



# BUSINESS NAMES REGULATIONS

[Consolidated as at 20 March 2013  
on the authority of the Administrator  
and in accordance with  
the *Enactments Reprinting Act 1980*]

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## Business Names Regulations

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### Citation

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

### Definition

2. In these Regulations, “the Act” means the *Business Names Act 1976*.

### Forms

3. Where a provision of the Act is specified in Column 2 of Schedule 1 in an item in that Schedule, the form in Schedule 2 specified in Column 4 of Schedule 1 in that item is the form to be used for the purposes of that provision in relation to the matter or thing described in Column 3 of Schedule 1 in that item.

### Directions in forms

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

### General requirements for documents lodged with Registrar

5. A document to be lodged with the Registrar 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 —
  - (i) in the case of a document on paper of less than foolscap folio size — not less than 210 millimetres deep by 140 millimetres wide; or
  - (ii) in any other case — of foolscap folio size or a multiple of that size;

- (b) the document shall be printed, typewritten or handwritten, or in part printed, in part typewritten or in part handwritten, and shall be legible;
- (c) the document shall not be a carbon copy;
- (d) where the document comprises two 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.”.

### **Fees**

**6.** The fee specified in Column 3 of Schedule 3 in an item in that Schedule shall be paid to the Registrar in respect of the matter specified in Column 2 of that Schedule in that item.

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## SCHEDULE 1

*Regulation 3*

## LIST OF FORMS

Column 1 Item	Column 2 Provision of the Act	Column 3 Description	Column 4 Form in Schedule 2
1	Subsection 7(1)	Application for registration of business name	1
2	Subsections 7(3) and 7(4)	Certificate of registration of business name	2
3	Subsection 11(1)	Renewal of registration of business name	3
4	Paragraphs 12(1)(a) and 12(1)(b); subsection 12(2)	Notice of change in certain particulars	4
5	Subsection 12(3)	Notice of cessation of business under business name	5
6	Subsections 12(3), 12(5) and 12(8)	Notice of change in persons in relation to whom business name is registered	6
7	Paragraph 12(1)(c)	Notice of change in particulars relating to resident agent	7
8	Subsection 12(7)	Notice that person has ceased to be resident agent	8
9	Subsections 12(9) and 12(10)	Notice of appointment of resident agent	9

**SCHEDULE 2**

**FORMS**

Form 1

NORFOLK



ISLAND

Regulation 3

*Business Names Act 1976*

**APPLICATION FOR REGISTRATION OF BUSINESS NAME (a)**

1. Business Name: .....
2. Where the business is, or is proposed to be, carried on —
  - (a) at one address in Norfolk Island, state that address: .....
  - (b) at more than one address in Norfolk Island, 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 or given names and surname (b) of each individual and name of each corporation	Former Christian or given names or surname (if any) of each individual	Usual place of residence of each individual and place of registered office in Norfolk Island of each corporation

5. Date or proposed date of commencement of carrying on business in Norfolk Island under the abovementioned 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 that other name: .....
7. (c) Full name and address of resident agent authorised, in writing, to accept service on behalf of the persons carrying on or proposing to carry on business under the abovementioned business name of any notices for the purposes of the *Business Names Act 1976* and of any process: .....

Signed at .....on the .....day of..... 20..... (Signature(s)) (d)

or

Signed by ..... director/manager/secretary/public officer (e) .....of .....Limited at .....on the .....day of ....., 20..... (Signature(s)) (d)

**ENDORSEMENT (f)**

I,....., (g) consent, for the purposes of the *Business Names Act 1976*, to be the resident agent of the person(s) who is/are (e) named in this statement as carrying on Business in Norfolk Island.

