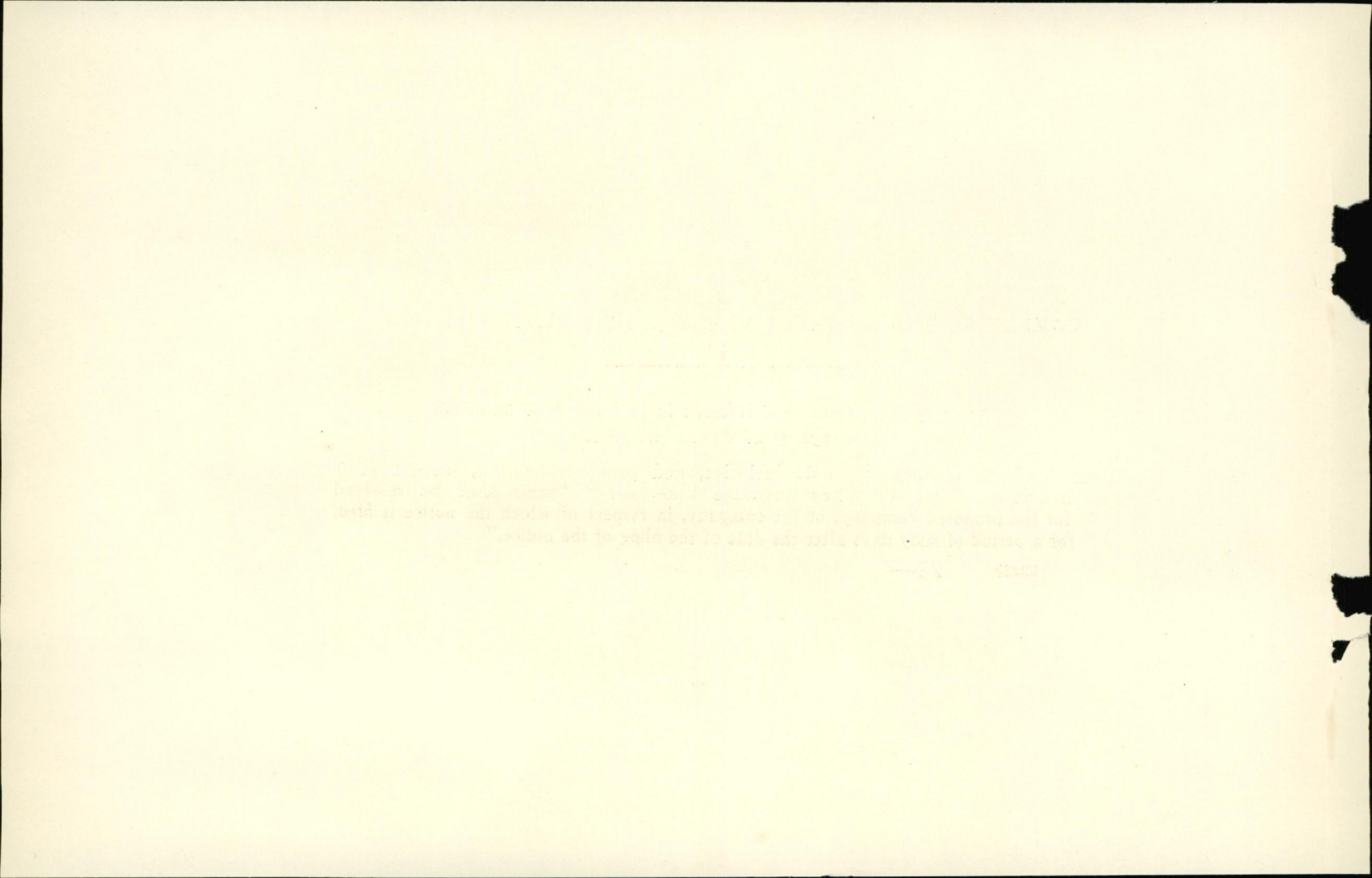


COMPANIES AND BUSINESS NAMES (AMENDMENT) BILL, 1957.

*Schedule of the Amendment referred to in Legislative Council's
Message of 27 November, 1957.*

Page 2, clause 2, lines 30 to 35 inclusive, and page 3, clause 2, lines 1 to 5 inclusive. *Omit* all words on these lines, *insert* **"name shall be reserved for the proposed company, or the company, in respect of which the notice is filed, for a period of sixty days after the date of the filing of the notice."**



This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 19 November, 1957.*

*The LEGISLATIVE COUNCIL has this day agreed to this Bill with
an Amendment.*

J. R. STEVENSON,
Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, 27 November, 1957.*

New South Wales



ANNO SEXTO

ELIZABETHÆ II REGINÆ

Act No. , 1957.

