

NORTHERN TERRITORY OF AUSTRALIA

BUSINESS NAMES REGULATIONS

As in force at 1 July 1998

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 1 July 1998

BUSINESS NAMES REGULATIONS

Regulations under the *Business Names Act*

1 Citation

These Regulations may be cited as the *Business Names Regulations*.

2 Interpretation

- (1) In these Regulations, ***the Act*** means the *Business Names Act*.
- (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 Forms

Where a provision of the Act 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.

4 Strict compliance with forms not necessary

Strict compliance with the forms contained in the Second Schedule is not necessary, and substantial compliance is sufficient.

5 Directions in forms

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

6 General requirements for documents lodged with Registrar

A document to be lodged with the Registrar in pursuance of the Act or these Regulations shall comply with the following requirements:

- (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 type-written or in part handwritten, and shall be legible;
- (c) the document shall not be a carbon copy;
- (d) where the document comprises 2 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);
 - (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."

8 Fees

- (1) 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 | Second Column | Third Column |
|------------------------------|--|----------------|
| Section of Act | Description | Number of Form |
| Section – | | |
| 7(1), (2), | Application for registration of 8(1) 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

FORM 1

NORTHERN TERRITORY OF AUSTRALIA

Business Names Act

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 Northern Territory, state that address:
 - (b) at more than one address in the Northern Territory, state:
 - (i) the principal address:
 - (ii) each other address:
3. Concise description of nature of business:
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 Individual and Place of Registered Office in the Northern Territory of each Corporation |
|--|---|---|
|--|---|---|

-
5. Date or proposed date of commencement of carrying on business in the Northern 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 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 business name of any notices for the purposes of the *Business Names Act* and of any process:

Signed at on the day of , 19 .

(Usual Signature)#

or

Signed by director/manager/secretary or 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 this day of , 19 .

(Usual Signature of Resident Agent)

*A business name cannot be registered more than 2 months before the proposed date of commencement of business.

‡If any applicant is under the age of 21 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 Northern 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 Act*, it may be signed by the agent of the corporation appointed for the purpose of that Division.

**Strike out whichever are inapplicable.

FORM 2

NORTHERN TERRITORY OF AUSTRALIA

Business Names Act

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 Act*.

Given under my hand at _____, this _____ day of _____, 19 .

Registrar of Companies

FORM 3

NORTHERN TERRITORY OF AUSTRALIA

Business Names Act

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 Northern Territory, state that address:
 - (b) at more than one address in the Northern 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 Individual and Place of Registered Office in the Northern 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 Act*, and of any process:

Signed at _____ on the _____ day of _____, 19 ____.

(Usual Signature)#

or

Signed by director/manager/secretary or 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.

†If any individual is under the age of 21 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 resides or reside outside the Northern Territory or has or have no fixed address within the Territory.

#This statement is to be signed by the person or ONE of the persons in relation to whom the 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 Act*, it may be signed by the agent of the corporation appointed for the purpose of that Division.

**Strike out whichever is or are inapplicable.

FORM 4

NORTHERN TERRITORY OF AUSTRALIA

Business Names Act

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:

1. 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:

- ‡2. The place (or one of the places of business)# has been changed from to

Date of change:

3. The business is being carried on at the following additional place or places:

Date of change:

4. Business has ceased to be carried on at the following address:

Date of change:

5. The principal place of business has been changed to:

Date of change:

6. The residential address (or, in the case of a corporation, the registered office in the Northern Territory)** of

has been changed to:

Date of change:

7. The name of††

has been changed to:

Date of change:

Signed at on the day of , 19 .

(Usual Signature)††

Signed by director/manager/secretary or agent# of
 Limited at on the day
of , 19 .

(Usual Signature)††

*Only such of items 1 to 7 inclusive as are appropriate in the circumstances should be completed. Items which are inapplicable should be deleted.

†Here insert business name as registered.

‡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) in the case of changes 1 to 5, by the person, or ONE of the persons, in relation to whom the 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;
- (b) in the case of changes 6 and 7, 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 Act*, it may be signed by the agent of the corporation appointed for the purpose of that Division.

FORM 5

NORTHERN TERRITORY OF AUSTRALIA

Business Names Act

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 Northern 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)**

or

Signed by director/manager/secretary or 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 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
Act*, it may be signed by the agent of the corporation appointed for
the purpose of that Division.

