

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1932.

A BILL

To provide for the registration of firms, individuals, and corporations carrying on business under business names, and as to the names, styles, titles, or designations under which businesses are carried on; to amend the Conveyancing Act, 1919-1930, and certain other Acts; to repeal the Registration of Firms Act, 1902, and for purposes connected therewith.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

PART I.—PRELIMINARY.

1. (1) This Act may be cited as the "Business Names Act, 1932." Short title.

(2) This Act shall commence on a day to be appointed by the Governor, and notified by proclamation published in the Gazette. Commencement.

(3) This Act is divided into Parts, as follows:— Division into Parts.

PART I.—PRELIMINARY—ss. 1-3.

PART II.—REGISTRATION OF FIRMS, INDIVIDUALS, AND CORPORATIONS CARRYING ON BUSINESS UNDER BUSINESS NAMES—ss. 4-20.

PART III.—USE OF CERTAIN WORDS IN BUSINESS NAMES—ss. 21-26.

(4) This Act shall be read and construed subject to the Commonwealth of Australia Constitution Act, and so as not to exceed the legislative power of the State, to the intent that when any enactment thereof would but for this subsection have been construed as being in excess of that power, it shall, nevertheless, be a valid enactment to the extent to which it is not in excess of that power. Construction.

2. In this Act, unless the context or subject-matter otherwise requires,— Definitions.

"Business" includes trade and profession.

"Business name" means the name, style, title, or designation under which any business is carried on whether in partnership or otherwise, and which does not consist solely of the full or usual name of the person individually carrying on the business or solely of the full or usual names of all the persons in association

cf. 6 & 7
Geo. V, c. 58,
s. 22;
Vict. Act,
1928, No.
3648, s. 3.

or

or partnership carrying on the business, and includes a firm name registered under the Registration of Firms Act, 1902.

“Christian name” includes any forename.

“Firm” means an unincorporate body of two or more individuals or one or more individuals and one or more corporations or two or more corporations who or which have entered into partnership with one another.

“Individual” means a natural person and does not include a corporation.

“Initials” includes any recognised abbreviation of a Christian name;

“Part” means Part of this Act;

“Prescribed” means prescribed by the regulations;

“Registrar-General” includes a Deputy Registrar-General.

“Regulations” means regulations made under the Conveyancing Act, 1919-1930.

“Usual name” includes a signature habitually used for business purposes.

3. (1) The Registration of Firms Act, 1902, is hereby repealed. Repeal of Act No. 100, 1902. Savings.

(2) Such repeal shall not affect any regulation or order made or any registration effected or any liability incurred or any matter or thing done under or by virtue of the said repealed Act before the commencement of this Act.

(3) Where the firm-name of any firm or person has been registered under the Registration of Firms Act, 1902, and such registration was in force immediately before the commencement of this Act, such firm or person shall be deemed to be registered under this Act, and for the purposes and within the meaning thereof such firm-name shall be deemed to be the business name of such firm or person. Ibid.

PART II.

REGISTRATION OF FIRMS, INDIVIDUALS, OR CORPORATIONS CARRYING ON BUSINESS UNDER BUSINESS NAMES.

4. Subject to the provisions of this Part—

Firms, &c., to be registered.

(a) every firm having a place of business in New South Wales and carrying on business under a business name which does not consist of—

cf. 6 & 7
Geo. V, c. 58,
s. 1;
Vict. Act,
1928, No.
3648, s. 4;
S.A. Act,
1928, No.
1851, s. 4.

