

Unvalidated References:
Business Names Act 1963

This reprint of this Statutory Instrument incorporates all amendments, if any, made before 25 November 2006 and in force at 1 July 2001.

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Legislative Counsel
Dated 25 November 2006

INDEPENDENT STATE OF PAPUA NEW GUINEA.

Chapter 145.

Business Names Regulation 1964

ARRANGEMENT OF SECTIONS.

1. Forms.
2. Particulars prescribed by forms.
3. Directions in forms.
4. General requirements for documents lodged with Registrar.
5. Application for consent to registration of business name.
6. Fees.

SCHEDULE 1 – List of Forms.

SCHEDULE 2 – Application for Registration of Business Name.

SCHEDULE 3

Business Names Regulation 1964

MADE under the *Business Names Act 1963*.

Dated 200 .

1. FORMS.

Where a provision of the Act is specified in the first column of Schedule 1, the form in Schedule 2 that is specified in the third column of Schedule 1 in relation to the provision is the form to be used for the purposes of the provision described in the second column of Schedule 1.

2. PARTICULARS PRESCRIBED BY FORMS.

Where a form prescribed by this Regulation requires completion by the insertion of, or the attachment to the form of a document containing, 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 of which the form is prescribed.

3. DIRECTIONS IN FORMS.

A form prescribed by this Regulation shall be completed in accordance with such directions as are specified in the form.

4. GENERAL REQUIREMENTS FOR DOCUMENTS LODGED WITH REGISTRAR.

A document to be lodged with the Registrar under the Act or this Regulation shall comply with the following requirements:–

- (a) the document shall be on paper of medium weight and good quality and of International A4 size; and
- (b) the document shall be printed or handwritten and shall be clearly legible; and
- (c) the document shall not be a carbon copy; and
- (d) where the document comprises two or more sheets, the sheets shall be bound together securely; and
- (e) the document shall have endorsed—
 - (i) on the upper right-hand corner—the registered number (if any) allotted by the Registrar to the business name to which the document relates; and
 - (ii) the name, postal address and telephone number of the lawyer or other person by, or on whose behalf, the document is lodged; and
 - (iii) the following words—

“Lodged in the office of the Registrar of Companies on . . . 20...
“Registrar of Companies.”

5. APPLICATION FOR CONSENT TO REGISTRATION OF BUSINESS NAME.

An application under Section 10 of the Act for the consent of the Minister shall be lodged with the Registrar.

6. FEES.

(1) The fees specified in the third column of Schedule 3 shall be paid to the Registrar in respect of the respective matters in the second column of that Schedule.

(2) Where the Minister gives his consent to the use of a business name the fee paid by an applicant for the consent shall be repaid to the applicant.

SCHEDULE 1 – LIST OF FORMS.

Reg., Sec. 1.

Section No. of Act.	Description.	Form No.
8(1), (2), 9(1)	Application for registration of business name	1
8(4), (5)	Certificate of registration of business name	2
12(1)	Statement for renewal of registration of business name	3
13(1)(a), (b), (2)	Statement of change in certain particulars	4
13(3)	Notice of cessation of business under business name	5
13(3), (4), (5), (6), (8)	Statement of change in persons in relation to whom business name is registered	6
13(1)(c)	Statement of change in particulars relating to resident agent	7
13(7)	Notice that person has ceased to be resident agent	8
13(9), (10)	Notice of appointment of resident agent	9

SCHEDULE 2 – APPLICATION FOR REGISTRATION OF BUSINESS NAME.

PAPUA NEW GUINEA.

Business Names Act 1963.

Form 1 – Application for Registration of Business Name.

Act, Sec. 8(1), (2); 9(1). Form 1.

(A business name cannot be registered more than two months before the proposed date of commencement of business.)

1. Business name:
2. If the business is or is proposed to be carried on—
 - (a) at one address in the county, state—
 - (i) the precise location of the place of business:
 - (ii) the postal address:
 - (b) at more than one address in the county, state—
 - (i) the precise location of the principal place of business:
 - (ii) the postal address at that place of business:
 - (iii) the precise location of each other place of business:
3. Concise description of nature of business:
4. Name and other particulars of each applicant:—

Given names and surname of each individual and corporate name of each corporation. (If any applicant is under the age of 21 years, he is to be described as an infant and the date of his birth is to be set out.)	Former given names or surnames (if any) of each individual.	Usual place of residence and postal address of each individual and place of registered office in the county of each corporation.

