



Australian Capital Territory

# **Business Names Regulation 1966**

**SL1966-11**

made under the

**Business Names Act 1963**

**Republication No 6**

**Effective: 12 April 2007 – 27 May 2012**

Republication date: 12 April 2007

Last amendment made by A2007-3

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Business Names Regulation 1966*, made under the *Business Names Act 1963* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 12 April 2007. It also includes any amendment, repeal or expiry affecting the republished law to 12 April 2007.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

# Business Names Regulation 1966

made under the

**Business Names Act 1963**

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R6  
12/04/07

Business Names Regulation 1966  
Effective: 12/04/07-27/05/12

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Australian Capital Territory

# Business Names Regulation 1966

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made under the

**Business Names Act 1963**

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**1 Name of regulation**

This regulation is the *Business Names Regulation 1966*.

**2 Dictionary**

The dictionary at the end of this regulation is part of this regulation.

*Note 1* The dictionary at the end of this regulation defines certain terms used in this regulation, and includes references (*signpost definitions*) to other terms defined elsewhere.

For example, the signpost definition '*agent*—see the *Corporations Regulations 2001* (Cwlth), regulation 1.0.02 (1).' means that the term 'agent' is defined in that regulation and the definition applies to this regulation.

*Note 2* A definition in the dictionary (including a signpost definition) applies to the entire regulation unless the definition, or another provision of the regulation, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

**3 Notes**

A note included in this regulation is explanatory and is not part of this regulation.

*Note* See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

**4 Meaning of agent**

In this regulation:

*agent*—see the *Corporations Regulations 2001* (Cwlth), regulation 1.0.02 (1).

**5 General requirements for documents**

(1) Unless the registrar-general otherwise approves, a document lodged with the registrar-general must—

(a) be on paper of medium weight and good quality and of foolscap folio size or international sheet size A4; and

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- (b) be clearly printed, written or otherwise produced in a way that is permanent and will make possible a reproduction by photographic means that is satisfactory to the registrar-general; and
  - (c) not be a carbon copy, or a copy reproduced by any spirit duplication method; and
  - (d) have margins of not less than 25mm on the left-hand side and not less than 13mm on the right-hand side; and
  - (e) if it comprises 2 or more sheets—be fastened together securely in the top left-hand corner; and
  - (f) have endorsed on the outside—
    - (i) on the upper left-hand corner—the registered number (if any) allotted by the registrar-general to the business name to which the document relates; and
    - (ii) the business name to which the document relates; and
    - (iii) the title of the document (that is, if the document is a form approved under the Act, section 33, the same as the heading in the form); and
    - (iv) the name, address and telephone number of the person by whom, or on whose behalf, the document is lodged; and
    - (v) the following words:

Lodged with the registrar-general on .
- (2) If the address of the office of a corporation is required, full particulars of its situation must be provided to enable it to be readily located.
- (3) The name of a person signing a form approved under the Act, section 33 that is lodged with the registrar-general must be legibly written under or alongside the signature of that person.

## **6 Annexures and documents accompanying forms**

- (1) If the space provided for a particular purpose in a form is insufficient to contain all the required information in relation to a particular item, that information must be set out in an annexure.
- (2) An annexure to a form must be marked with an identifying letter and endorsed with the words:

This is the annexure of (*number*) pages marked with the letter (*appropriate letter ie 'A' for the 1st annexure, 'B' for the 2nd annexure etc*) mentioned in the (*description of document*) signed by \*[me/us] and dated (*date*).

Signature/s

- (3) The annexure must be signed by each person who signs the form to which the annexure is annexed.
- (4) The pages in an annexure must be numbered consecutively.
- (5) If a document, copy of a document, or other matter is annexed to or accompanies a form, reference made in the form to the annexure must be by its identifying letter, the number of pages in it, and a brief description of the nature of the document and its contents.
- (6) A reference to an annexure includes a document, copy of a document, or any other matter accompanying or annexed to a form.

## **7 Signature of documents**

- (1) A document relating to a corporation that is lodged for a corporation must be signed by—
  - (a) if the corporation is a foreign company—
    - (i) a director or secretary of the company; or
    - (ii) the agent of the company; or



(b) in any other case—a director or secretary of the corporation.

*Note* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see Legislation Act, s 104).

- (2) However, if a foreign company's agent is a company, the document must be signed by a director or secretary of the agent.
- (3) This section is subject to the Act, section 15 (Signing of statements).
- (4) In this section:

*foreign company*—see the *Corporations Act 2001* (Cwlth), section 9.

## Dictionary

(see s 2)

*Note 1* The Legislation Act contains definitions and other provisions relevant to this regulation.

*Note 2* For example, the Legislation Act, dict, pt 1, defines the following terms:

- corporation
- document
- registrar-general.

*Note 3* Terms used in this regulation have the same meaning that they have in the *Business Names Act 1963* (see Legislation Act, s 148). For example, the following term is defined in the *Business Names Act 1963*, dict:

- business name.

*agent*—see section 4.

## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

## Endnotes

3 Legislation history

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### 3 Legislation history

This regulation was originally called the *Business Names Regulations* and was originally made under a Commonwealth ordinance—the *Business Names Ordinance 1963* No 12 (Cwlth).