(i) the true surnames of all partners who are individuals (together with their Christian name or names or the initials thereof); and

(ii) the corporate names of all partners (if any) which are corporations—

without any addition;

(b) every individual having a place of business in New South Wales and carrying on business under a business name which does not consist of his true surname (together with his Christian name or names or the initials thereof) without any addition;

(c) every corporation having a place of business in New South Wales and carrying on business under a business name which does not consist of its corporate name without any addition;

(d) every individual or firm having a place of business in New South Wales who, or a member of which, has either before or after the commencement of this Act changed his name, except in the case of a woman in consequence of marriage,

shall, unless the firm-name of such firm, individual, or corporation has been registered under the Registration of Firms Act, 1902, and the registration thereof was immediately before the commencement of this Act in force, be registered in the manner directed by this Part:

Provided

Provided that—

- (i) where the addition merely indicates that the business is carried on in succession to a former owner of the business, that addition shall not of itself render registration necessary; and
- (ii) where the business is carried on by an official receiver or a trustee in bankruptcy or a receiver, manager, or other person appointed by any court to carry on the business, registration shall not be necessary; and
- (iii) a purchase or acquisition of property by two or more persons as joint tenants or tenants in common is not of itself to be deemed carrying on a business whether or not the owners share any profits arising from the sale thereof; and
- (iv) any individual, firm, or corporation who or which does not publicly notify or advertise himself or itself as carrying on any specified business at any specified place of business in New South Wales and who or which merely contracts to perform specified work for or to supply specified materials to any particular firm, individual, or corporation within any period not exceeding twelve months from the time of so contracting, shall be exempt from registration under this Part.

When registration not necessary.

5. Where a firm, individual, or corporation having a place of business within New South Wales carries on business wholly or merely as attorney, nominee, or trustee of or for another firm, individual, or corporation, or acts as general agent for any foreign firm, the first-mentioned firm, individual, or corporation shall be registered in manner provided by this Part, and in addition to the other particulars required to be furnished and registered there shall be furnished and registered such other particulars as may be prescribed:

Registration by nominee. cf. 6 & 7 Geo. V, c. 58, s. 2; S.A. Act, 1928, No. 1851, s. 5.

Provided that where the business is carried on by an official receiver or a trustee in bankruptcy, or a receiver, manager, or other person appointed by any court to carry on the business, registration under this Part shall not be necessary.

6.

6. (1) Every firm, individual, or corporation required under this Part to be registered shall furnish by sending by post or delivering to the Registrar-General a statement in writing in or to the effect of the prescribed form containing the following particulars:—

Manner and particulars of registration.
cf. 6 & 7
Geo. V, c. 58,
s. 3;
Vict. Act,
1928, No.
3648, s. 5;
S.A. Act,
1928, No.
1851, s. 6.

- (a) the business name;
- (b) the general nature of the business;
- (c) the place or places of the business, and the particular address or addresses at which the business is carried on, and the place of residence of all persons, or the registered office of all corporations taking part in the carrying on of the business;
- (d) where the registration to be effected is that of a firm, the present Christian name and surname, any former Christian name or surname, the usual residence and the other business occupation (if any) of every individual who is a partner, and the corporate name and the registered address in New South Wales of every corporation which is a partner;
- (e) where the registration to be effected is that of an individual, the present Christian name and surname, any former Christian name or surname, the usual residence and the other business occupation (if any) of such individual;
- (f) where the registration to be effected is that of a corporation, its corporate name and registered address in New South Wales;
- (g) if the business is commenced after the commencement of this Act, the date of commencement of the business.

(2) If any of the persons mentioned in such statement is a minor, he shall be so described in the statement, and in addition to the other particulars required by subsection one of this section, the date of such person's birth shall be stated in the statement.

(3) Where a business is carried on under two or more business names each of those business names must be stated.

Where more than one business name.

7. (1) The statement required for the purpose of registration must—

- (a) in the case of an individual, be signed by him; and
- (b) in the case of a corporation, be signed by a director or the secretary thereof; and
- (c) in the case of a firm, be signed either by all the individuals who are partners and by a director or the secretary of all corporations which are partners or by some individual who is a partner or a director or the secretary of some corporation which is a partner—

Statement to be signed by persons registering. cf. 6 & 7 Geo. V, c. 58, s. 4; Vict. Act, 1928, No. 3648, s. 6; S.A. Act, 1928, No. 1851, s. 8.

and in either of the last two cases mentioned in paragraph (c) must be verified by a statutory declaration made by the signatory :