Signed by .....on the ..... day of ....., 20 . . . (Signature)

- (a) A business name can not be registered more than 2 months before the proposed date of commencement of business.
- (b) If any applicant is under the age of 18 years, he is to be described as an infant and the date of his birth is to be set out in the above statement. *(continued)*

- (c) This item is to be completed where the person or all the persons carrying on or proposing to carry on business in Norfolk Island under a business name resides or reside outside the Island or has or have no fixed address within the Island.
- (d) This application 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 authorised, in writing, to sign the application on his or their behalf. In the case of a corporation, the application is to be signed by a director or manager or the secretary of the corporation or, in the case of a foreign company registered under Part 25 of the *Companies Act 1985* it may be signed by the agent appointed under that Part.
- (e) Strike out whichever are inapplicable.
- (f) This item is to be completed by the resident agent named in item 7.
- (g) Full name and address of resident agent.
- 

## Form 2

NORFOLK



ISLAND

*Business Names Act 1976*

Registered No.

**CERTIFICATE OF REGISTRATION OF BUSINESS NAME**

I hereby certify that the name ..... was on the ..... day of ....., 20 .....  
 registered as a business name under the *Business Names Act 1976*.

Given under my hand at Norfolk Island, this ..... day of ....., 20 .....

Registrar of Companies.

Form 3

*Business Names Act 1976*

Registered No.

**STATEMENT FOR RENEWAL OF REGISTRATION OF BUSINESS NAME**

1. Business name: (a).....
2. Where the business is carried on – .....
  - (a) at one address in Norfolk Island, state that address: .....
  - (b) at more than one address in Norfolk Island, 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 or given names and surname (b) of each individual and name of each corporation	Former Christian or given names or surname (if any) of each individual	Usual place of residence of each individual and place of registered office in Norfolk Island of each corporation

5. Full name (c) and address of resident agent authorised, in writing, to accept service on my/our (d) behalf of any notices for the purposes of the *Business Names Act 1976*, and of any process:

Signed at .....on the .....day of ....., 20 . . . . . (Signature) (e)

or

Signed by .....director/manager/secretary/public officer (d) of .....on the .....day of

20 . . . . . (Signature) (e)

**ENDORSEMENT (f)**

I, ....., (g) consent, for the purposes of the *Business Names Act 1976*, to be the resident agent of the persons(s) who is/are (d) named in this statement as carrying on business in Norfolk Island.

Signed by .....on the .....day of ....., 20..... (Signature)

- 
- (a) Here insert business name as registered.
  - (b) If any individual is under the age of 18 years, he is to be described as an infant and the date of his birth is to be set out in the above statement.
  - (c) This item is to be completed where the person or all the persons carrying on the business resides or reside outside Norfolk Island or has or have no fixed address within the Island.
  - (d) Strike out whichever is or are inapplicable.
  - (e) This statement is to be signed by the person, or one of the persons, in relation to whom the business name is registered or by some person authorised 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 foreign company registered under Part 25 of the *Companies Act 1985* it may be signed by the agent appointed under that Part.
  - (f) This item is to be completed by the resident agent named in item 5.
  - (g) Full name and address of resident agent.

Form 4

NORFOLK



ISLAND

*Business Names Act 1976*

Registered No.

**NOTICE OF CHANGE IN CERTAIN PARTICULARS**

- Business name: (a) .....
- Address of principal or only place of business: .....
- Addresses of all other places of business: .....
- (b) 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: .....
- (b) (c) The place (*or* One of the places) (d) of business has been changed from ..... to .....
- Date of change .....
- (b) The business is being carried on at the following additional place/places (d) - .....
- Date of change .....
- (b) Business has ceased to be carried on at the following address/addresses (d) - .....
- Date of change: .....
- (b) The principal place of business has been changed to – .....
- Date of change .....
- (b) The residential address (*or, in the case of a corporation, the registered office in Norfolk Island*) of (e)..... has been changed to – .....
- Date of change: .....
- (b) The name of (f) ..... has been changed to - .....
- Date of change: .....
- Signed at ..... on the ..... day of ....., 20 ..... (*Signature*) (g)

*or*

Signed by ..... director/manager/secretary/public officer (d) of .....  
on the ..... day of ..... 20 ..... (*Signature*)(g)

