

Western Australia

Business Names Regulations 1962

As at 01 Jul 2006

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Business Names Regulations 1962

CONTENTS

1.	Citation	1
2.	Commencement	1
3.	Repeal and savings	1
4.	Definition	2
5.	Forms	2
6.	Particulars prescribed by forms	3
7.	Directions in forms	3
8.	General requirements for documents lodged with Commissioner	3
9.	Application for consent of Minister	4
9A.	Prescribed exemption — section 26	4
10.	Fees	5

First Schedule

Second Schedule

Third Schedule

Notes

Compilation table	21
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Business Names Regulations 1962

1. Citation

These regulations may be cited as the *Business Names Regulations 1962* ¹.

2. Commencement

These regulations shall come into operation on the commencement of the *Business Names Act 1962* ¹.

3. Repeal and savings

- (1) The regulations made pursuant to the provisions of section 23 of the *Business Names Act 1942* ² are hereby repealed.
- (2) The repeal effected by subregulation (1) does not —
 - (a) affect the operation before the coming into operation of these regulations of any of the regulations so repealed;
 - (b) alter the past or future effect of the doing, suffering or omission of anything before the coming into operation of these regulations;
 - (c) affect any registration, statement, particulars, certificate, cancellation, correction or decision made, filed, granted or issued under or by virtue of any of the regulations so repealed;
 - (d) affect any estate, right, title, interest, privilege, power, duty, obligation, liability, charge or penalty created, acquired, accrued, exercisable, incurred or imposed by

r. 4

or under, or liable to be imposed under, any of the regulations so repealed;

- (e) affect any notice, order or direction, or any proceeding, matter, or thing presented, made, held, given, published, declared or done under any of the regulations so repealed; or
 - (f) affect any legal or other proceeding commenced before or after the coming into operation of these regulations in respect of any of the matters or things mentioned in paragraphs (a) to (e).
- (3) All matters and things mentioned in subregulation (2), to the extent that they were respectively in force immediately before the coming into operation of these regulations, are preserved and continued, and declared to be of the same force and effect as if these regulations had been in force when they were respectively done, suffered, omitted, made, filed, granted, issued, created, acquired, incurred, imposed, presented, held, given, published, declared or accrued or become exercisable or liable to be imposed, and they respectively had been done, suffered, omitted, made, filed, granted, issued, created, acquired, incurred, imposed, presented, held, given, published, declared, or had accrued, or become exercisable, or liable to be imposed, under these regulations.

4. Definition

In these regulations, “**the Act**” means the *Business Names Act 1962*.

5. Forms

Subject to these regulations, 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.

6. Particulars prescribed by forms

Where a form prescribed by these regulations requires completion by the insertion of particulars or other matters referred to in the form, those particulars or other matters are prescribed as the particulars or other matters required under the provision of the Act for the purposes for which the form is prescribed.

7. Directions in forms

A form prescribed by these regulations and containing any directions for its completion shall be completed in accordance with such directions.

8. General requirements for documents lodged with Commissioner

A document to be lodged for registration with the Commissioner under 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 international A4 size;
- (b) the document shall be printed, typewritten or handwritten and shall be clearly legible;
- (c) the document shall not be a carbon copy;
- (d) when 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 right-hand corner the registered number (if any) allotted by the Commissioner to the business name to which the document relates;

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

- (iii) words to the following effect —

“ Lodged in the office of the Commissioner
for Fair Trading on

Commissioner for Fair Trading. ”.

*[Regulation 8 inserted in Gazette 14 Sep 1990 p. 4756;
amended in Gazette 20 Jul 2004 p. 2903.]*

9. Application for consent of Minister

An application under section 9(1) of the Act for the consent of the Minister to the registration of a business name shall be lodged with the Commissioner.

[Regulation 9 amended in Gazette 14 Sep 1990 p. 4756.]