5. Date of proposed date of commencement of carrying on business in the county by the applicant(s) under the business name:
6. If the business name is a name adopted in substitution for a business name already registered by the applicant(s), state other name:
- 7*. Full name, place of residence and postal address of resident agent authorized in writing, to accept service on behalf of the persons carrying on or proposing to carry on business under the business name of any notices for the purposes of the *Business Names Act 1963* of any process:
 Dated . . . 20...

(Signature.)**

*This item is to be completed where the person or ALL the persons carrying on or proposing to carry on business in the county under a business name resides or reside outside the county or has or have no fixed address in the county.

**This statement is to be signed by the person or ALL the persons carrying on or proposing to carry on the business or by some person or persons authorized, in writing, to sign the statement on his or their behalf. In the case of a corporation, the statement is to be signed by a director or manager or the secretary of the corporation or, in the case of a corporation registered under Part XX of the *Companies Act 1997* by the agent of the corporation appointed for the purpose of that Division.

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Business Names Act 1963.

Form 2 – Certificate of Registration of Business Name.

Act, Sec. 8(4), (5). Form 2.

I certify that the name . . . was on . . . 20..., registered as a business name under the
Business Names Act 1963.

Dated . . . 20...

Registrar of Companies.

PAPUA NEW GUINEA.

Business Names Act 1963.

Form 3 – Statement for Renewal of Registration of Business Name.

Act, Sec. 12(1). Form 3.

1. Business name (*insert business name as registered*):
2. If the business is carried on—
 - (a) at one address in the country, state—
 - (i) the precise location of the place of business:
 - (ii) the postal address:
 - (b) at more than one address in the country, state—
 - (i) the precise location of the principal place of business:
 - (ii) the postal address of that place of business:
 - (iii) the precise location of each other place of business:
3. Concise description of nature of business:
4. Name and other particulars of each person carrying on business under the business name:—

Given names and surnames of each individual and corporate name of each corporation. (<i>If any applicant is under the age of 21 years, he is to be described as an infant and the date of his birth is to be set out.</i>)	For use: given names or surnames (if any) of each individual.	Usual place of residence and postal address of each individual and place of the registered office in the country of each corporation.

5.* Full name and address of resident agent authorized, in writing, to accept service on **my/out behalf of any notices for the purposes of the *Business Names Act*, and of any process:

Dated . . . 20...

(*Signature.*)***

*This item is to be completed where the person or ALL the persons carrying on the business resides or reside outside the country or has or have no fixed address in the country.

**Strike out whichever is inapplicable.

***This statement is to be signed by the person or ONE of the persons in relation to whom the name is registered or by some person authorized in writing to sign the statement on his or their behalf. In the case of a corporation, the statement is to be signed by a director or manager or the secretary of the corporation or, in the case of a corporation registered under Part XX of the *Companies Act 1997*, it may be signed by the agent of the corporation appointed for the purpose of that Division.

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Form 4 – Statement of Change in Certain Particulars.

Act, Sec. 13(1)(a), (b), (2) Form 4.

(Only such of Items 1 to 7 inclusive as are appropriate in the circumstances should be completed. Items which are inapplicable should be omitted.)

Business name *(insert business name as registered)*:

Address of principal or only place of business:

1. The nature of the business has been changed and the following is a concise description of the present nature of the business:

Date of change:

2. The place/principal place/one of the places* of business has *(insert the words "The address of" where the situation of the place of business is unaltered but the address has been changed, e.g. by renaming of the street or renumbering of the premises)* been changed from . . . to . . .

Date of change:

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

Date of change:

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

Date of change:

5. The postal address/principal place* of business has been changed to

Date of change:

6. The residential address/postal address *(or, in the case of a corporation)* the address of the registered office in the county* of has been changed to ...

Date of change:

7. The name of *(insert former name of individual or corporation)* has been changed to

Date of change:

Dated . . . 20...

*(Signature.)***

*Strike out whichever is or are inapplicable.

**This statement is to be signed—

(a) in the case of changes (1) to (5), by the person or ONE of the persons in relation to whom the name is registered at the time of the change or by some person authorized, in writing, to sign the statement on his or their behalf, and

(b) in the case of changes (6) and (7), by the person in respect of whom the change has occurred or by some person authorized in writing to sign the statement on his behalf.

