as an infant and the date of his birth is to be set out in the above statement.
- ‡ This item is to be completed where the person or all the persons carrying on the business reside or reside outside the Australian Capital Territory or has or have no fixed address within the Territory.
- § Strike out whichever is or are inapplicable.
- || This statement is to be signed by the person, or one of the persons, in relation to whom the business name is registered or by some person authorized, in writing, to sign the statement on his or their behalf. In the case of a corporation, the statement is to be signed by a director or manager or the secretary of the corporation or, in the case of a corporation registered under Division 3 of Part XI. of the *Companies Ordinance 1962–1966*, it may be signed by the agent of the corporation appointed for the purpose of that Division.

**FORM 4**

**AUSTRALIAN CAPITAL TERRITORY**

*Business Names Ordinance*

Section 12 (1.) (a), (b); (2.).

**STATEMENT OF CHANGE IN CERTAIN PARTICULARS**

Business name:\*

Address of principal or only place of business:

Addresses of all other places of business:

† The nature of the business has been changed and the following is a concise description of the present nature of the business:—

Date of change:

†‡ The place (or One of the places)§ of business has been changed from \_\_\_\_\_ to \_\_\_\_\_

Date of change:

† The business is being carried on at the following additional place/places§:—

Date of change:

† Business has ceased to be carried on at the following address/addresses§:—

Date of change:

† The principal place of business has been changed to:—

Date of change:

† The residential address (or, in the case of a corporation, the registered office in the Australian Capital Territory)|| of \_\_\_\_\_ has been changed to:—

Date of change:

† The name of¶ has been changed to:—

Date of change:

Signed at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_ .

(Usual Signature)\*\*

## BUSINESS NAMES ORDINANCE—

SECOND SCHEDULE—*continued.*FORM 4—*continued.*

or

Signed by \_\_\_\_\_ director/manager/secretary/agent§  
of Limited at \_\_\_\_\_ on the  
day of \_\_\_\_\_, 19 \_\_\_\_\_  
(Usual Signature)\*\*

\* Here insert business name as registered.

† Only such of the items marked † as are appropriate in the circumstances should be completed.

‡ Insert the words "The address of", where the situation of the place of business is unaltered but the address has been changed, e.g. by renaming of the street or renumbering of the premises.

§ Strike out whichever is or are inapplicable.

|| Here insert full name of individual or corporation.

¶ Here insert former name of individual or corporation.

\*\* This statement is to be signed—

(a) where the change is one of the changes referred to in the first five items marked †, by the person, or one of the persons, in relation to whom the business name is registered at the time of the change or by some person authorized, in writing, to sign the statement on his or their behalf;  
or

(b) in any other case, by the person in respect of whom the change has occurred or by some person authorized, in writing, to sign the statement on his behalf.

In the case of a corporation, the statement is to be signed by a director or manager or the secretary of the corporation or, in the case of a corporation registered under Division 3 of Part XI. of the *Companies Ordinance 1962-1966*, it may be signed by the agent of the corporation appointed for the purpose of that Division.

## FORM 5

## AUSTRALIAN CAPITAL TERRITORY

*Business Names Ordinance*

Section 12 (3.).

## NOTICE OF CESSATION OF BUSINESS UNDER BUSINESS NAME\*

Business name:†

Notice is hereby given that on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, business ceased to be carried on in the Australian Capital Territory under the above-mentioned business name by the person (or all of the persons)‡ in relation to whom the business name is registered.

Signed at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

(Usual Signature(s))§

or

Signed by \_\_\_\_\_ director/manager/secretary/agent‡ of  
Limited at \_\_\_\_\_ on the  
day of \_\_\_\_\_, 19 \_\_\_\_\_

(Usual Signature)§

\* Where business is to be continued under the business name by some other person or persons, Form No. 6 is to be completed in lieu of this form.

† Here insert business name as registered.

‡ Strike out whichever is inapplicable.

§ This statement is to be signed by each person who was carrying on business under the business name immediately before the cessation or by some person authorized, in writing, to sign the statement on his behalf. In the case of a deceased person, the statement must be signed by his personal representative. In the case of a corporation, the statement is to be signed by a director or manager or the secretary of the corporation or, in the case of a corporation registered under Division 3 of Part XI. of the *Companies Ordinance 1962-1966*, it may be signed by the agent of the corporation appointed for the purpose of that Division.

SECOND SCHEDULE—*continued*.

FORM 6

AUSTRALIAN CAPITAL TERRITORY

*Business Names Ordinance*

Section 12 (3.), (4.), (5.), (6.), (8.).