9A. Prescribed exemption — section 26

- (1) Section 26 of the Act does not apply to an invitation made by a finance broker to lend money to a person for whom the finance broker is acting as agent where —
 - (a) the finance broker has no direct or indirect pecuniary or other interest in the loan other than a claim for remuneration in accordance with section 44 of the *Finance Brokers Control Act 1975*; and
 - (b) the invitation is to lend or deposit money with a specified person or for a specified investment or class of investment.
- (2) In this regulation “**finance broker**” means a person who or which holds a licence as a finance broker under the *Finance Brokers Control Act 1975* and an annual certificate in respect of that licence.

[Regulation 9A inserted in Gazette 20 Jan 1984 p. 138.]

10. Fees

The fees set out in the Third Schedule shall be paid to the Commissioner for the several matters referred to in the Schedule.

[Regulation 10 inserted in Gazette 14 Sep 1990 p. 4756.]

First Schedule

First Schedule

List of Forms

(Regulation 5)

First Column	Second Column	Third Column
Provision of <i>Business Names Act 1962</i> for which form is prescribed	Description of form	Number of form in Second Schedule
Section —		
7	Application for registration of a business name.....	1
11.....	Renewal of registration of business name.....	3
12(1), (2), (3), (4).....	Statement of change in certain particulars.....	4
12(3).....	Notice of cessation of business under business name.....	5
12(1)(c), (5), (6), (7).....	Statement of details of resident agent.....	7

[First Schedule inserted in Gazette 15 Sep 1989 p. 3392; amended in Gazette 20 Jul 2004 p. 2904.]

Second Schedule

Form 1 — Application for registration of a business name

<i>Business Names Act 1962 s. 7</i> <i>Business Names Regulations 1962</i> Form 1 Application for registration of a business name [Please use BLOCK LETTERS]			
Details of the business			
1	Business name to be registered		
2	Alternative names (if above name not available)	2 nd preference:	
		3 rd preference:	
		4 th preference:	
3	Existing business name [if any]	[if existing business name is to be cancelled, complete Form 5]	
4	Nature of business [be concise]		
5	Address(es) in WA where business is or is proposed to be carried on [include postcode(s)]	Principal place of business:	
		Other place:	
		Other place:	
6	Address in WA for service of notices under the Act [postal address acceptable]		
7	Commencement date of business		
Details of the persons who do or will carry on the business			
8	Applicants who are individuals [give date of birth if under 18 years of age]	Surname:	
		Given names:	
		Date of birth:	
		Residential address: (not P.O. Box No.)	
		Signature:	

Second Schedule

	<p>[if insufficient space, attach an annexure]</p>	<p>Surname: Given names: Date of birth: Residential address: (not P.O. Box No.) Signature:</p>	
		<p>Have any of the above persons been convicted in WA or elsewhere —</p> <ul style="list-style-type: none"> • on indictment of an offence in connection with the promotion, formation or management of a corporation; • of an offence involving fraud or dishonesty punishable on conviction with imprisonment for 3 months or more; or • of any other offence relating to the management or administration of a corporation or the purchase or selling of shares in a corporation? <p>Yes/No If yes you must contact the Department before you lodge this form.</p>	
9	<p>Applicants who are corporations</p> <p>[the officer signing must be a director or secretary of the corporation]</p> <p>[if insufficient space, attach an annexure]</p>	<p>Corporation name: ACN: Registered office: (not P.O. Box No.) Officer's full name: Officer's signature: Officer's position:</p>	<p>Date:</p>
		<p>Corporation name: ACN: Registered office: (not P.O. Box No.) Officer's full name: Officer's signature: Officer's position:</p>	<p>Date:</p>
<p>Details of person who may be contacted about this application</p>			

Second Schedule

10	Name: Address: Telephone: Fax: Email:	
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[Form 1 inserted in Gazette 20 Jul 2004 p. 2904-5.]

Second Schedule

Form 2

Western Australia

Business Names Act 1962

No.

Section 7(4) and (5).

CERTIFICATE OF REGISTRATION OF BUSINESS NAME

I hereby certify that the business name
was on the day of 20....., registered, pursuant
to and subject to the *Business Names Act 1962*.