In the case of a corporation the statement is to be signed by a director or manager or the secretary of the corporation or, in the case of corporation registered under Part XX of the *Companies Act 1997*, it may be signed by the agent of the corporation appointed for the purpose of that Division

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Business Names Act 1963.

Form 5 – Notice of Cessation of Business under Business Name.

Act, Sec. 13(3). Form 5

(Where business is to be continued under the business name by some other person or persons, Form 6 is to be completed in place of this form.)

Business name *(insert business name as registered)*:

Notice is given that on . . . 20..., business ceased to be carried on in the country under the above-mentioned business name by the person (or all of the persons) in relation to whom the business name is registered.

Dated . . . 20...

*(Signature.)**

*This statement is to be signed by each person who was carrying on business under the business name immediately before the cessation of by some person authorized, in writing, to sign the statement on his behalf. In the case of a deceased person the statement must be signed by his personal representative. In the case of a corporation, the statement is to be signed by a director or manager or the secretary of the corporation or, in the case of a corporation registered under Part XX of the *Companies Act 1997*, it may be signed by the agent of the corporation appointed for the purpose of that Division.

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Business Names Act 1963.

Form 6 – Statement of Change of persons in Relation to whom Business Name is Registered.

Act, Sec. 13(3), (4), (5), (6), (8). Form 6.

(Where the business is not to be continued under the business name by any person, Form 5 should be completed in place of this form)

Business name (insert business name as registered):

Address of principal or only place of business:

	Given names and surnames of each individual and corporate name of each corporation. (If any individual is under 21 years, he is to be described as an infant and the date of his birth is to be set out.)	Former given names of each individual. (If any individual is under the age of 21 years, he is to be described as an infant and the date of his birth is to be set out.)	Usual place of residence and postal address of each individual and place of registered office in the county of each corporation.	Date of cessation, commencement or appointment.
Persons who have ceased to carry on business under the business name		*****	*****	
Persons 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				*****
Person (if any) ceasing to be resident agent		*****	*****	
Person (if any) appointed to be resident agent		*****		

Dated ... 20...

(Signature.)*

*This statement is to be signed by each person carrying on business under the business name immediately before and immediately after the change or by some person or persons authorized in writing to sign the statement on his or their behalf. In the case of a deceased person, the statement must be signed by his personal representative. In the case of a corporation, the statement is to be signed by a director or manager or the secretary of the corporation or, in the case of a corporation registered under Part XX of the Companies Act 1997, it may be signed by the agent of the corporation appointed for the purpose of that Division.

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Business Names Act 1963.

Form 7 – Statement of Change in Particulars Relating to Resident Agent.

Act, Sec. 13(1)(c). Form 7.

(This statement is to be completed where a change occurs in the registered particulars relating to the resident agent of the person or persons in relation to whom the name is registered.)

Business name *(insert business name as registered)*:

Notice is given that the name/place of residence/postal address*, of the resident agent of *(insert name(s) of person(s) on whose behalf the resident agent has been appointed)* as from . . . 20... , was changed from *(insert name or address or name and address, as the case requires, as registered, of the resident agent)* to *(insert name or address or name and address, as the case requires, as changed, of the resident agent)*.

Dated . . . 20...

*(Signature.)***

*Strike out whichever is inapplicable.

**This statement is to be signed by the person or ONE of the persons in relation to whom the name is registered or by some person authorized, in writing, to sign the statement on his or their behalf. In the case of a corporation, the statement is to be signed by a director or manager or the secretary of the corporation.

PAPUA NEW GUINEA.

Business Names Act 1963.

Form 8 – Notice that person has Ceased to be Resident Agent.

Act, Sec. 13(7).

Form 8.

(This statement is to be completed where the resident agent of the person or persons in relation to whom the name is registered ceases to be his or their resident agent by reason of the person or one of the persons commencing to reside in the country, or for any other reason.)

Business name *(insert business name as registered)*:

1. Notice is given that *(insert name and address of resident agent)* ceased to be the resident agent of *(insert name(s) of person(s) on whose behalf the resident agent was appointed)* on . . . 20. . ., for the purposes of the *Business Names Act*.

