

Regulations 1982 No. 16<sup>1</sup>

## Business Names Regulations<sup>2</sup> (Amendment)

I, PETER DREW DURACK, the Attorney-General of the Commonwealth of Australia, hereby make the following Regulations under the *Business Names Ordinance* 1963.

Dated 22 June 1982.

P. DURACK  
Attorney-General

### Commencement

1. These Regulations shall come into operation on 1 July 1982.

### Interpretation

2. Regulation 2 of the Business Names Regulations is amended by omitting sub-regulation (1) and substituting the following sub-regulation:

“(1) In these Regulations, unless the contrary intention appears—  
‘agent’ has the same meaning as in the Companies Regulations;  
‘the Ordinance’ means the *Business Names Ordinance* 1963.”.

3. Regulation 5 of the Business Names Regulations is repealed and the following regulations are substituted:

### General requirements for documents

“5. (1) Unless the Commission otherwise approves, a document lodged with the Commission shall—

- (a) be on paper of medium weight and good quality and of foolscap folio size or international sheet size A4;
- (b) be clearly printed, written or otherwise produced in a manner that is permanent and will make possible a reproduction by photographic means that is satisfactory to the Commission;
- (c) not be a carbon copy, or a copy reproduced by any spirit duplication method;
- (d) have margins of not less than 25 millimetres on the left-hand side and not less than 13 millimetres on the right-hand side;
- (e) where 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 Commission 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 in a form prescribed by these Regulations, the same as the heading to the form);
- (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 Corporate Affairs Commission on

“(2) Where the address of the office of a corporation is required, full particulars of its situation shall be provided so as to enable it to be readily located.

“(3) The name of a person signing a form set out in the Second Schedule that is lodged with the Commission shall be legibly written under or alongside the signature of that person.

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

“6. (1) Where 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 shall be set out in an annexure.

“(2) An annexure to a form shall be marked with an identifying letter and endorsed with the words:

This is the annexure of . . . . . pages marked with the letter  
. . . . . referred to in the (insert description of form) signed by me  
and dated . . . . .

. . . . .  
Signature(s)

and signed by each person signing the form to which the document is annexed.

“(3) The pages in an annexure shall be numbered consecutively.

“(4) Where a document, copy of a document, or other matter is annexed to or accompanies a form, reference made in the form to the annexure shall be by its identifying letter, the number of pages in it, and a brief description of the nature of the document and its contents.

“(5) A reference to an annexure includes a document, copy of a document, or any other matter accompanying or annexed to a form.

**Signature of documents lodged with Commission**

"7. (1) Subject to the Ordinance and these Regulations, a document relating to a corporation that is lodged by or on behalf of a corporation shall be signed—

- (a) by a director, or secretary or the principal executive officer of the corporation; or
- (b) if the corporation is a foreign company—by a person referred to in paragraph (a), by the agent of the foreign company or, if that agent is a company, by a director, or secretary or the principal executive officer of the agent.

"(2) In this regulation, 'foreign company' and 'principal executive officer' have the same meanings respectively, as in section 5 of the *Companies Act 1981*."

**Second Schedule**

4. (1) The Second Schedule to the Business Names Regulations is amended—

- (a) by inserting in the third column of the table in item 4 in Forms 1 and 3 "or Principal Office, as the case may be," after "Office";
- (b) by omitting from Forms 1, 3, 4, 5, 6, 7, 8 and 9 "manager" (wherever occurring) and substituting "principal executive officer";
- (c) by omitting from Forms 1, 3, 4, 5, 6, 7, 8 and 9 "Division 3 of Part XI of the Companies Ordinance 1962-1966" and substituting "Division 5 of Part XIII of the *Companies Act 1981*";
- (d) by inserting in Form 4 "or principal office, as the case may be," after "office"; and
- (e) by inserting in the heading of the fourth column in Form 6 "or Principal Office, as the case may be," after "Office".

(2) The Second Schedule to the Business Names Regulations is further amended by omitting Form 2 and substituting the following form:

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

No.

Section 7 (4), (5)

**CERTIFICATE OF REGISTRATION OF BUSINESS NAME**

This is to certify that the name \_\_\_\_\_ is on and from the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, registered as a business name under the *Business Names Ordinance 1963*.

Given under the Seal of the CORPORATE AFFAIRS COMMISSION at Canberra this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.

**NOTES**

1. Notified in the *Commonwealth of Australia Gazette* on 29 June 1982.
2. Regulations 1966 No. 11 as amended by 1976 Nos. 10 and 19; 1977 No. 20; 1979 No. 26.