An Act to make further provisions with respect to the reservation of names for and the change of names by companies; to amend the Companies Act, 1936, and the Business Names Act, 1934, as amended by subsequent Acts; and for purposes connected therewith.

BE it enacted by the Queen'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
5 the same, as follows:—

1. (1) This Act may be cited as the "Companies and Business Names (Amendment) Act, 1957".

Short title
and
citation.

92233

28—

(2)

Companies and Business Names (Amendment).

(2) The Companies Act, 1936, as amended by subsequent Acts and by this Act, may be cited as the Companies Act, 1936-1957.

(3) The Business Names Act, 1934, as amended by 5 subsequent Acts and by this Act, may be cited as the Business Names Act, 1934-1957.

2. The Companies Act, 1936, as amended by subsequent Acts, is amended— Amendment of Act No. 33, 1936.

10 (a) by omitting subsection three of section thirty-two and by inserting in lieu thereof the following subsection:— Sec. 32. (Restriction on registration of companies by certain names.)

15 (3) A solicitor engaged in the formation of a company, or a person named in the proposed articles as the secretary of a proposed company, or a company which proposes to change its name, or any person on behalf of such last-mentioned company, may file with the Registrar-General a prescribed notice specifying the name by which it is proposed that such company shall be registered or the proposed new name, as the case may be, and if that name is not identical with a name by which a company already in existence is registered, or with a name already reserved, or does not, in the opinion of the Registrar-General, so nearly resemble a name by which a company already in existence is registered, or a name already reserved, as to be calculated to deceive, or does not otherwise contravene the provisions of this section, the name shall—

20
25
30
35 (a) where the notice is filed in respect of a proposed company, be reserved for that company for a period of thirty days after the date of filing of the notice;

(b)

Consolidated and Revised Laws of the State of New York

Chapter 100 of the Laws of 1957

Section 100 of the Laws of 1957

Section 100 of the Laws of 1957

Section 100 of the Laws of 1957

Section 100 of the Laws of 1957

Section 100 of the Laws of 1957

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Section 100 of the Laws of 1957

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 19 November, 1957.*

*The LEGISLATIVE COUNCIL has this day agreed to this Bill with
an Amendment.*

Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, November, 1957.*

New South Wales



ANNO SEXTO

ELIZABETHÆ II REGINÆ

Act No. , 1957.

An Act to make further provisions with respect to the reservation of names for and the change of names by companies; to amend the Companies Act, 1936, and the Business Names Act, 1934, as amended by subsequent Acts; and for purposes connected therewith.

BE it enacted by the Queen'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:—

1. (1) This Act may be cited as the "Companies and Business Names (Amendment) Act, 1957".

Short title
and
citation.

92233

28—

(2)

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

Companies and Business Names (Amendment).

(2) The Companies Act, 1936, as amended by subsequent Acts and by this Act, may be cited as the Companies Act, 1936-1957.

(3) The Business Names Act, 1934, as amended by 5 subsequent Acts and by this Act, may be cited as the Business Names Act, 1934-1957.

2. The Companies Act, 1936, as amended by subsequent Acts, is amended— Amendment of Act No. 33, 1936.

10 (a) by omitting subsection three of section thirty-two and by inserting in lieu thereof the following subsection:— Sec. 32. (Restriction on registration of companies by certain names.)

15 (3) A solicitor engaged in the formation of a company, or a person named in the proposed articles as the secretary of a proposed company, or a company which proposes to change its name, or any person on behalf of such last-mentioned company, may file with the Registrar-General a prescribed notice specifying the name by which it is proposed that such company shall 20 be registered or the proposed new name, as the case may be, and if that name is not identical with a name by which a company already in existence is registered, or with a name already reserved, or does not, in the opinion of the Registrar-General, so nearly resemble a name 25 by which a company already in existence is registered, or a name already reserved, as to be calculated to deceive, or does not otherwise contravene the provisions of this section, the name shall— 30

(a) where the notice is filed in respect of a proposed company, be reserved for that company for a period of thirty days after the date of filing of the notice; 35

(b)

Companies and Business Finance (Amendment)

(b) where the notice is filed in accordance with the provisions of section 10(1) and the company has not received the notice of the meeting for a period of sixty days after the date of the notice.

where that is required for the proposed company of the company, in respect of which the notice is filed, for a period of sixty days after the date of the notice.