- 
- (a) Here insert business name as registered.
- (b) Only such of the items marked (b) as are appropriate in the circumstances should be completed.
- (c) Insert the words “The address of”, where the situation of the place of business is unaltered but the address has been changed, eg by renaming of the street or renumbering of the premises.
- (d) Strike out whichever is or are inapplicable.
- (e) Here insert full name of individual or corporation.
- (f) Here insert former name of individual or corporation.
- (g) This notice is to be signed –
- (i) where the change is one of the changes referred to in the first five items marked (b), by the person, or one of the persons, in relation to whom the business name is registered at the time of the change or by some person authorised, in writing, to sign the notice on his or their behalf; or
- (ii) in any other case, by the person in respect of whom the change has occurred or by some person authorised, in writing, to sign the notice on his behalf.

In the case of a corporation, the notice is to be signed by a director or manager or the secretary of the corporation or, in the case of a foreign company registered under Part 25 of the *Companies Act 1985* it may be signed by the agent appointed under that Part.



Form 5

NORFOLK



ISLAND

*Business Names Act 1976*

Registered No.

**NOTICE OF CESSATION OF BUSINESS UNDER BUSINESS NAME (a)**

Business name: (b) .....

Notice is hereby given that on the .....day of ..... 20 ....., business ceased to be carried on in Norfolk Island under the abovementioned business name by the person (*or* all of the persons) (c) in relation to whom the business name is registered.

Signed at .....on the .....day of ....., 20 ..... (Signature(s)) (d)

*or*

Signed by .....director/manager/secretary/public officer (c) of.....

on the .....day of ..... 20..... (Signature(s)) (d)

- 
- (a) Where business is to be continued under the business name by some other person or persons, Form No. 6 is to be completed in lieu of this form.
- (b) Here insert business name as registered.
- (c) Strike out whichever is inapplicable.
- (d) This notice is to be signed by each person who was carrying on business under the business name immediately before the cessation or by some person authorised in writing to sign the notice on his behalf. In the case of a deceased person, the notice must be signed by his personal representative. In the case of a corporation, the notice is to be signed by a director or manager or the secretary of the corporation or, in the case of a foreign company registered under Part 25 of the *Companies Act 1985* it may be signed by the agent appointed under that Part.

Form 6

NORFOLK ISLAND



Business Names Act 1976

Registered No.

**NOTICE OF CHANGE OF PERSONS IN RELATION TO WHOM BUSINESS NAME IS REGISTERED (a)**

Business name: (b) .....

Address of principal or only place of business:

Column 1	Column 2	Column 3	Column 4	Column 5
Nature of change	Christian or given names and surname of each individual and name of each corporation	Former Christian or given names or surname of each individual	Usual place of residence of each individual and place of registered office in Norfolk Island of each corporation	Date of cessation, commencement or appointment
Persons (c) who have ceased to carry on business under the business name		(Not required)	(Not required)	
Persons (c) who have commenced to carry on business under the business name				
Persons previously registered in relation to the business name who are continuing to carry on business under this name				(Not required)
Person (if any) ceasing to be resident agent		(Not required)	(Not required)	
Person (if any) appointed to be resident agent		(Not required)		

Signed at .....on the .....day of ..... 20 ..... (Signature(s)) (d)

Signed by ..... , director/manager/secretary/public officer (e) of .....Limited, at ..... on the .....day of .....20 ..... (Signature) (d)

**ENDORSEMENT (f)**

I, ....., (g) consent, for the purposes of the *Business Names Act 1976*, to be the resident agent of the persons(s) who is/are (e) named in this statement as carrying on business in Norfolk Island.

Signed by .....on the .....day of ....., 20..... (Signature)

(continued)

- (a) 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.
- (b) Here insert business name as registered.
- (c) If any individual is under the age of 18 years, he is to be described as an infant and the date of his birth is to be set out in the above notice.
- (d) This notice is to be signed by each person carrying on business under the business name immediately before the cessation or by some person authorised in writing to sign the notice on his behalf. In the case of a deceased person, the notice must be signed by his personal representative. In the case of a corporation, the notice is to be signed by a director or manager or the secretary of the corporation or, in the case of a foreign company registered under Part 25 of the *Companies Act 1985* it may be signed by the agent appointed under that Part.
- (e) Strike out whichever are inapplicable.
- (f) This item is to be completed by the person appointed to be the resident agent.
- (g) Full name and address of the person appointed to be the resident agent.