STATEMENT OF CHANGE OF PERSONS IN RELATION TO WHOM BUSINESS NAME IS REGISTERED\*

Business name:†

Address of principal or only place of business:

	Christian Names and Surname of each Individual and Corporate Name of each Corporation	Former Christian Names or Surname of each Individual	Usual Place of Residence of each Individual and Place of Registered Office in the Australian Capital Territory of each Corporation	Date of Cessation, Commencement or Appointment
Persons who have ceased to carry on business under the business name		(Not required)	(Not required)	
Persons‡ who have commenced to carry on business under the business name				
Persons previously registered in relation to the business name who are continuing to carry on business under this name				(Not required)
Person (if any) ceasing to be resident agent		(Not required)	(Not required)	
Person (if any) appointed to be resident agent		(Not required)		

## BUSINESS NAMES ORDINANCE—

SECOND SCHEDULE—*continued.*FORM 6—*continued.*

Signed at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_  
 (Usual Signature(s)) §

Signed by \_\_\_\_\_ director/manager/secretary/agent|| of  
 Limited at \_\_\_\_\_  
 on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_  
 (Usual Signature) §

Signed by the person who has consented, in writing, to be the resident agent,  
 at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_  
 (Usual Signature of Resident Agent)

\* Where the business is not to be continued under the business name by any person, Form 3 should be completed in lieu of this form.

† Here insert business name as registered.

‡ If any individual is under the age of twenty-one years, he is to be described as an infant and the date of his birth is to be set out in the above statement.

§ This statement is to be signed by each person carrying on business under the business name immediately before and immediately after the change or by some person or persons authorized, in writing, to sign the statement on his or their behalf. In the case of a deceased person, the statement must be signed by his personal representative. In the case of a corporation, the statement is to be signed by a director or manager or the secretary of the corporation or, in the case of a corporation registered under Division 3 of Part XI. of the *Companies Ordinance* 1962-1966, it may be signed by the agent of the corporation appointed for the purpose of that Division.

|| Strike out whichever are inapplicable.

## FORM 7

## AUSTRALIAN CAPITAL TERRITORY

*Business Names Ordinance*

Section 12 (1.) (c).

## STATEMENT OF CHANGE IN PARTICULARS RELATING TO RESIDENT AGENT\*

Business name:†

Notice is hereby given that the name/address‡ of the resident agent of§

as from \_\_\_\_\_  
 the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_  
 was changed from|| \_\_\_\_\_ to¶

Signed at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_  
 (Usual Signature)\*\*

or

Signed by \_\_\_\_\_ director/manager/secretary/agent‡ of  
 Limited at \_\_\_\_\_  
 on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_  
 (Usual Signature)\*\*

\* This statement is to be completed where a change occurs in the registered particulars relating to the resident agent of the person or persons in relation to whom the business name is registered.

† Here insert business name as registered.

‡ Strike out whichever is inapplicable.

§ Here insert name(s) of person(s) on whose behalf the resident agent has been appointed.

|| Here insert name or address or name and address, as the case requires, as registered, of the resident agent.

¶ Here insert name or address or name and address, as the case requires, as changed, of the resident agent.

\*\* This statement is to be signed by the person, or one of the persons, in relation to whom the business name is registered or by some person authorized, in writing, to sign the statement on his or their behalf. In the case of a corporation, the statement is to be signed by a director or manager or the secretary of the corporation or, in the case of a corporation registered under Division 3 of Part XI. of the *Companies Ordinance* 1962-1966, it may be signed by the agent of the corporation appointed for the purpose of that Division.



SECOND SCHEDULE—*continued.*

FORM 8

AUSTRALIAN CAPITAL TERRITORY

*Business Names Ordinance*

Section 12 (7.).

NOTICE THAT A PERSON HAS CEASED TO BE RESIDENT AGENT\*

Business name:†

1. Notice is hereby given that‡

in the Australian Capital Territory ceased to be the resident agent of§

on the \_\_\_\_\_ day of \_\_\_\_\_

, 19 \_\_\_\_, for the purposes of the *Business Names*

*Ordinance* 1963-1966.

2.|| The residential address of¶ \_\_\_\_\_ has been

changed to:—

Date of change:

Signed at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_

, 19 \_\_.

(Usual Signature)\*\*

or

Signed by \_\_\_\_\_ director/manager/secretary/agent†† of

Limited at \_\_\_\_\_

on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_.

(Usual Signature)\*\*

\* This statement is to be completed where the resident agent of the person or persons in relation to whom the business name is registered ceases to be his or their resident agent by reason of the person or one of the persons commencing to reside in the Australian Capital Territory, or for any other reason.

† Here insert business name as registered.

‡ Here insert name and address of resident agent.

§ Here insert name(s) of person(s) on whose behalf the resident agent was appointed.

|| Strike out if inapplicable.

¶ Here insert full name(s) of person(s) commencing to reside in the Australian Capital Territory.