(c) if the company has not received the notice of the meeting for a period of sixty days after the date of the notice, the company shall be deemed to have agreed to the proposed company.

(d) the provisions of section 10(1) shall apply to the company as if it were a company limited by shares.

10. (1) Where a company has not received the notice of the meeting for a period of sixty days after the date of the notice, the company shall be deemed to have agreed to the proposed company.

(2) The provisions of section 10(1) shall apply to the company as if it were a company limited by shares.

(3) Where a company has not received the notice of the meeting for a period of sixty days after the date of the notice, the company shall be deemed to have agreed to the proposed company.

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 19 November, 1957.*

New South Wales



ANNO SEXTO

ELIZABETHÆ II REGINÆ

Act No. , 1957.

An Act to make further provisions with respect to the reservation of names for and the change of names by companies; to amend the Companies Act, 1936, and the Business Names Act, 1934, as amended by subsequent Acts; and for purposes connected therewith.

BE it enacted by the Queen'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:—

1. (1) This Act may be cited as the "Companies and Business Names (Amendment) Act, 1957".

Short title
and
citation.

Companies and Business Names (Amendment).

(2) The Companies Act, 1936, as amended by subsequent Acts and by this Act, may be cited as the Companies Act, 1936-1957.

(3) The Business Names Act, 1934, as amended by subsequent Acts and by this Act, may be cited as the Business Names Act, 1934-1957.

2. The Companies Act, 1936, as amended by subsequent Acts, is amended—

Amendment of Act No. 33, 1936.

(a) by omitting subsection three of section thirty-two and by inserting in lieu thereof the following subsection:—

Sec. 32. (Restriction on registration of companies by certain names.)

(3) A solicitor engaged in the formation of a company, or a person named in the proposed articles as the secretary of a proposed company, or a company which proposes to change its name, or any person on behalf of such last-mentioned company, may file with the Registrar-General a prescribed notice specifying the name by which it is proposed that such company shall be registered or the proposed new name, as the case may be, and if that name is not identical with a name by which a company already in existence is registered, or with a name already reserved, or does not, in the opinion of the Registrar-General, so nearly resemble a name by which a company already in existence is registered, or a name already reserved, as to be calculated to deceive, or does not otherwise contravene the provisions of this section, the name shall—

(a) where the notice is filed in respect of a proposed company, be reserved for that company for a period of thirty days after the date of filing of the notice;

(b)

Companies and Business Names (Amendment).

- 5 (b) where the notice is filed in respect of a company which proposes to change its name, be reserved for that company for a period of sixty days after the date of filing of the notice.
- (b) (i) by omitting from subsection one of section thirty-five the words "of the Governor" and by inserting in lieu thereof the words "in writing of the Registrar-General";
- 10 (ii) by omitting subsection two of the same section;
- (c) by omitting from subsection four of section forty the word "Governor" and by inserting in lieu thereof the word "Registrar-General".
- 15 **3.** The Business Names Act, 1934, as amended by subsequent Acts, is amended by inserting next after paragraph (b) of subsection one of section twenty-four the following new paragraph:—
- 20 (b1) a name identical with a name for the time being reserved under subsection three of section thirty-two of the Companies Act, 1936, as amended by subsequent Acts, or so nearly resembling a name for the time being reserved under that subsection as to be calculated to deceive; or.
- 25

Sec. 35.
(Change of name.)

Sec. 40.
(Alterations to memorandum and articles of proprietary companies.)

Amendment of Act No. 50, 1934, sec. 24.

(Persons or firms not to be registered under certain business or other names.)

