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BUSINESS NAMES REGULATIONS 1986

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QUEENSLAND

BUSINESS NAMES REGULATIONS 1986

[Reprinted as at 1 September, 1989]

[Regulations published Gazette 20 December 1986, pp. 2414-2417; as amended by regulations published Gazette 18 July 1987, pp. 2841-2842; 11 June 1988, pp. 1245-1246; 1 July 1989, pp. 2098-2099.]

Department of Justice
Brisbane, 18th December, 1986

HIS Excellency the Governor, acting by and with the advice of the Executive Council, and in pursuance of the provisions of the *Business Names Act 1962-1979*, has been pleased to make the following Regulations.

PAUL CLAUSON

1. Short Title. These Regulations may be cited as the Business Names Regulations 1986.

2. Commencement. These Regulations shall come into operation on 1st February, 1987.

3. Repeal. The Business Names Regulations 1962 are repealed.

4. Interpretation. In these regulations unless the contrary intention appears—

“Act” means the *Business Names Act 1962-1979*;

“prescribed person” means the applicant for registration or renewal of registration of a business name, or other person who is required by the Act to sign a statement or other document that is required by the Act to be lodged with the Commissioner.

5. Forms. (1) The forms referred to in Column 1 of the list of forms in the First Schedule hereto shall be used for the purposes of the Act for which they are respectively applicable as indicated in Column 2 of the said list of forms.

(2) Subject to these regulations, the prescribed forms shall be the forms approved from time to time by the Commissioner.

(3) In these regulations a reference to a form by a number is a reference to the form so numbered in the First Schedule hereto.

(4) Copies of all prescribed forms shall be kept at the offices of the Commissioner.

6. Master file of prescribed forms. (1) In every case where the Commissioner approves a form for use as a prescribed form for the purposes of the Act, the Commissioner shall by writing under his hand certify accordingly on the form as so approved and he shall cause—

- (a) the original of the form with his certificate endorsed thereon to be kept in a master file in his office in Brisbane; and
- (b) a duplicate original thereof to be kept in a master file in each of his other offices in Queensland.

(2) The master files shall be open to inspection or for the making of any copy or extract at all reasonable times during office hours by any person upon payment of the prescribed fee.

7. Directions in Forms. A prescribed form shall be completed in accordance with such directions and instructions as are specified in, or relate to, the prescribed form.

8. General Requirements for Documents. [(1)] * Unless the Commissioner otherwise approves, a document lodged with the Commissioner shall—

- (a) be on paper of medium weight and good quality of foolscap folio size or international sheet size A4;
- (b) subject to the Act, 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 Commissioner;
- (c) not be a carbon copy, or a copy reproduced by any spirit duplication method;
- (d) have written on the first sheet—
 - (i) the registered number of the business name to which the document relates;
 - (ii) the name of that business name;
 - (iii) the title of the document and its form number;
 - (iv) the name, address and telephone number of the person by whom or on whose behalf the document is lodged; and
 - (v) the words “lodged with the Commissioner on ”.

9. Application for registration. (1) A statement that is required under section 7 (1) of the Act to be lodged with the Commissioner shall be in Form 1.

(2) Form 1 as approved by the Commissioner shall provide for the form to be completed by the prescribed person by setting out therein the following—

- (a) the particulars required by sections 7 (1), 7 (2) and 8 (1) of the Act; and

* *Sic*

- (b) such further particulars as the Commissioner reasonably requires for the purposes of the administration of the Act.

10. Certificate of registration. (1) A certificate of registration of a business name issued by the Commissioner shall be in Form 2.

(2) Form 2 as approved by the Commissioner shall provide for the form to be completed by the Commissioner by setting out therein the following—

- (a) the business name;
- (b) the date of registration;
- (c) the registered number;
- (d) the date of issue; and
- (e) the due date for renewal of registration.

11. Renewal of registration. (1) A statement that is required under section 11 (1) of the Act to be lodged with the Commissioner shall be in form 3.