2. The residential address/postal address*, of *(insert full name(s) of person(s) commencing to reside in the country.)* has been changed to

Date of change:

Dated . . . 20. . .

*(Signature.)***

* Strike out if inapplicable.

**This statement is to be signed

(a) where Paragraph 2 is applicable, by the person (s) who has/have commenced to reside in the country; or

(b) where Paragraph 2 is not applicable, by the person or ONE of the persons in relation to whom the name is registered, or by some person authorized, in writing, to sign the statement on his or their behalf. In the case of a corporation, the statement is to be signed by a director or manager or the secretary of the corporation or, in the case of a corporation registered under Part XX of the *Companies Act 1997*, it may be signed by the agent of the corporation appointed for the purpose of that Division.

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Business Names Act 1963.

Form 9 – Notice of Appointment of Resident Agent.

Act, Sec. 13(9), (10).

Form 9.

Business name (*insert business name as registered*):

1. I/We* (*insert name and address of person or names and addresses of all persons in relation to whom the business name is registered*) on . . . 20..., appointed (*insert full name and address of person appointed as resident agent*) a person resident in the country to be my/out* resident agent for the purposes of the *Business Names Act 1963*.

2. The appointment is—

* in place of or in succession to that of (*insert full name of person*) who has ceased to be my/out* resident agent.

or—

* due to the person/all the persons*, in relation to whom the business name is registered, having ceased to reside in the country or to have a fixed address in the country.

Dated . . . 20...

(*Signature.*)**

*Strike out whichever is inapplicable.

**This statement is to be signed by the person or ONE of the person in relation to whom the name is registered or by some person authorized, in writing, to sign the statement on his or their behalf. In the case of a corporation, the statement is to be signed by a director or manager or the secretary of the corporation.

SCHEDULE 3

¹Reg. Sec. 6.

Item No.	Matter	Fees
1.	On lodging an application, in accordance with Form 1, for registration of a business name	K50.00
2.	For a further certificate of registration of a business name under Section 8(5) of the Act	K8.00
3.	On lodging an application, in accordance with Form 3, for renewal of registration of a business name	K40.00
4.	On lodging a statement in accordance with Form 4, Form 5, Form 7, Form 8 or Form 9	K5.00
5.	On lodging a statement in accordance with Form 6	K10.00
6.	On lodging with the Registrar a document required to be lodged within a period prescribed by law, in addition to any other fee—	
	(a) if lodged within one month after the expiration of the prescribed period; and	K8.00
	(b) if lodged later than one month after the expiration of the prescribed period	K40.00
	or if the Registrar is satisfied that just cause existed for the failure to lodge the document within one month after the expiration of the prescribed period—such lower fee as the Registrar fixes, not being less than	K10.00
7.	On lodging a statutory declaration	K5.00
8.	For inspecting a statement lodged with the Registrar under the Act or filed under the Repealed Act or any corresponding previous law of Papua New Guinea or a part of Papua New Guinea	K2.00

¹ Schedule 3 repealed and replaced *Business Names (Amendment) Regulation* 1986 (No. 19 of 1986); repealed and replaced *Business Names (Amendment) Regulation* 1989 (No. 14 of 1989).

9.	For a certificate of registration or non registration of a business name, for a copy of or extract from the register of a copy of or extract from a document forming part of the register or for a document containing two or more of the foregoing, certified under the hand of the Registrar	K8.00
	AND in addition, for each folio of 72 words by which the certificate, copy, extract or document exceeds five folios of 72 words each	K0.50
10.	For making a photographic reproduction of a document in the custody of the Registrar-for each page	K4.00
11.	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	K5.00
12.	For a search for which a fee is not elsewhere prescribed	K2.00
13.	For an act done by the Registrar which he is required or authorized to do under the Act and for which a fee is not elsewhere prescribed	K8.00
14.	On lodging a document with or by the Registrar for the lodging of which a fee i.e not elsewhere prescribed	K8.00
15.	On a subpoena served on the Registrar to produce a document in his custody and, in addition, if the Registrar so requires, such other expenses as are reasonably incurred in the production of the document	K20.00
16.	On lodging an application with the Registrar for the consent of the Minister to the use of a business name	K40.00
17.	For the consent of the Minister to the use of a name in a business name	K60.00.

Business Names Regulation 1964