1881, No. 10A

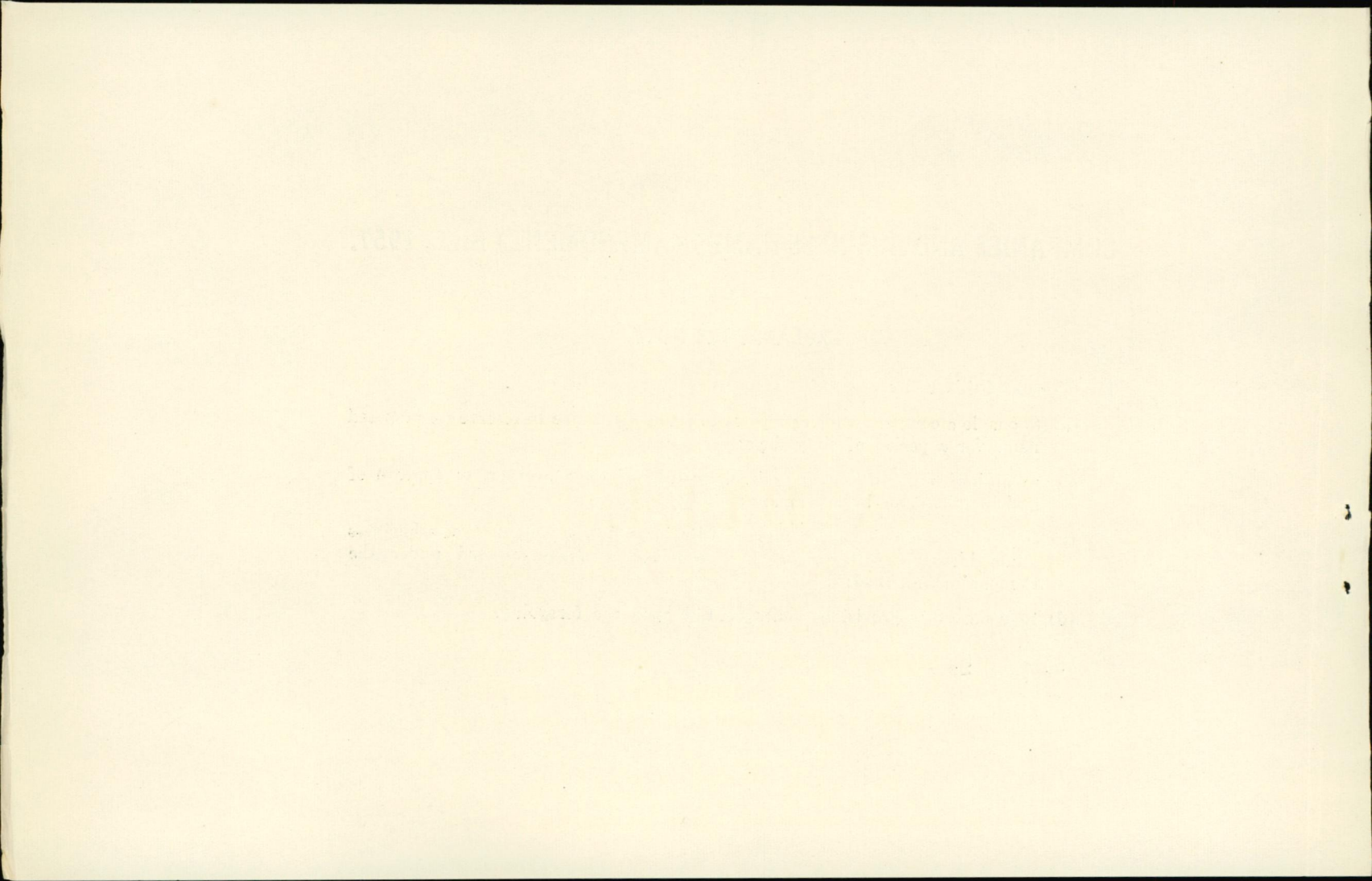
1881, No. 10A

COMPANIES AND BUSINESS NAMES (AMENDMENT) BILL, 1957.

EXPLANATORY NOTE.

THE objects of this Bill are—

- (a) to enable a company which proposes to change its name to reserve its proposed name for a period of sixty days;
- (b) to authorise the Registrar-General, instead of the Governor, to approve of a change of name by a company;
- (c) to prohibit the registration under the Business Names Act, 1934, of a business name identical with or nearly resembling a name reserved under the Companies Act, 1936;
- (d) to make other provisions consequential upon the foregoing.



PROOF

No. , 1957.

A BILL

To make further provisions with respect to the reservation of names for and the change of names by companies; to amend the Companies Act, 1936, and the Business Names Act, 1934, as amended by subsequent Acts; and for purposes connected therewith.

[MR. SHEAHAN;—11 *September*, 1957.]

BE it enacted by the Queen'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
5 the same, as follows:—

1. (1) This Act may be cited as the "Companies and Business Names (Amendment) Act, 1957".