FORM 6

NORTHERN TERRITORY OF AUSTRALIA

Business Names Act

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 Individual and Place of Registered Office in the Northern Territory of each Corporation | Date of Cessation, Commencement or Appointment |
|---|---|---|---|---|
| Persons who have ceased to carry on business under the business name | | XXXXXXXXXXXXX XXXXXXXXXXXXX XXXXXXXXXXXXX XXXXXXXXXXXXX XXXXXXXXXXXXX | XXXXXXXXXXXXXXXXXXXXX XXXXXXXXXXXXXXXXXXXXX XXXXXXXXXXXXXXXXXXXXX XXXXXX | |
| Persons** who have commenced to carry on business under the business names | | | | |

Persons
previously
registered in
relation to the
business name
who are
continuing to
carry on
business
under this
name

XXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXX
XXX

Person (if any)
ceasing to be
resident agent

XXXXXXXXXXXXXXXXXX XXXXXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXX XXXXXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXX XXXXXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXX XXXXXX
XXXXXXXXXXXXXXXXXX

Person (if any)
appointed to
be resident
agent

XXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXX

Signed at on the day of , 19 .

(Usual Signature)#

Signed at on the day of , 19 .

(Usual Signature)#

Signed at on the day of , 19 .

(Usual Signature)#

Signed by director/manager/secretary or 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 this day of , 19 .

(Usual Signature of Resident Agent)

*Where the business is not to be continued under the business name by any person, Form 5 should be completed in lieu of this form.

†Here insert business name as registered.

‡If any individual is under the age of 21 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 Act*, it may be signed by the agent of the corporation appointed for the purpose of that Division.

**Strike out whichever is inapplicable.

FORM 7

NORTHERN TERRITORY OF AUSTRALIA

Business Names Act

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 or 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 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 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.

FORM 8

NORTHERN TERRITORY OF AUSTRALIA

Business Names Act

section 12(7)

NOTICE THAT PERSON HAS CEASED TO BE RESIDENT
AGENT*

Business name:†

1. Notice is hereby given that‡
in the Northern Territory ceased to be the resident agent of#
on the day of , 19 , for the purposes of the
Business Names Act.

- **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 or 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 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 Northern 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 Northern 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 Northern Territory; or
- (b) where paragraph 2 is not applicable by the person, or ONE of the persons, in relation to whom the 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 Act*, it may be signed by the agent of the corporation appointed for the purpose of that Division.

##Strike out whichever is inapplicable.

FORM 9

NORTHERN TERRITORY OF AUSTRALIA

Business Names Act

section 12(9), (10)

NOTICE OF APPOINTMENT OF RESIDENT AGENT

Business name:*

1. I/We†‡

on the day of , 19 , appointed#

a person resident in the Northern Territory, to be my/our† resident agent for the purposes of the *Business Names Act*.

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 Northern 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 or 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 this 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 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 1963* or that Ordinance as amended from time to time, it may be signed by the agent of the corporation appointed for the purpose of that Division.

Third Schedule

Fees

regulation 8

| Column 1 item | Column 2 Particulars | Column 3 Fee \$ |
|------------------|---|-----------------------|
| 1 | On lodging an application in accordance with Form 1 for registration of a business name | nil |
| 2 | For a further certificate of registration of a business name under section 7(5) of the Act, except in the case of a certificate issued on the renewal of registration of a business name under section 11 of the Act | 6 |
| 3 | On lodging an application, in accordance with Form 3, for renewal of registration of a business name | nil |
| 4 | On lodging a statement, in accordance with Form 4, of change in certain particulars | 10 |
| 5 | On lodging a statement, in accordance with Form 6, of change of persons in relation to whom business name is registered | 10 |
| 6 | On lodging a statement, in accordance with Form 7, of change in particulars relating to resident agent | 10 |
| 7 | On lodging a notice, in accordance with Form 8, that a person has ceased to be resident agent | 10 |
| 8 | On lodging a notice, in accordance with Form 9, of appointment of resident agent | 10 |
| 9 | On lodging with the Registrar a document required to be lodged within a period prescribed by the Act, in addition to any other fee: (a) if lodged within 28 days after the expiration of the prescribed period | 10 |