## Form 7

*Business Names Act 1976*

Registered No.

**NOTICE OF CHANGE IN PARTICULARS RELATING TO RESIDENT AGENT (a)**

Business name: (b) .....

Notice is hereby given that the name/address (c) of the resident agent of (d) ..... was changed from (e) ..... to (f) ..... as from the .....day of .....20.....

Signed at .....on the .....day of ....., 20 ..... *Signature*(g)*or*Signed by .....director/manager/secretary/public officer (c) of .....  
on the .....day of ..... 20..... *(Signature)*(g)

- (a) This notice 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 business name is registered.
- (b) Here insert business name as registered.
- (c) Strike out whichever are inapplicable.
- (d) Here insert name(s) of person(s) on whose behalf the resident agent has been appointed.
- (e) Here insert name or address or name and address, as the case requires, as registered, of the resident agent.
- (f) Here insert name or address or name and address, as the case requires, as changed, of the resident agent.
- (g) This notice is to be signed by the person or one of the persons in relation to whom the business name is registered or by some person authorised, in writing, to sign the notice on his or their behalf. In the case of a corporation, the notice is to be signed by a director or manager or the secretary of the corporation or, in the case of a foreign company registered under Part 25 of the *Companies Act 1985* it may be signed by the agent appointed under that Part.

Form 8



*Business Names Act 1976*

Registered No.

**NOTICE THAT A PERSON HAS CEASED TO BE RESIDENT AGENT (a)**

Business name: (b).....

1. Notice is hereby given that (c) .....in Norfolk Island ceased to be the resident agent of (d) ..... on the ..... day of ..... 20 ..... for the purposes of the *Business Names Act 1976*.

2. (e) The residential address of (f) ..... has been changed to -  
.....

Date of change .....

Signed at ..... on the ..... day of ..... 20..... (Signature)(g)

*or*

Signed by ....., director/manager/secretary/public officer (h)

of ..... Limited, at ..... on the ..... day of ....., 20 ..... (Signature)(g)

- (a) This notice is to be completed where the resident agent of the person or persons in relation to whom the business 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 Norfolk Island, or for any other reason.
- (b) Here insert business name as registered.
- (c) Here insert name and address of resident agent.
- (d) Here insert name(s) of persons(s) on whose behalf the resident agent was appointed.
- (e) Strike out if inapplicable.
- (f) Here insert full name(s) of persons(s) commencing to reside in Norfolk Island.
- (g) This notice is to be signed -
- (i) where paragraph 2 is applicable, by the person(s) who has (have) commenced to reside in Norfolk Island; or
- (ii) where paragraph 2 is not applicable, by the person, or one of the persons, in relation to whom the business name is registered or by some person authorised, in writing, to sign the statement on his or their behalf. In the case of a corporation, the notice is to be signed by a director or manager or the secretary of the corporation or, in the case of a foreign company registered under Part 25 of the *Companies Act 1985* it may be signed by the agent appointed under that Part.
- (h) Strike out whichever are inapplicable.

Form 9



*Business Names Act 1976*

Registered No.

**NOTICE OF APPOINTMENT OF RESIDENT AGENT**

Business name: (a).....

1. I/We (b) (c) ..... on the ..... day of ..... 20 .....,  
appointed (d) ..... a person resident in Norfolk Island, to be my/our (b) resident agent  
for the purposes of the *Business Names Act 1976*.

2. The appointment is in place of or in succession to ..... that of (e) .....  
(or due to the person (or all the persons) (b) in relation to whom the business name is registered,  
having ceased to reside in Norfolk Island or to have a fixed address in the Island). (b)

Signed at ..... on the ..... day of ..... 20.....(Signature) (f)

or

Signed by ....., director/manager/secretary/public officer (b) of  
..... Limited, at ..... on the ..... day of....., 20 .....  
(Signature) (f)

**ENDORSEMENT (g)**

I, ....., (h) consent, for the purposes of the *Business Names Act 1976*, to be the  
resident agent of the persons(s) who is/are (b) named in this statement as carrying on business in  
Norfolk Island.