Short title
and
citation.

Companies and Business Names (Amendment).

(2) The Companies Act, 1936, as amended by subsequent Acts and by this Act, may be cited as the Companies Act, 1936-1957.

(3) The Business Names Act, 1934, as amended by subsequent Acts and by this Act, may be cited as the Business Names Act, 1934-1957.

2. The Companies Act, 1936, as amended by subsequent Acts, is amended—

Amendment of Act No. 33, 1936.

(a) by omitting subsection three of section thirty-two and by inserting in lieu thereof the following subsection:—

Sec. 32. (Restriction on registration of companies by certain names.)

(3) A solicitor engaged in the formation of a company, or a person named in the proposed articles as the secretary of a proposed company, or a company which proposes to change its name, or any person on behalf of such last-mentioned company, may file with the Registrar-General a prescribed notice specifying the name by which it is proposed that such company shall be registered or the proposed new name, as the case may be, and if that name is not identical with a name by which a company already in existence is registered, or with a name already reserved, or does not, in the opinion of the Registrar-General, so nearly resemble a name by which a company already in existence is registered, or a name already reserved, as to be calculated to deceive, or does not otherwise contravene the provisions of this section, the name shall—

(a) where the notice is filed in respect of a proposed company, be reserved for that company for a period of thirty days after the date of filing of the notice;

(b)

Companies and Business Names (Amendment).

- 5 (b) where the notice is filed in respect of a company which proposes to change its name, be reserved for that company for a period of sixty days after the date of filing of the notice.
- (b) (i) by omitting from subsection one of section thirty-five the words "of the Governor" and by inserting in lieu thereof the words "in writing of the Registrar-General";
- 10 (ii) by omitting subsection two of the same section;
- (c) by omitting from subsection four of section forty the word "Governor" and by inserting in lieu thereof the word "Registrar-General".
- 15 **3.** The Business Names Act, 1934, as amended by subsequent Acts, is amended by inserting next after paragraph (b) of subsection one of section twenty-four the following new paragraph:—
- 20 (b1) a name identical with a name for the time being reserved under subsection three of section thirty-two of the Companies Act, 1936, as amended by subsequent Acts, or so nearly resembling a name for the time being reserved under that subsection as to be calculated to deceive; or.
- 25

Sec. 35.
(Change of name.)

Sec. 40.
(Alterations to memorandum and articles of proprietary companies.)

Amendment of Act No. 50, 1934, sec. 24.

(Persons or firms not to be registered under certain business or other names.)

Section 1000 (1) (a) (i)

the notice is filed in respect of a company which proposes to change its name for reasons of that nature for a period of not less than the period of the notice.

(b) If a company has submitted a notice under section 1000(1)(a)(i) and the notice is not withdrawn or the company is not dissolved in pursuance of the notice, the company shall be deemed to have changed its name to the name specified in the notice.

(c) A company which has changed its name under section 1000(1)(a)(i) shall be deemed to have changed its name to the name specified in the notice.

10. The Registrar shall, on the application of a company, issue a certificate of incorporation in respect of the company if the company is registered under section 1000(1)(a)(i).

(1) A company which has changed its name under section 1000(1)(a)(i) shall be deemed to have changed its name to the name specified in the notice. (2) A company which has changed its name under section 1000(1)(a)(i) shall be deemed to have changed its name to the name specified in the notice.

New South Wales



ANNO SEXTO

ELIZABETHÆ II REGINÆ

Act No. 51, 1957.

An Act to make further provisions with respect to the reservation of names for and the change of names by companies; to amend the Companies Act, 1936, and the Business Names Act, 1934, as amended by subsequent Acts; and for purposes connected therewith. [Assented to, 4th December, 1957.]

BE it enacted by the Queen'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:—

1. (1) This Act may be cited as the "Companies and Business Names (Amendment) Act, 1957".

Short title
and
citation.

(2)

Companies and Business Names (Amendment).

(2) The Companies Act, 1936, as amended by subsequent Acts and by this Act, may be cited as the Companies Act, 1936-1957.

(3) The Business Names Act, 1934, as amended by subsequent Acts and by this Act, may be cited as the Business Names Act, 1934-1957.

Amendment
of Act
No. 33, 1936.

2. The Companies Act, 1936, as amended by subsequent Acts, is amended—

Sec. 32.
(Restriction
on registra-
tion of
companies
by certain
names.)