\*\* This statement is to be signed—

(a) where paragraph 2 is applicable, by the person(s) who has (have) commenced to reside in the Australian Capital Territory; or

(b) where paragraph 2 is not applicable, by the person, or one of the persons, in relation to whom the business name is registered or by some person authorized, in writing, to sign the statement on his or their behalf. In the case of a corporation, the statement is to be signed by a director or manager or the secretary of the corporation or, in the case of a corporation registered under Division 3 of Part XI. of the *Companies Ordinance* 1962-1966, it may be signed by the agent of the corporation appointed for the purpose of that Division.

†† Strike out whichever is inapplicable.

## BUSINESS NAMES ORDINANCE—

SECOND SCHEDULE—*continued.*

FORM 9

AUSTRALIAN CAPITAL TERRITORY

*Business Names Ordinance*

Section 12 (9.), (10.).

## NOTICE OF APPOINTMENT OF RESIDENT AGENT

Business name:\*

I/Wett

on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_  
 appointed§

a person resident in the Australian Capital Territory, to be my/our† resident agent for the purposes of the *Business Names Ordinance* 1963-1966.

2. The appointment is in place of or in succession to

that of||

(or due to the person (or all the persons)† in relation to whom the business name is registered, having ceased to reside in the Australian Capital Territory or to have a fixed address in that Territory).‡

Signed at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

(Usual Signature)¶

or

Signed by \_\_\_\_\_ director/manager/secretary/agent† of \_\_\_\_\_ Limited at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

(Usual Signature)¶

Signed by the person who has consented, in writing, to be the resident agent, at \_\_\_\_\_

on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

(Usual Signature of Resident Agent)

\* Here insert business name as registered.

† Strike out whichever is inapplicable.

‡ Here insert name and address of person or names and addresses of all persons in relation to whom the business name is registered.

§ Here insert full name and address of person appointed as resident agent.

¶ Here insert full name of person who has ceased to be the resident agent.

|| This statement is to be signed by the person, or one of the persons, in relation to whom the business name is registered or by some person authorized, in writing, to sign the statement on his or their behalf. In the case of a corporation, the statement is to be signed by a director or manager or the secretary of the corporation or, in the case of a corporation registered under Division 3 of Part XI, of the *Companies Ordinance* 1962-1966, it may be signed by the agent of the corporation appointed for the purpose of that Division.

## THIRD SCHEDULE

Regulation 6.

## FEES TO BE PAID TO THE REGISTRAR

	\$
1. On lodging an application, in accordance with Form 1, for registration of a business name .. .. .	4.00
2. For a further certificate of registration of a business name under section 7 (5.) of the Ordinance .. .. .	2.00
3. On lodging an application, in accordance with Form 3, for renewal of registration of a business name .. .. .	4.00
4. On lodging a statement, in accordance with Form 4, of change in certain particulars .. .. .	1.00
5. On lodging a statement, in accordance with Form 6, of change of persons in relation to whom business name is registered .. .. .	2.00
6. On lodging a statement, in accordance with Form 7, of change in particulars relating to resident agent .. .. .	1.00
7. On lodging a notice, in accordance with Form 8, that a person has ceased to be resident agent .. .. .	1.00
8. On lodging a notice, in accordance with Form 9, of appointment of resident agent .. .. .	1.00
9. On lodging with the Registrar a document required to be lodged within a period prescribed by the Ordinance, in addition to any other fee—	
(a) if lodged within one month after the expiration of the prescribed period .. .. .	2.00
(b) if lodged later than one month after the expiration of the prescribed period .. .. .	10.00
<i>or</i>	
if the Registrar is satisfied that just cause existed for the failure to lodge the document within one month after the expiration of the prescribed period—such lower fee as the Registrar fixes, not being less than .. .. .	2.00
10. On lodging a statutory declaration .. .. .	1.00
11. For inspecting a statement lodged with the Registrar under the Ordinance or filed under the repealed Ordinance or any corresponding previous law of the Territory .. .. .	0.50
12. For a certificate of registration or non-registration of a business name, for a copy of or extract from the register or for a copy of or extract from a document forming part of the register or for a document containing two or more of the foregoing, certified under the hand of the Registrar—	
for one page .. .. .	2.00
for each additional page .. .. .	1.00
13. For making a photographic reproduction of a document in the custody of the Registrar—for each page .. .. .	1.00
14. For a search in the office of the Registrar as to the availability of any name proposed to be adopted as a business name—for each name searched .. .. .	1.00
15. For a search for which a fee is not elsewhere prescribed .. .. .	0.50
16. For an act done by the Registrar which he is required or authorized to do under the Ordinance and for which a fee is not elsewhere prescribed .. .. .	2.00
17. On lodging a document (other than Form 5) with or by the Registrar for the lodging of which a fee is not elsewhere prescribed .. .. .	2.00
18. On lodging an application for the consent of the Attorney-General to the registration of a business name .. .. .	10.00
19. On filing a consent of the Attorney-General to the registration of a business name .. .. .	20.00