Signed at..... on the ..... day of ..... 20 ..... (Signature)

- (a) Here insert business name as registered.
- (b) Strike out whichever is or are inapplicable.
- (c) Here insert name and address of person or names and addresses of all persons in relation to whom the business name is registered.
- (d) Here insert full name and address of person appointed as resident agent.
- (e) Here insert full name of person who has ceased to be the resident agent.
- (f) This notice is to be signed by the person or one of the persons in relation to whom the business name is registered or by some person authorised, in writing, to sign the notice on his or their behalf. In the case of a corporation, the notice is to be signed by a director or manager or the secretary of the corporation or, in the case of a foreign company registered under Part 25 of the *Companies Act 1985* it may be signed by the agent appointed under that Part.
- (g) This item is to be completed by the resident agent named in item 1.
- (h) Full name and address of resident agent.

**SCHEDULE 3**  
**FEEES TO BE PAID TO THE REGISTRAR**

Column 1 Item No.	Column 2 Matter	Column 3 Fee Unit
1	On lodging an application, in accordance with Form 1, for registration of a business name	5.5
2	On lodging a statement, in accordance with Form 3, for renewal of registration of a business name	3
3	On lodging a notice, in accordance with Form 4, of change in certain particulars	1
4	On lodging a notice, in accordance with Form 6, of change of persons in relation to whom business name is registered	2
5	On lodging a notice, in accordance with Form 7, of change in particulars relating to resident agent	1
6	On lodging a notice, in accordance with Form 8, that a person has ceased to be resident agent	1
7	On lodging a notice, in accordance with Form 9, of appointment of resident agent	1
8	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 1 month after the expiration of the prescribed period (b) if lodged later than 1 month 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 1 month after the expiration of the prescribed period — such lower fee as the Registrar fixes, not being less than	4.5 6 1.5
9	On lodging a statutory declaration	1
10	For inspecting a statement or notice lodged with the Registrar	0.5
11	If certified under the hand of the Registrar, for a certificate of registration or non-registration of a business name, for a copy of, or extract from, the register, for a copy of, or extract from, a document forming part of the register, or for a document containing two or more of the fore-going — for one page	1
	For each additional page	0.2
12	For making a photographic reproduction of a document in the custody of the Registrar — for each page	0.2
13	For a search in the office of the Registrar as to the availability of any name proposed to be adopted as a business name — for each name searched	0.5
14	For a search for which a fee is not elsewhere prescribed	0.2
15	For an act done by the Registrar which he is required or authorised to do under the Act and for which a fee is not elsewhere prescribed	1
16	On lodging a document (other than Form 5) with or by the Registrar for the lodging of which a fee is not elsewhere prescribed	1
17	On lodging an application for the consent of the Administrator to the registration of a business name	2.5
18	On filing a consent of the Minister to the registration of a business name	3

**NOTES**

The *Business Names Regulations* as shown in this consolidation comprises Regulations No. 9 of 1976 and amendments as indicated in the Tables below.

<b>Enactment</b>	<b>Number and year</b>	<b>Date of commencement</b>	<b>Application saving or transitional provision</b>
<i>Business Names Regulations</i>	9, 1976	23.12.1976	
<i>Business Names Amendment Regulations 2003</i>	4, 2003	1.7.2003	

[Previously consolidated as at 24 August 2006]

*Interpretation (Amendment) Act 2012* 14, 2012 28.12.12  
 [to substitute throughout —  
 Commonwealth Minister for Minister;  
 and to substitute Minister for executive  
 member]

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**Table of Amendments**

ad = added or am = amended rep = repealed rs = repealed and  
 inserted substituted

<b>Provisions affected</b>	<b>How affected</b>
Schedule 3	rs 4, 2003

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