(a) by omitting subsection three of section thirty-two and by inserting in lieu thereof the following subsection:—

(3) A solicitor engaged in the formation of a company, or a person named in the proposed articles as the secretary of a proposed company, or a company which proposes to change its name, or any person on behalf of such last-mentioned company, may file with the Registrar-General a prescribed notice specifying the name by which it is proposed that such company shall be registered or the proposed new name, as the case may be, and if that name is not identical with a name by which a company already in existence is registered, or with a name already reserved, or does not, in the opinion of the Registrar-General, so nearly resemble a name by which a company already in existence is registered, or a name already reserved, as to be calculated to deceive, or does not otherwise contravene the provisions of this section, the name shall be reserved for the proposed company, or the company, in respect of which the notice is filed, for a period of sixty days after the date of the filing of the notice.

(b)

Companies and Business Names (Amendment).

(b) (i) by omitting from subsection one of section thirty-five the words "of the Governor" and by inserting in lieu thereof the words "in writing of the Registrar-General";

Sec. 35.
(Change of name.)

(ii) by omitting subsection two of the same section;

(c) by omitting from subsection four of section forty the word "Governor" and by inserting in lieu thereof the word "Registrar-General".

Sec. 40.
(Alterations to memorandum and articles of proprietary companies.)

3. The Business Names Act, 1934, as amended by subsequent Acts, is amended by inserting next after paragraph (b) of subsection one of section twenty-four the following new paragraph:—

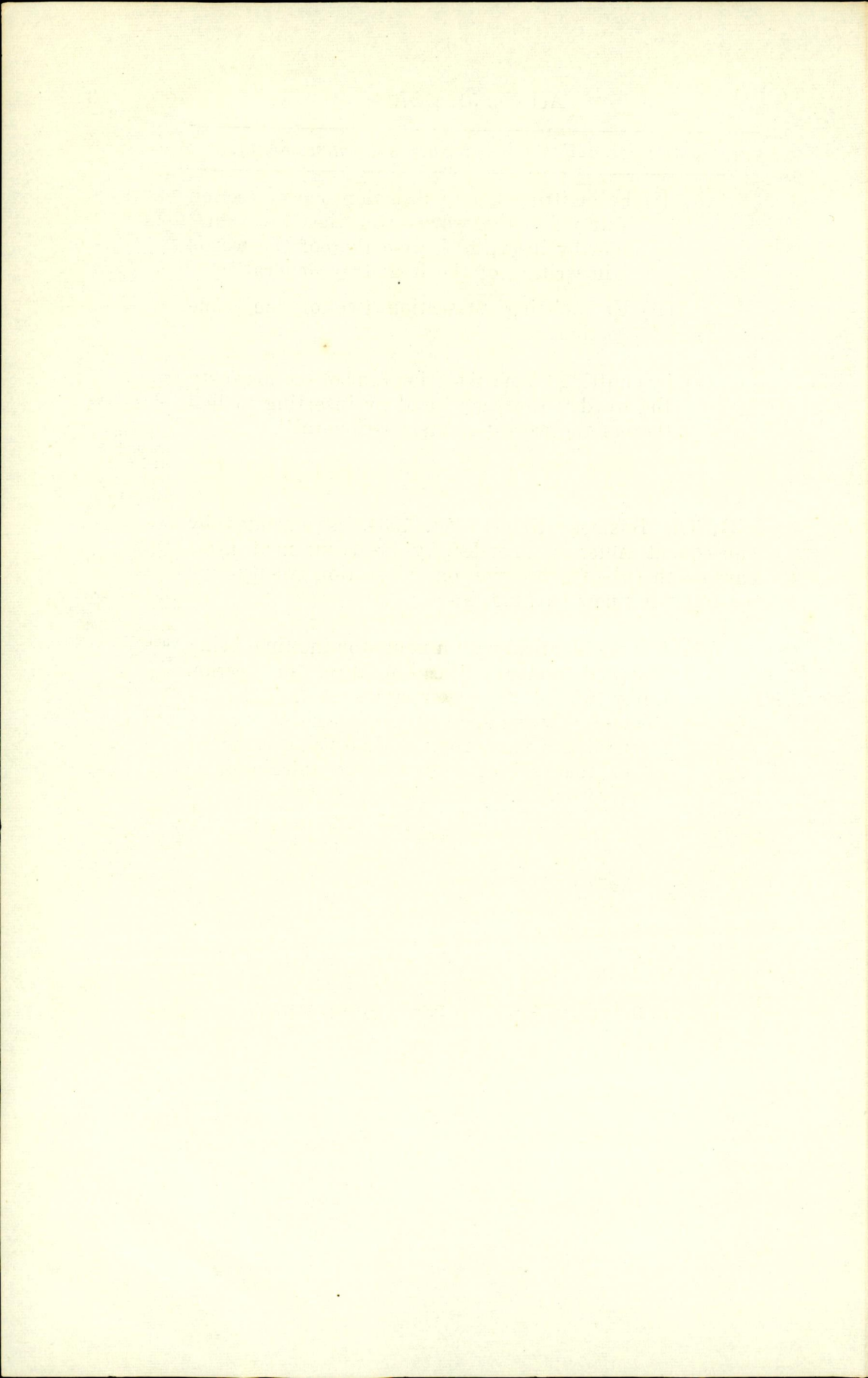
Amendment of Act No. 50, 1934, sec. 24.