Given under my hand at Perth this day of 20.....

.....
Commissioner for Fair Trading

[Form 2 amended in Gazette 20 Jul 2004 p. 2905.]

Form 3 — Statement for renewal of registration of a business name

<i>Business Names Act 1962</i> s. 11(1) <i>Business Names Regulations 1962</i> Form 3 Statement for renewal of registration of a business name [Please use BLOCK LETTERS]		
Details of the business		
1	Registered business name	
2	Registration number	
3	Date registration expires	
4	Nature of business [be concise]	
5	Address(es) in WA where business is being carried on [include postcode(s)]	Principal place of business:
		Other place:
		Other place:

Second Schedule

6	Address in WA for service of notices under the Act [postal address acceptable]		
Details of the persons who carry on the business			
7	Individuals	Surname: Given names:	
		Surname: Given names:	
		Surname: Given names:	
		<p>Have any of the above persons been convicted in WA or elsewhere —</p> <ul style="list-style-type: none"> • on indictment of an offence in connection with the promotion, formation or management of a corporation; • of an offence involving fraud or dishonesty punishable on conviction with imprisonment for 3 months or more; or • of any other offence relating to the management or administration of a corporation or the purchase or selling of shares in a corporation? <p>Yes/No</p> <p>If yes you must contact the Department before you lodge this form.</p>	
8	Corporations	Corporation name: ACN:	
		Corporation name: ACN:	
		Corporation name: ACN:	
Declaration			
9	Declaration [making a false declaration is an offence]	<p>I declare that the persons named above are carrying on a business under the above business name and that all the details on this form are true and correct.</p> <p>Telephone: Email:</p>	

Second Schedule

	with a penalty of \$1 000]	Surname & given names:	
		Signature:	Date:
		Corporation name:	
		ACN:	
		Officer's full name:	
		Officer's signature:	Date:
		Officer's position:	
10	Capacity of person making declaration [tick one box]	An individual carrying on the business. An officer who is a director or secretary of a corporation carrying on the business.	

[Form 3 inserted in Gazette 20 Jul 2004 p. 2905-6.]

Form 4 — Statement of change in registered particulars

Business Names Act 1962 s. 12(1), (2), (3) & (4)			
Business Names Regulations 1962 Form 4			
Statement of change in registered particulars			
[Please use BLOCK LETTERS]			
Details of the business			
1	Registered business name		
2	Registration number		
Change of place(s) of the business [Act s. 12(1)(b)]			
3	New address(es) in WA where the business is carried on [include postcode(s)]	New principal place of business:	
		Date opened:	
		New additional place of business:	
		Date opened:	
4	Address(es) in WA where the business no longer carried on [include postcode(s)]	Address:	
		Date closed:	
		Address:	
		Date closed:	
Change of address for service of notices [Act s. 12(1)(c)]			

Second Schedule

5	New address in WA for service of notices under the Act [postal address acceptable]		
6	Date of change		
Change of nature of the business [Act s. 12(1)(a)]			
7	New nature of business		
8	Date of change		
Person(s) who have commenced carrying on the business [Act s. 12(4)]			
9	New individuals carrying on the business [give date of birth if under 18 years of age]	Surname: Given names: Date of birth: Residential address: (not P.O. Box No.) Date commenced:	
		Surname: Given names: Date of birth: Residential address: (not P.O. Box No.) Date commenced:	