The *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 34 (4) converted most former Commonwealth ordinances in force in the ACT, and the regulations made under them, into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. The *Business Names Ordinance 1972* and the *Business Names Regulations* were converted into ACT enactments on 11 May 1989 (self-government day).

As with most ordinances in force in the ACT, the name of the ordinance was changed from *Ordinance* to *Act* by the *Self-Government (Citation of Laws) Act 1989* No 21, s 5 on 11 May 1989 (self-government day).

This regulation was renamed by the *Statute Law Amendment Act 2001*, amdt 3.2 and under the *Legislation Act 2001*.

Before 11 May 1989, regulations commenced on their notification day unless otherwise stated (see *Interpretation Ordinance 1937* s 16, *Interpretation Act 1967*, s 50).

### Legislation before becoming Territory enactment

#### **Business Names Regulation 1966 No 11**

notified 15 September 1966  
commenced 15 September 1966

as amended by

#### **Amendment of the Business Names Regulations 1976 No 10**

notified 14 July 1976  
commenced 14 July 1976

#### **Amendments of Business Names Regulations 1976 No 19**

notified 26 October 1976  
commenced 1 November 1976 (s 1)

#### **Amendments of Business Names Regulations 1977 No 20**

notified 24 August 1977  
commenced 24 August 1977

**Regulations to revise regulations in force under ordinances of ACT 1979 No 26 sch**

notified 29 November 1979  
commenced 29 November 1979

**Business Names Regulations (Amendment) 1982 No 16**

notified 29 June 1982  
commenced 1 July 1982 (s 1)

**Legislation after becoming Territory enactment****Business Names (Amendment) Act 1990 No 27 sch 2**

notified 24 August 1990 (Gaz 1990 No S57)  
ss 1-3 commenced 24 August 1990 (s 2 (1))  
sch 2 commenced 3 September 1990 (s 2 (2))

**Registrar-General (Consequential Provisions) Act 1993 No 64 sch 2**

notified 6 September 1993 (Gaz 1993 No S172)  
s 1, s 2 commenced 6 September 1993 (s 2 (1))  
sch 2 commenced 1 October 1993 (s 2 (2) and see Gaz 1993 No S207)

**Legislation (Consequential Amendments) Act 2001 No 44 pt 49**

notified 26 July 2001 (Gaz 2001 No 30)  
s 1, s 2 commenced 26 July 2001 (IA s 10B)  
pt 49 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

**Statute Law Amendment Act 2005 A2005-20 sch 3 pt 3.8**

notified LR 12 May 2005  
s 1, s 2 taken to have commenced 8 March 2005 (LA s 75 (2))  
sch 3 pt 3.8 commenced 2 June 2005 (s 2 (1))

**Statute Law Amendment Act 2007 A2007-3 sch 3 pt 3.14**

notified LR 22 March 2007  
s 1, s 2 taken to have commenced 1 July 2006 (LA s 75 (2))  
sch 3 pt 3.14 commenced 12 April 2007 (s 2 (1))

**4 Amendment history****Name of regulation**

s 1 am R3 LA; R4 LA

## Endnotes

### 4 Amendment history

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#### Dictionary

- s 2 am 1982 No 16 s 2; Act 1990 No 27 sch 2  
sub Act 2001 No 44 amdt 1.516; A2007-3 amdt 3.63  
def **agent** ins 1982 No 16 s 2  
sub Act 2001 No 44 amdt 1.516; A2005-20 amdt 3.87  
om A2007-3 amdt 3.63  
def **the Ordinance** sub 1982 No 16 s 2  
om Act 2001 No 44 amdt 1.516

#### Notes

- s 3 om Act 1990 No 27 sch 2  
ins A2007-3 amdt 3.63

#### Meaning of *agent*

- s 4 om Act 1990 No 27 sch 2  
ins A2007-3 amdt 3.63

#### General requirements for documents

- s 5 am 1976 No 10  
sub 1982 No 16 s 3  
am Act 1990 No 27 sch 2; Act 1993 No 64 sch 2; Act 2001  
No 44 amdt 1.517, amdt 1.518

#### Annexures and documents accompanying forms

- s 6 om 1976 No 19 s 2  
ins 1982 No. 16 s 3  
am A2005-20 amdt 3.88; ss renum R5 LA (see A2005-20 amdt  
3.89)

#### Signature of documents

- s 7 ins 1982 No 16 s 3  
am Act 2001 No 44 amdt 1.519, amdt 1.520  
sub A2005-20 amdt 3.90

#### Schedule 1

- sch 1 om Act 1990 No 27 sch 2

#### Schedule 2

- sch 2 am 1977 No 20 s 1, s 2; 1979 No 26 sch; 1982 No 16 s 4  
om Act 1990 No 27 sch 2

#### Schedule 3

- sch 3 om 1976 No 19 s 3

#### Dictionary

- dict ins A2007-3 amdt 3.64  
def **agent** ins A2007-3 amdt 3.64

## 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	Act 1990 No 27	30 April 1991
2	Act 1993 No 64	31 January 1994
3	A2001-44	30 April 2002
4	A2001-44	2 November 2004
5	A2005-20	2 June 2005

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