| | | |
|----|---|--|
| | (b) if lodged later than 28 days after the expiration of the prescribed period or if the Registrar is satisfied that just cause existed for the failure to lodge the document within 28 days after the expiration of the prescribed period – such lower fee as the Registrar fixes, not being less than | 25 10 |
| 10 | On lodging a statutory declaration | 10 |
| 11 | For inspecting a statement lodged with the Registrar under the Act or filed under the repealed Act or any corresponding previous law of the Territory | 10 |
| 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 2 or more of the foregoing, certified under the hand of the Registrar: for one page for each additional page | 10 2 |
| 13 | For making a photographic reproduction of a document in the custody of the Registrar: for each page | 1 |
| 14 | For a search in the office of the Registrar as to the availability of a name proposed to be adopted as a business name – for each name searched | nil |
| 15 | For a search for which a fee is not elsewhere prescribed | 10 |
| 16 | For an act done by the Registrar which the Registrar is required or authorised to do under the Act and for which a fee is not elsewhere prescribed | 10 |

| | | |
|----|---|----|
| 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 | 10 |
| 18 | On lodging an application for the consent of the Minister to the registration of a business name | 70 |
| 19 | On filing a consent of the Minister to the registration of a business name | 40 |

ENDNOTES

1**KEY**

Key to abbreviations

| | |
|------------------------------|-------------------------------------|
| amd = amended | od = order |
| app = appendix | om = omitted |
| bl = by-law | pt = Part |
| ch = Chapter | r = regulation/rule |
| cl = clause | rem = remainder |
| div = Division | renum = renumbered |
| exp = expires/expired | rep = repealed |
| f = forms | s = section |
| Gaz = <i>Gazette</i> | sch = Schedule |
| hdg = heading | sdiv = Subdivision |
| ins = inserted | SL = Subordinate Legislation |
| lt = long title | sub = substituted |
| nc = not commenced | |

2**LIST OF LEGISLATION*****Business Names Regulations (SL No. 12, 1963)***

| | |
|-----------|-------------|
| Notified | 1 July 1963 |
| Commenced | 1 July 1963 |

Amendments of the Business Names Regulations (SL No. 10, 1968)

| | |
|-----------|--------------|
| Notified | 26 June 1968 |
| Commenced | 26 June 1968 |

Ordinances Revision Ordinance 1973 (Act No. 87, 1973)

| | |
|-------------|----------------------------|
| Assent date | 11 December 1973 |
| Commenced | 11 December 1973 (s 12(2)) |

Amending Legislation***Ordinances Revision Ordinance 1974 (Act No. 34, 1974)***

| | |
|-------------|---------------------------|
| Assent date | 26 August 1974 |
| Commenced | 11 December 1973 (s 3(2)) |

Ordinances Revision Ordinance (No. 2) 1974 (Act No. 69, 1974)

| | |
|-------------|------------------------|
| Assent date | 24 October 1974 |
| Commenced | 11 December 1973 (s 3) |

Ordinances Revision Ordinance 1976 (Act No. 27, 1976)

| | |
|-------------|---|
| Assent date | 28 June 1976 |
| Commenced | ss 1, 2 and 6: 28 June 1976 (s 6(2)); ss 3 and 4: 11 December 1973; s 5: 24 October 1974 |

Transfer of Powers (Self-Government) Ordinance 1978 (Act No. 54, 1978)

| | |
|-------------|-------------------|
| Assent date | 1 July 1978 |
| Commenced | 1 July 1978 (s 2) |

Amendment of the Business Names Regulations (SL No. 21, 1978)

| | |
|-----------|----------------|
| Notified | 11 August 1978 |
| Commenced | 11 August 1978 |

Amendment of the Business Names Regulations (SL No. 5, 1984)

| | |
|-----------|---------------|
| Notified | 14 March 1984 |
| Commenced | |

Amendment of the Business Names Regulations (SL No. 38, 1985)

| | |
|-----------|------------------------|
| Notified | 11 December 1985 |
| Commenced | 25 December 1985 (r 2) |

Amendment of Business Names Regulations (SL No. 30, 1991)

| | |
|-----------|-------------------|
| Notified | 28 June 1991 |
| Commenced | 1 July 1991 (r 1) |

Amendment of Business Names Regulations (SL No. 17, 1998)

| | |
|-----------|-------------|
| Notified | 1 July 1998 |
| Commenced | 1 July 1998 |

3 LIST OF AMENDMENTS

| | |
|--------|---|
| r 6 | amd No. 10, 1968, r 1 |
| r 7 | rep No. 10, 1968, r 2 |
| r 8 | amd No. 10, 1968, r 3 |
| second | |
| sch | amd No. 10, 1968, r 4 |
| third | |
| sch | sub No. 10, 1968, r 5 |
| | amd Act No. 54, 1978, s 6 |
| | sub No. 21, 1978; No. 5, 1984; No. 38, 1985, r 2; No. 30, 1991, r 2 |
| | amd No. 17, 1998 |