Provided that—

- (i) no such statutory declaration stating that any person other than the declarant is a partner, or omitting to state that any person other than as aforesaid is a partner shall be evidence for or against any such other person in respect of his liability or non-liability as a partner; and
- (ii) the Supreme Court or a judge thereof may, on application of any person alleged or claiming to be or not to be a partner, as the case may be, direct the rectification of the register directed to be kept in pursuance of section sixteen of this Act, and decide any question arising under this section; and
- (iii) in the case of a corporation registered under the provisions of the Companies (Amendment) Act, 1906, as amended by the Companies (Amendment) Act, 1907, the statement must be signed for and on behalf of such corporation by its attorney or agent authorised to file the declaration required under the said Act, as so amended, or the regulations thereunder.

(2) The prescribed fee shall be paid to the Registrar-General on filing any statement or statutory declaration under this Part.

8. (1) The particulars required to be furnished under this Part shall be furnished within fourteen days after the firm, individual, or corporation commences business or the business in respect of which registration is required, as the case may be.

Time for registration.
cf. 6 & 7
Geo. V, c. 58,
s. 5 ;
Vict. Act,
1928, No.
3648, s. 7 ;
S.A. Act,
1928, No.
1851, s. 9.

(2) If such firm, individual, or corporation continues to carry on business without such registration being effected, or if such business has been carried on before the commencement of this Act, and—

- (a) the firm-name of such firm, individual, or corporation has not been registered under the Registration of Firms Act, 1902 ; or
- (b) registration has not been effected under this Part—

the firm, individual, or corporation required to register as provided in this Part shall, without affecting any liability imposed under this Part, be under a continuing obligation so to register, and notwithstanding anything to the contrary in section fifty-six of the Justices Act, 1902, may be proceeded against in respect of any default accordingly.

9. The business name under which any firm, individual or corporation is registered under this Part shall be used in all matters connected with or relating to the business carried on by such firm, individual, or corporation and shall be painted or affixed on the outside of every office or place in which the business is carried on in a conspicuous position in letters easily legible.

Business name always to be used.
cf. Vict. Act,
1928, No.
3648, s. 8 ;
S.A. Act,
1928, No.
1851, s. 10.

10. Whenever a change is made or occurs in any of the particulars in respect of which any firm, individual, or corporation is registered, such firm, individual, or corporation shall within fourteen days after such change or within such longer period as the Registrar-General on application being made in any particular case, whether before or after the expiration of such fourteen days allows, furnish by sending by post or delivering to the Registrar-General a statement in writing in the prescribed form specifying the nature and date of the change signed and where necessary verified in like manner as the statement required on registration.

Registration of changes.
cf. 6 & 7
Geo. V, c. 58,
s. 6 ;
Vict. Act,
1928, No.
3648, s. 9 ;
S.A. Act,
1928, No.
1851, s. 11.

11.

11. (1) If any firm, individual, or corporation registered under this Part ceases to carry on business or abandons the use of the business name under which he or it is registered it shall be the duty of the persons who were partners in the firm at the time when it ceased to carry on business or abandoned the business name or of the individual or if he is dead his legal personal representative or of the corporation or its successor (as the case may be) within one month after the business has ceased to be carried on or the business name has been abandoned to send by post or deliver to the Registrar-General notice in the prescribed form that the firm or individual or corporation has ceased to carry on business or (as the case may be) that the business name has been abandoned.

Removal of names from the register. cf. 6 & 7 Geo. V, c. 58, s. 13; Vict. Act, 1928, No. 3648, s. 10; S.A. Act, 1928, No. 1851, s. 21.

Such notice shall be signed and where necessary verified in like manner as the statement required on registration.

(2) On receipt of such notice the Registrar-General may cancel the registration of the firm or individual or corporation.

(3) Where the Registrar-General has reasonable cause to believe that any firm, individual, or corporation registered under this Part is not carrying on business under the business name under which he or it is registered he may send to the firm, individual, or corporation by registered post a notice that, unless an answer is received to such notice within one month from the date thereof the registration of the firm, individual, or corporation may be cancelled.

cf. S.A. Act, 1928, No. 1851, s. 22.