Second Schedule

		<p>Has a person specified above been convicted in WA or elsewhere —</p> <ul style="list-style-type: none"> • on indictment of an offence in connection with the promotion, formation or management of a corporation; • of an offence involving fraud or dishonesty punishable on conviction with imprisonment for 3 months or more; or • of any other offence relating to the management or administration of a corporation or the purchase or selling of shares in a corporation? <p>Yes/No</p> <p>If yes you must contact the Department before you lodge this form.</p>	
10	New corporations carrying on the business	<p>Corporation name:</p> <p>ACN:</p> <p>Registered office: (not P.O. Box No.)</p> <p>Date commenced:</p>	<p>Date:</p>
		<p>Corporation name:</p> <p>ACN:</p> <p>Registered office: (not P.O. Box No.)</p> <p>Date commenced:</p>	<p>Date:</p>
Person(s) who have <u>ceased</u> carrying on the business [Act s. 12(3)]			
11	Individuals who have ceased to carry on the business	<p>Surname:</p> <p>Given names:</p> <p>Date ceased:</p>	
		<p>Surname:</p> <p>Given names:</p> <p>Date ceased:</p>	
12	Corporations that have ceased to carry on the	<p>Corporation name:</p> <p>ACN:</p> <p>Date ceased:</p>	

Second Schedule

	business	Corporation name: ACN: Date ceased:	
<p align="center">Details of all person(s) continuing to carry on the business [To be completed only if any of items 9 to 12 above has been completed]</p>			
13	Individuals who continue to carry on the business	Surname: Given names: Address:	
		Surname: Given names: Address:	
14	Corporations that continue to carry on the business	Corporation name: ACN: Registered office: (not P.O. Box No.)	
		Corporation name: ACN: Registered office: (not P.O. Box No.)	
<p align="center">Change of details of person(s) carrying on the business [Act s. 12(2)]</p>			
15	Change of name [e.g. by marriage or deed poll]	Old name: New name: ACN (if corporation): Date of change:	
16	Change of address	Surname & given names or corporation name & ACN: Old address: New address: Date of change:	
<p align="center">Declaration</p>			

Second Schedule

<p align="center">Who must complete this declaration</p> <ul style="list-style-type: none"> • If item 3, 4, 5 or 7 above is completed — any one of the persons carrying on the business. • If item 9 or 10 above is completed — the continuing and commencing proprietors. • If item 11 or 12 above is completed — the continuing and ceasing proprietors. • If item 15 or 16 above is completed — the person or corporation named in the item. <p>[For details of the above see the Act s. 12(1), (2), (3) & (4).]</p>			
17	Declaration	I/we declare that all the details on this form are true and correct.	
18	<p>Signatures</p> <p>[making a false declaration is an offence with a penalty of \$1 000]</p> <p>[the officer signing must be a director or secretary of the corporation]</p>	Surname & given names: Signature:	Date:
		Surname & given names: Signature:	Date:
		Corporation name: ACN: Officer's full name: Officer's signature: Officer's position:	Date:
		Corporation name: ACN: Officer's full name: Officer's signature: Officer's position:	Date:

[Form 4 inserted in Gazette 20 Jul 2004 p. 2906-9.]

Form 5 — Notice of cessation of business under business name

<p><i>Business Names Act 1962 s. 12(3)</i></p> <p><i>Business Names Regulations 1962</i> Form 5</p> <p>Notice of cessation of business under business name</p> <p>[Please use BLOCK LETTERS]</p>	
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Second Schedule

1	Registered business name		
2	Registration number		
3	Notice of cessation	I/we give notice that the business formerly carried on under the above business name has ceased to be carried on in Western Australia as from and including the day of 20 .	
4	Signatures of all persons in relation to whom the business name is registered [the officer signing must be a director or secretary of the corporation]	Surname & given names	
		Signature:	Date:
		Surname & given names	
		Signature:	Date:
		Corporation name: ACN: Officer's full name: Officer's signature: Officer's position:	Date:
		Corporation name: ACN: Officer's full name: Officer's signature: Officer's position:	Date:

[Form 5 inserted in Gazette 20 Jul 2004 p. 2909.]

[Forms 6 and 7 deleted in Gazette 20 Jul 2004 p. 2909.]