(2) Form 3 as approved by the Commissioner shall provide for the form to be completed by the prescribed person by setting out therein the following—

- (a) particulars of the matters referred to in subparagraphs (a), (b), (c), (d) and (f) of section 7 (1) of the Act;
- (b) particulars of the resident agent referred to in section 8 (1) of the Act; and
- (c) such further particulars as the Commissioner reasonably requires for the purposes of the administration of the Act.

12. Notification of changes in particulars. (1) A statement that is required under section 12 of the Act to be lodged with the Commissioner shall be in Form 4 or 5 as shall be applicable.

(2) The prescribed form as approved by the Commissioner shall provide for the form to be completed by the prescribed person by setting out therein the following—

- (a) in Form 4, the particulars required by section 12 (1) (a), (2), (3) or (4) of the Act;
- (b) in Form 5, the particulars required by section 12 (1) (b), (5), (6) or (7) of the Act; and
- (c) in each form, such further particulars as the Commissioner reasonably requires for the purposes of administration of the Act.

13. Consent of Crown Law Officer. An application under section 9 (1) of the Act for the consent of the Crown Law Officer to the registration of a business name shall be made by lodging with the Commissioner a statement setting out the reasons why the applicant considers that the consent should be given. The statement shall be signed by the applicant and shall be accompanied by the prescribed fee.

14. Prescribed fees. The fees set out in the Second Schedule hereto shall be the fees payable to the Commissioner in respect of the several matters referred to therein.

First Schedule
LIST OF FORMS

Column 1	Column 2
Form 1	Application for registration of a business name—s. 7 (1)
Form 2	Certificate of registration of a business name—s. 7 (4)
Form 3	Renewal of registration of a business name—s. 11 (1)
Form 4	Notification of change in certain particulars—s. 12 (1) (a), (2), (3) or (4)
Form 5	Notification of change in certain particulars—s. 12 (1) (b), (5), (6) or (7)

Second Schedule

[Further substituted by regulations published Gazette 1 July 1989, pp. 2098-2099 (as from 1 August 1989).]

FEES

	\$
1. Upon lodging a statement pursuant to section 7 (1) of the Act	71.00
This fee shall be applied as follows—	
(a) for processing of the statement to maximum of 4 names	42.00
(b) for registration of the business name	29.00
Provided that where it is necessary to process names in addition to the names originally submitted, an additional fee for processing of the statement for each additional four names	40.00
2. Renewal of registration of a business name	40.00
3. On late lodgment of any statement under the Act except a statement of cessation of business, in addition to any other fee applicable—	
(a) if lodged within one month after the period prescribed by law	9.00
(b) if lodged more than one month after the period prescribed by law, in addition to the fee payable in paragraph (a) of this item	17.00
The Commissioner, if satisfied that just cause existed for the late lodgment, may waive in whole or in part the additional fee under paragraph (b) of this item.	
4. For a certificate of registration pursuant to section 7 (5) of the Act or a certificate or extract from the register pursuant to section 23 of the Act	10.00
5. For a copy or extract made and certified by the Commissioner under the Act of any statement or document in his custody,	
For one page	10.00
For each additional page	1.00
6. For each search or inspection of the register or statements or documents in the custody of the Commissioner	9.00

7.	For every inquiry by mail involving a search of the register or from the file of any particular business name to which item 6 refers	13.00
8.	For uncertified copies of statements or documents in the custody of the Commissioner, in addition to the fee payable under items 6 and 7— For each page	1.00
9.	For a search as to whether a name proposed to be adopted as a business name is available for each name	10.00
10.	For any other act by the Commissioner which he is required or authorised to do under the Act and for which a fee is not elsewhere prescribed	17.00
11.	Upon lodging any document with the Commissioner, other than a statement pursuant to section 12, for the lodging of which a fee is not elsewhere prescribed	10.00
12.	For every application for consent of the Crown Law Officer to the use of a business name	59.00
13.	For every order of the Crown Law Officer granting consent to the use of a business name	109.00
14.	On service of a subpoena on the Commissioner to produce any documents in his custody	25.00
	And in addition if the Commissioner so requires, such other expenses as are reasonably incurred in the production of the documents, including the sum of \$1.00 for each two pages or less of documents prepared.	

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S. R. HAMPSON, GOVERNMENT PRINTER, QUEENSLAND—1989

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