(4) If the Registrar-General either receives an answer from the firm, individual, or corporation to the effect that the firm, individual, or corporation is not so carrying on business or does not within one month after sending the notice receive an answer he may cancel the registration of the firm, individual, or corporation.

(5) The Registrar-General may cancel the registration of—

- (a) any corporation registered under this Part the name of which has been struck off any register of companies kept under the Companies Acts; or
- (b)

- (b) any firm, individual, or corporation convicted of making default without reasonable excuse in sending or delivering any statement required by this Act; or
- (c) any firm the partners or any partner of which are or is or the name of any individual who is, or any corporation the directors or any director of which are or is convicted of a misdemeanour under this Act; or
- (d) any firm or corporation which has been dissolved or deemed to be dissolved.

12. (1) If without reasonable excuse any firm, individual, or corporation by this Part required to furnish a statement of particulars, or of any change in particulars, or a notice that it or he has ceased to carry on business or has abandoned a business name makes default in so doing in the manner and/or within the time prescribed by this Part—

Penalty for default.
cf. 6 & 7 Geo. V, c. 58, s. 7; Vict. Act, 1928, No. 3648, s. 11; S.A. Act, 1928, No. 1851, s. 15.

- (a) every partner in the firm or the individual or corporation so in default shall be liable to a penalty of not more than *five* pounds for every day during which the default continues; and
- (b) the court shall order a statement or a corrected statement, as the case may be, of the required particulars or change in the particulars or a notice that the firm, individual, or corporation has ceased to carry on business or has abandoned the business name to be furnished to the Registrar-General within such time as is specified in the order.

(2) The expression "default" within the meaning of sections eleven, twelve, and thirteen of this Part shall include the furnishing of an incorrect or insufficient statement of particulars or of any change in particulars.

13. (1) Where any firm or individual or corporation by this Part required to furnish a statement of particulars or of any change in particulars makes default in so doing, then the rights of that defaulter under or arising out of any contract made or entered into by or on behalf of such defaulter in relation to the business in respect to

Disability of persons, &c., in default.
cf. 6 & 7 Geo. V, c. 58, s. 8; Vict. Act, 1928, No. 3648, s. 12.

to the carrying on of which particulars are required to be furnished at any time while such firm, individual, or corporation is in default, shall not be enforceable by action or other legal proceeding either in the business name or otherwise :

Provided that—

- (a) the defaulter may apply to the court for relief against the disability imposed by this section, and the court, on being satisfied that the default was accidental, or due to inadvertence, or some other sufficient cause, or that on other grounds it is just and equitable to grant relief, may grant such relief either generally or as regards any particular contracts, on condition of the costs of the application being paid by the defaulter, unless the court otherwise orders, and on such other conditions (if any) as the court may impose, but such relief shall not be granted except on such service and such publication of notice of the application as the court may order, nor shall relief be given in respect of any contract if any party to the contract proves to the satisfaction of the court that, if this Part had been complied with, he would not have entered into the contract ;
- (b) nothing in this section shall prejudice the rights of any other parties as against the defaulter in respect of such contract as aforesaid ;
- (c) if any action or proceeding is commenced by any other party against the defaulter to enforce the rights of such party in respect of such contract, nothing in this section contained shall preclude the defaulter from enforcing, in that action or proceeding, by way of counter claim, set-off, or otherwise, such rights as he or it may have against that party in respect of such contract.

(2) In this section the expression " court " means the Supreme Court or a judge thereof, and the expression " defaulter " means defaulter, his heirs, executors, or assigns, or successors, as the case may be :

Provided

Interpre-
tation of
" court " and
" defaulter."

Provided that without prejudice to the power of the Supreme Court or a judge thereof to grant such relief as aforesaid, if any proceeding to enforce any contract is commenced by a defaulter in a District Court, the District Court may as regards the contract grant such relief as aforesaid.