(Persons or firms not to be registered under certain business or other names.)

(b1) a name identical with a name for the time being reserved under subsection three of section thirty-two of the Companies Act, 1936, as amended by subsequent Acts, or so nearly resembling a name for the time being reserved under that subsection as to be calculated to deceive; or.

By Authority:

A. H. PETTIFER, Government Printer, Sydney, 1957.



I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 27 November, 1957.*

New South Wales



ANNO SEXTO

ELIZABETHÆ II REGINÆ

Act No. 51, 1957.

An Act to make further provisions with respect to the reservation of names for and the change of names by companies; to amend the Companies Act, 1936, and the Business Names Act, 1934, as amended by subsequent Acts; and for purposes connected therewith. [Assented to, 4th December, 1957.]

BE it enacted by the Queen'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:—

1. (1) This Act may be cited as the "Companies and Business Names (Amendment) Act, 1957".

(2)

Short title
and
citation.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

G. BOOTH,
Chairman of Committees of the Legislative Assembly.

Companies and Business Names (Amendment).

(2) The Companies Act, 1936, as amended by subsequent Acts and by this Act, may be cited as the Companies Act, 1936-1957.

(3) The Business Names Act, 1934, as amended by subsequent Acts and by this Act, may be cited as the Business Names Act, 1934-1957.

Amendment of Act No. 33, 1936. **2.** The Companies Act, 1936, as amended by subsequent Acts, is amended—

Sec. 32.
(Restriction on registration of companies by certain names.)

(a) by omitting subsection three of section thirty-two and by inserting in lieu thereof the following subsection:—

(3) A solicitor engaged in the formation of a company, or a person named in the proposed articles as the secretary of a proposed company, or a company which proposes to change its name, or any person on behalf of such last-mentioned company, may file with the Registrar-General a prescribed notice specifying the name by which it is proposed that such company shall be registered or the proposed new name, as the case may be, and if that name is not identical with a name by which a company already in existence is registered, or with a name already reserved, or does not, in the opinion of the Registrar-General, so nearly resemble a name by which a company already in existence is registered, or a name already reserved, as to be calculated to deceive, or does not otherwise contravene the provisions of this section, the name shall be reserved for the proposed company, or the company, in respect of which the notice is filed, for a period of sixty days after the date of the filing of the notice.

(b)

Companies and Business Names (Amendment).

- (b) (i) by omitting from subsection one of section thirty-five the words "of the Governor" and by inserting in lieu thereof the words "in writing of the Registrar-General"; Sec. 35. (Change of name.)
- (ii) by omitting subsection two of the same section;
- (c) by omitting from subsection four of section forty the word "Governor" and by inserting in lieu thereof the word "Registrar-General". Sec. 40. (Alterations to memorandum and articles of proprietary companies.)
- 3.** The Business Names Act, 1934, as amended by subsequent Acts, is amended by inserting next after paragraph (b) of subsection one of section twenty-four the following new paragraph:— Amendment of Act No. 50, 1934, sec. 24. (Persons or firms not to be registered under certain business or other names.)
- (b1) a name identical with a name for the time being reserved under subsection three of section thirty-two of the Companies Act, 1936, as amended by subsequent Acts, or so nearly resembling a name for the time being reserved under that subsection as to be calculated to deceive; or.

In the name and on behalf of Her Majesty I assent to this Act.

E. W. WOODWARD,
Governor.

*Government House,
Sydney, 4th December, 1957.*