*[Second Schedule amended in Gazette 15 Sep 1989 p. 3392-7;
14 Sep 1990 p. 4756; 8 Dec 2000 p. 6917-18; 6 Jun 2003 p. 2027-8;
20 Jul 2004 p. 2904-9.]*

Third Schedule

Third Schedule

<i>Item</i>		[Regulation 10] \$
General Fees		
1.	Upon lodging a statement under section 7(1) of the Act	90
2.	For a further certificate of registration under section 7(5) of the Act	7
3.	Upon lodging a statement under section 11(1) of the Act to renew the registration of a business name that expires on or after 1 February 2004	75
4.	On the late lodging of a document under the Act, in addition to any other fee —	
	(a) if lodged within 1 month after the period prescribed by law	12
	(b) if lodged more than 1 month after the period prescribed by law in addition to the fee payable under paragraph (a)	24
	<i>The Commissioner, if satisfied that just cause existed for the late lodgement, may waive in whole or in part either fee prescribed by this item.</i>	
5.	For every inquiry with respect to any business name specified in the inquiry	10
6.	For a certificate under section 23(1)(b) of the Act	7
7.	For every inquiry under section 9(1) of the Act — for each name	10
8.	For any other act by the Commissioner required or authorised to be done under the Act and for which a fee is not elsewhere prescribed	10
9.	For every application for consent of the Minister to use of a business name	24
10.	For every order of the Minister granting consent to the use of a business name	30
Inspection Fees and Supply of Uncertified Copies of Statements		
11.	(a) For every inspection of a document or documents lodged with the Commissioner in relation to a business name or of any transparency or reproduction of such document or documents	5
	(b) For the supply of an uncertified copy or print of any document where the fee prescribed by paragraph (a)	

Third Schedule

<i>Item</i>	<i>\$</i>
has been paid —	
for each page of print	2
(c) For the supply of an uncertified copy or print of any document without inspection having been made —	
for the first 2 pages of the print	5
for each additional page.....	2
<i>Certified Copies and Extracts</i>	
12. For certifying by the Commissioner under section 23(1)(a) of the Act a copy of or extract from a document or transparency forming part of the register —	
(a) where a printed or typewritten copy of or extract from that document or transparency supplied by the applicant —	
for 1 page	5
for each additional page.....	2
(b) in any other case —	
for 1 page.....	5
for each additional page.....	2
<i>Supply of Uncertified Copies of Computer Printout of Business Names by Reference to Postcode</i>	
13. For the supply of a computer printout of the registered business names in a given postcode area showing the —	
(a) registered business number;	
(b) registered business name; and	
(c) principal place of business —	
for each request	10
and	
for each page of print.....	2
<i>Supply of Uncertified Copies of Computer Printout of Business Names by Reference to a Proprietor</i>	
14. For the supply of a computer printout of the proprietors of a business name, using the surname and first initial of a proprietor as the selection criteria, showing the —	
(a) names and addresses of the proprietors;	
(b) registered business number;	
(c) registered business name; and	
(d) principal place of business —	
for each request	30

Third Schedule

<i>Item</i>	<i>\$</i>
15. For the supply of a computer printout of the registered business names, using an Australian Standard Industry Classification (ASIC) code —	
for each request	10
and	
for each name shown.....	1
<i>[Third Schedule inserted in Gazette 27 Jun 1995 p. 2544-6; amended in Gazette 28 Jun 1996 p. 3019; 9 Jun 1998 p. 3094; 8 Dec 2000 p. 6918; 2 Nov 2001 p. 5793 (disallowed 20 Mar 2002 p. 1756); 28 Dec 2001 p. 6714; 9 Jan 2004 p. 88; 28 Jun 2005 p. 2907; 27 Jun 2006 p. 2251.]</i>	