(3) If any firm, individual, or corporation required to be registered as provided in this Part shall fail to register accordingly, all proceedings in any court of competent jurisdiction may be taken and prosecuted against such firm, individual, or corporation in the name under which such firm, individual, or corporation is carrying on business, and such name shall, for the purposes of such proceedings, be a sufficient designation of such firm, individual, or corporation in all courts, summonses, complaints, and other legal documents and instruments.

(4) Nothing in this section shall be construed to exempt any firm, individual, or corporation from compliance with any provision of this Part.

14. If any statement or notice required to be furnished under this Part contains any matter which is false in any material particular to the knowledge of any person signing it, that person shall be guilty of a misdemeanour, and shall be liable to a fine of not more than *twenty* pounds, or to imprisonment for a term of not more than *three* months, and any person knowingly authorising or permitting the commission of the offence shall be guilty of a misdemeanour, and be liable to the like punishment.

Penalty for false statement.
cf. 6 & 7 Geo. V, c. 58, s. 9; Vict. Act, 1928, No. 3648, s. 13; S.A. Act, 1928, No. 1851, s. 24.

15. (1) The Registrar-General may—

- (a) require any person to furnish to the Registrar-General such particulars as appear necessary to him for the purposes of ascertaining whether or not such person or the firm of which he is a partner should be registered under this Part or an alteration made in the registered particulars; and
- (b) in the case of a corporation, require the secretary or any other officer of a corporation performing the duties of secretary to furnish such particulars.

Duty to furnish particulars.
cf. 6 & 7 Geo. V, c. 58, s. 9; Vict. Act, 1928, No. 3648, s. 14; S.A. Act, 1928, No. 1851, s. 13.

(2)

(2) If any person, secretary, or officer when so required fails to furnish such particulars as it is in his power to give, or furnishes particulars which are false in any material particular, he shall be liable on summary conviction to imprisonment for a term of not more than *three* months or to a penalty of not more than *twenty* pounds or to both such imprisonment and penalty.

3) If from any information so furnished it appears to the Registrar-General that any firm, individual, or corporation ought to be registered under this Part, or an alteration ought to be made in the registered particulars, the Registrar-General may require the firm, individual, or corporation to furnish to the Registrar-General the required particulars within such time as he allows, but where any default under this Part has been discovered from the information acquired under this section no proceedings under this Part shall be taken against any person in respect of such default prior to the expiration of the time within which the firm, individual, or corporation is required under this section to furnish particulars to the Registrar-General.

16. (1) The Registrar-General shall keep a book to be called the register, and shall bind up therein all statements furnished in pursuance of this Part.

Register book.
cf. 6 & 7
Geo. V,
c. 58, s. 11;
Vict. Act
1928, No.
3648, s. 15;
S. A. Act,
1928, No.
1851, s. 17.

(2) The firm, individual, or corporation on whose behalf the statement has been furnished shall be deemed to be registered when such statement has been marked by the Registrar-General with the folium of the register.

(3) The Registrar-General shall upon registration send by post or deliver a certificate thereof to the firm, individual, or corporation registering.

(4) A certificate of the registration of the firm, individual, or corporation shall be kept exhibited in a conspicuous position at the principal place of business of such firm, individual, or corporation, and, if not kept so exhibited, every partner in the firm or the individual or corporation (as the case may be) shall be liable on summary conviction to a penalty of not more than *twenty* pounds.

17. The Registrar-General shall keep an index of—

- (a) all statements bound up in the register; and
- (b) all firms, individuals, and corporations registered; and
- (c) all business names in respect of which registration has been effected.

Index.
cf. 6 & 7
Geo. V, c. 58,
s. 10;
Vict. Act,
1928, No.
3648, s. 16.

18. (1) Any person on payment of the prescribed fee may inspect or make extracts from or a copy of the statements bound up in the register in pursuance of this Act or filed in pursuance of any corresponding previous enactment.

Inspection of
statements.
cf. 6 & 7 Geo. V,
c. 58, s. 16;
Vict. Act, 1928,
No. 3648, s. 17;
S.A. Act, 1928,
No. 1851, s. 19.

(2) Any person on payment of the prescribed fee may require a certificate of the registration of any firm, individual, or corporation to be furnished or a copy of or extract from any registered statement to be certified by the Registrar-General.

Certificate of
registration,
&c.

(3) The register referred to in section sixteen or a certificate of registration, or a copy of or extract from any statement registered under this Part purporting to be signed and certified by the Registrar-General, shall in all courts, and before all persons having authority to hear, receive, and examine evidence, be admitted as prima facie evidence of the matter contained therein and of the fact and date of registration as shown thereon.

Evidence of
registration.

19. Where a corporation is guilty of an offence under this Act every director, secretary, and officer of the corporation who is knowingly a party to the offence shall be guilty of a like offence and liable to a like penalty.

Offences by
corporations.
cf. 6 & 7 Geo. V,
c. 58, s. 19;
Vict. Act, 1928,
No. 3648, s. 19.

20. Service at the registered office of any firm, individual, or corporation registered under this Part of any communication or notice of any writ, declaration, summons, plaint, order, or other document, proceeding, or process whatsoever in any action, suit, proceeding, or matter, either by leaving the same at such office or by sending the same through the post postage prepaid addressed to such firm, individual, or corporation at such registered office, shall be deemed to be service upon the firm, individual, or corporation.

Service of
summons.

PART III.

USE OF CERTAIN WORDS IN THE NAMES, &C.,
OF FIRMS, &C.

21. Notwithstanding anything in any Act no firm, individual, or corporation required to register under Part II of this Act shall be so registered under a business name which includes the word "Royal" or the word "King" or the word "Queen" or the word "Crown" or the word "Empire" or the word "Imperial" or the word "Commonwealth" or any word signifying Royal or Government support or patronage, or any word or matter used in such manner as would imply or be likely to convey the impression that such firm, individual, or corporation is or will be wholly or partly authorized or supported by or connected with His Majesty's Dominions unless consent thereto has been given to the use of such business name by the Governor; or which includes the words "State," "Australia," or "Australasia," or the name of any State if in the opinion of the Registrar-General the same is calculated to mislead:

Certain words not to be used in firm name.
cf. Vict. Act, 1928, No. 3648, s. 21.

Provided that nothing in this subsection shall prevent the continuance of the use by any firm, individual, or corporation or his or its successor in interest of the word "Commonwealth" in any name, style, title or designation under which he or it was registered or traded or carried on business at the date of the commencement of this Act.

22. No person or firm not incorporated shall assume or use or continue to assume or use the word "saving" or "savings" or the words "savings bank" or "savings institution" or "savings department" or "savings section" as part of the designation or title or as a description of the business or of any department, section, or other part of the business of such person or firm.

Words "saving," "savings," &c., not to be used.
cf. *Ibid.* s. 22.

23.

23. (1) No person or firm not incorporated shall assume or use or continue to assume or use the title of "bank," "banker," "banking company," "banking house," "banking association," or "banking institution," or words of like import, or the word "proprietary" in any way whatever in connection with the trade or business designation or title of such person or firm.

Word "banking," &c., not to be used.
cf. Vict. Act, 1928, No. 3648, s. 23.

(2) Every person and every member of any firm guilty of committing, causing, directing, or authorising a breach of either this section or of section twenty-two of this Act shall be guilty of an offence, and shall be liable on summary conviction to a penalty of not more than *ten* pounds, and in the case of a continuing offence to a penalty of not more than *ten* pounds for every day such breach continues.

Penalty.

24. (1) No person or firm not incorporated shall use, nor shall any firm, individual, or corporation required to register under Part II of this Act be so registered under—

Persons or firms not to be registered under certain business or other names.
cf. *Ibid.* secs. 24, 25.

(a) a business name identical with the business name of a firm, individual, or corporation already registered under Part II of this Act or identical with a firm-name registered under the Registration of Firms Act, 1902, at the commencement of this Act, or so nearly resembling any such name as to be calculated to deceive, except where the firm, individual, or corporation already so registered or the firm or person whose firm-name is so registered (as the case may be) is about to cease carrying on business, and signifies its or his consent in such manner as the Registrar-General requires; or

Registered business names.