Notes

- ¹ This is a compilation of the *Business Names Regulations 1962* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any previous reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Business Names Regulations 1962</i>	27 Sep 1962 p. 2663-72	12 Oct 1962 (see r. 2 and <i>Gazette</i> 12 Oct 1962 p. 3366)
	13 May 1964 p. 2153	13 May 1964
	17 Nov 1969 p. 3591	1 Dec 1969
	17 Dec 1971 p. 5266	1 Jan 1972
	23 Sep 1977 p. 3412-13	1 Oct 1977
<i>Business Names Amendment Regulations 1981</i>	3 Jul 1981 p. 2567-8	3 Jul 1981
<i>Business Names Amendment Regulations 1982</i>	18 Jun 1982 p. 1996	1 Jul 1982 (see r. 2)
<i>Business Names Amendment Regulations (No. 2) 1982</i>	9 Jul 1982 p. 2474	15 Jul 1982 (see r. 2)
<i>Business Names Amendment Regulations 1984</i>	20 Jan 1984 p. 137-8	1 Mar 1984 (see r. 2)
<i>Business Names Amendment Regulations 1986</i>	26 Sep 1986 p. 3680-1	1 Oct 1986 (see r. 2)
<i>Business Names Amendment Regulations 1988</i>	27 May 1988 p. 1718-22	27 May 1988
<i>Business Names Amendment Regulations (No. 2) 1988</i>	9 Sep 1988 p. 3487-8	9 Sep 1988
<i>Business Names Amendment Regulations 1989</i>	30 Jun 1989 p. 1897-8	30 Jun 1989
<i>Business Names Amendment Regulations (No. 2) 1989</i>	15 Sep 1989 p. 3392-7	15 Sep 1989
<i>Business Names Amendment Regulations 1990</i>	14 Sep 1990 p. 4755-7	14 Sep 1990
<i>Business Names Amendment Regulations (No. 2) 1990</i>	1 Mar 1991 p. 971-2	1 Mar 1991

Business Names Regulations 1962

Citation	Gazettal	Commencement
<i>Business Names Amendment Regulations 1991</i>	8 Nov 1991 p. 5714-16	8 Nov 1991
<i>Business Names Amendment Regulations 1992</i>	26 Jun 1992 p. 2658-9	1 Jul 1992 (see r. 2)
<i>Business Names Amendment Regulations 1993</i>	31 Aug 1993 p. 4685	1 Sep 1993 (see r. 2)
<i>Business Names Amendment Regulations 1995</i>	27 Jun 1995 p. 2544-6	1 Jul 1995 (see r. 2)
<i>Business Names Amendment Regulations 1996</i>	28 Jun 1996 p. 3019	28 Jun 1996
Reprint of the Business Names Regulations 1962 as at 9 Jun 1997 (includes amendments listed above)		
<i>Business Names Amendment Regulations 1998</i>	9 Jun 1998 p. 3093-4	1 Jul 1998 (see r. 2)
<i>Business Names Amendment Regulations 2000</i>	8 Dec 2000 p. 6917-18	1 Jan 2001 (see r. 2)
<i>Business Names Amendment Regulations (No. 2) 2001</i> ⁵	2 Nov 2001 p. 5793	1 Jan 2002 (see r. 2)
<i>Business Names Amendment Regulations (No. 3) 2001</i>	28 Dec 2001 p. 6713-14	1 Jan 2002 (see r. 2)
Reprint of the Business Names Regulations 1962 as at 21 Jun 2002		
<i>Corporations (Consequential Amendments) Regulations 2003</i>	6 Jun 2003 p. 2027-8	15 Jul 2001 (see r. 2 and Commonwealth Gazette 13 Jul 2001 No. S285)
<i>Business Names Amendment Regulations 2004</i>	9 Jan 2004 p. 87-8	1 Feb 2004 (see r. 2)
<i>Business Names Amendment Regulations (No. 2) 2004</i>	20 Jul 2004 p. 2903-9	20 Jul 2004
<i>Business Names Amendment Regulations 2005</i>	28 Jun 2005 p. 2907	1 Jul 2005 (see r. 2)
<i>Business Names Amendment Regulations (No. 2) 2006</i>	27 Jun 2006 p. 2251	1 Jul 2006 (see r. 2)

² Repealed by the *Business Names Act 1962*.

³ Footnote no longer applicable.

⁴ Under the *Alteration of Statutory Designations Order (No. 2) 2001* the former Ministry of Fair Trading is now called the Department of Consumer and Employment Protection.

⁵ Disallowed on 20 March 2002, see *Gazette* 26 March 2002 p.1756.