(b) a name identical with that by which—
(i) a company in existence is already registered under the Companies Acts; or
(ii) a society in existence is already registered or deemed to be registered under the Friendly Societies Acts,

Names of companies, &c.

Names of friendly societies.

or so nearly resembling any such name as to be calculated to deceive, or containing any words
or

or combination of letters which are or is identical with the words or initial letters of the name by which a company or society in existence is already registered or deemed to be registered as aforesaid, or any words so nearly resembling the words or any of the words of any such name as to be calculated to deceive, except where the company or society in existence is in the course of being dissolved and signifies its consent in such manner as the Registrar-General requires :

Provided that a company so consenting shall add to its name the words "in liquidation" within brackets, and the said words shall be deemed to be part of the name of the said company ; or

- (c) a name identical with the name of any company or society formed or incorporated outside New South Wales which carries on business within New South Wales and which has registered in the office of the Registrar-General in the manner specified in section seven of the Companies (Amendment) Act, 1906, or so nearly resembling that name as to be calculated to deceive except where the said company or society is about to cease carrying on business in New South Wales and signifies its consent in such manner as the Registrar-General requires ; or Names of foreign companies or societies.
- (d) any name likely, in the opinion of the Registrar-General, to mislead the public as to the identity of any firm, individual, or corporation required to register or as to the nature of its or his business ; Misleading names.
- (e) a name which indicates or implies that the business carried on or proposed to be carried on is connected with gambling, fortune-telling, astrology, marriage agency, or any unlawful occupation. Unacceptable names.

(2) Where, in the opinion of the Registrar-General, owing to the nature of the business and the locality

locality in which the same is carried on, the public are not likely to be misled, he may in his discretion register a firm, individual, or corporation, using a name identical with or similar to one already in use.

25. (1) Any firm, individual, or corporation who or which through inadvertence or otherwise is registered under any business name prohibited or containing any word or words or combination of letters prohibited by this Act—

Power to change prohibited name, &c. cf. Vict. Act, 1928, No. 3648, s. 26.

- (a) may with the sanction of the Registrar-General change his or its business name ; and
- (b) shall comply with the provisions of Part II of this Act relating to the change of particulars registered in respect of firms, individuals, or corporations, so far as such provisions are applicable.

(2) The Registrar-General shall enter the new business name in the register in place of the former name and upon payment of the prescribed fees issue a certificate of registration altered to meet the circumstances of the case.

Duty of Registrar-General.

(3) If any firm, individual, or corporation registered under any business name prohibited or containing any word or words or combination of letters prohibited as aforesaid neglects or refuses to take forthwith all necessary steps to change his or its business name after being required by the Registrar-General by notice in writing to change the same every such individual or corporation and every member of such firm shall be guilty of an offence and shall be liable on summary conviction to a penalty of not more than *five* pounds and in the case of a continuing offence to a further penalty of not more than *five* pounds for every day such offence continues.

Duty of firms, &c., to take necessary steps to change name in such cases.

(4) Nothing in this section shall affect any liability incurred by any firm, individual, or corporation under this or any other Act.

Saving.

26. (1) Regulations not inconsistent with this Act may be made under the Conveyancing Act, 1919–1930, prescribing all matters which by this Act are required

Regulations.

or

Business Names.

or permitted to be prescribed or which are necessary or convenient to be prescribed to carry this Act into effect, or to give effect to any power, function, duty, or authority under this Act, and without limiting the generality of the power conferred by this section the regulations may prescribe—

- (a) the fees to be paid to the Registrar-General under this Act;
- (b) the forms to be used under this Act (and all such forms or forms to the like effect may be used for the purposes of this Act, and shall be sufficient in law);
- (c) the duties of the Registrar-General for the purposes of this Act;
- (d) generally the conduct and regulation of registration under this Act.

(2) Such regulations may prescribe penalties not exceeding *twenty* pounds for any breach thereof.
