No. 723.

An Act to provide for the Registration of Firms.

[Assented to, December 21st, 1899.]

Be it Enacted by the Governor, with the advice and consent of the Parliament of South Australia, as follows:

1. This Act may be cited as “The Registration of Firms Act, 1899.”

2. This Act shall come into operation on the first day of January, one thousand nine hundred, which date is hereinafter referred to as the commencement of this Act.

3. In this Act, unless some other meaning is clearly intended—

“Firm” shall mean any two or more persons lawfully associated for the purpose of carrying on any business, but shall not include a company incorporated by or in pursuance of any Act of Parliament, Letters Patent, or Royal Charter:

“Firm-name” shall mean the name or style under which any business is carried on, whether in partnership or otherwise:

“Prescribed” shall mean prescribed by regulations made in pursuance of this Act:

“Registrar” shall mean the Registrar of Companies:

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

4. From
4. From and after the commencement of this Act—

(a) Every firm carrying on business or having any place of business in South Australia under a firm-name which does not consist of the full or the usual names of all the partners or all the acting partners without any addition:

(b) Every person carrying on business or having any place of business in South Australia under any firm-name consisting of or containing any name or addition other than the full or the usual name of that person:

shall register, in the manner directed by this Act, the name under which their or his business is or is intended to be carried on.

5. Registration under this Act shall be effected by sending by post or delivering to the Registrar a statement in writing containing the following particulars:

(a) The firm-name:

(b) The nature of the business:

(c) The place or places of the business:

(d) The full name, usual residence, and other occupation (if any) of the person or persons carrying on or intending to carry on the business:

(e) If the business is commenced or any new place of business is established after the commencement of this Act, the date of the commencement of the business or establishment of the place of business.

6. Registrations under this Act shall continue for the term of five years. Prior to the termination of that period and each succeeding period of five years new registrations shall be effected.

7. Persons who do not publicly notify or advertise themselves as carrying on any specified business at any specified place of business in South Australia, and who merely contract to perform specified work for or supply specified materials to any particular person within any period not exceeding twelve months from the time of so contracting, shall be exempt from registration under this Act.

8. (1) The persons carrying on or intending to carry on any business under a firm-name required to be registered as aforesaid shall write and sign or shall acknowledge a statement of the particulars required for registration, if in South Australia, in the presence of a Justice of the Peace, commissioner for taking affidavits, or solicitor, and, if elsewhere than in South Australia, in the presence of a Justice of the Peace or of a British consul or notary public, by whom respectively such signatures or acknowledgments shall be attested.

(2) The
(2) The foregoing provisions of this section shall be deemed to be complied with if any partner in South Australia signs or acknowledges the said statement.

(3) If there is in South Australia no partner carrying on or intending to carry on a business carried on under a firm-name, the foregoing provisions of this section shall be deemed to be sufficiently complied with if the said statement is signed or acknowledged by any person who has previously filed in the office of the Registrar a statutory declaration that he is duly authorised by and on behalf of such persons as are described in such declaration to carry on the business the firm-name of which he desires to have registered.

9. The firms and persons required to be registered as aforesaid shall register before they commence business: Provided that if such firms or persons have carried on business before the commencement of this Act, it shall be sufficient if they register within three months after that date.

10. The firm-name of any firm or person registered under this Act shall be used in all matters connected with or relating to the business carried on by such firm or person.

11. Where a change occurs in the constitution of a registered firm, the members of the firm as re-constituted shall, within one month after such change, send by post or deliver to the Registrar a statement thereof, in the form in the schedule to this Act annexed (or in any other prescribed form).

12. A registered firm changing its firm-name shall be registered as if it were a new firm, and the statement sent or delivered to the Registrar shall mention the former name of the firm as being abandoned by it, as well as the particulars required for a new registration.

13. If any person by this Act required to send or deliver any statement shall make default without reasonable excuse in sending or delivering the same in manner and within the time specified by this Act, he shall, for every day during which the default continues, be liable on summary conviction to a penalty of not exceeding One Pound, but not exceeding in the aggregate for all such days the sum of One Hundred Pounds.

14. Where any firm or person by this Act required to send or deliver any statement to the Registrar has therein made default, and during the default commences any action in the firm-name, or for a cause of action arising out of any dealing by such firm or person in the firm-name, the Court shall order the firm or person in default to send or deliver to the Registrar the proper statement, and may stay all proceedings in the action until the order be complied with, or allow proceedings to be continued on an undertaking to comply with the order within a time to be limited by the Court.
The Registration of Firms Act.—1899.

Court. The power by this section given to the Court may be exercised by a Judge at chambers, or in Local Court actions by a Special Magistrate.

15. Every one commits a misdemeanor, and shall be liable to imprisonment with hard labor for a term not exceeding two years, who makes, signs, sends, or delivers, for the purpose of registration under this Act, any false statement purporting to be made under this Act and known by him to be false.

16. On receiving any statement made in pursuance of this Act, the Registrar shall cause the same to be filed, and he shall send by post or deliver a certificate of the registration thereof to the firm or person registering.

17. The Registrar shall keep, in proper books to be provided for the purpose, a register and an index of all the firms and the firm-name of persons registered, and of all the statements registered in reference thereto.

18. (1) Any person may inspect, make extracts from, or copies of the statements filed by the Registrar.

(2) Any person may require a certificate of the registration of any firm or person, or a copy of or extract from any registered statement, to be certified by the Registrar.

19. A certificate of registration, or a copy of or extract from any statement registered under this Act, purporting to be signed and certified by the Registrar, shall be prima facie evidence thereof, and of the fact and date of registration as shown thereon.

20. The Governor may make regulations for all or any of the following matters, namely:—

(a) Prescribing the fees to be paid to the Registrar under this Act:

(b) Prescribing the forms to be used:

(c) Prescribing the conduct and regulation of registration under this Act, and as to any matters incidental thereto.

21. All regulations when made shall be published in the Government Gazette, and shall be laid before Parliament within one month of the making thereof if Parliament be then in Session; if not, then within fourteen days after the next meeting of Parliament, and shall be valid in law as if the same were enacted in this Act, unless either House of Parliament shall, by resolution passed within thirty days next after any such regulation shall be laid before it, resolve that the whole or any part thereof ought not to continue in force. In that case the whole of such regulation or such part or parts thereof as may be specified in the resolution shall, from and after the passing of such resolution, cease to be binding.

22. For
The Registration of Firms Act.—1899.

22. For the purpose of making the statements required by this Act the forms in the Schedule hereto, or any prescribed forms to the like effect, may be used.

23. (1) Penalties under this Act may be recovered summarily before a Special Magistrate or two Justices of the Peace, in the manner prescribed by Act No. 6 of 1850, and the Act or Acts amending the same, or any other Act that may be law in that behalf.

(2) There shall be an appeal to the Local Court of Adelaide of Full Jurisdiction from any conviction or order dismissing any information for an offence against this Act.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

TENNYSON, Governor.

SCHEDULE.
SCHEDULE.

FORMS OF STATEMENT.
"The Registration of Firms Act, 1899."

(A) Original Registration of a Firm.

The firm-name is

The business of the firm is

It is intended to carry on the business at

**NAMES OF PERSONS CARRYING ON (or intending to carry on) THE BUSINESS.**

<table>
<thead>
<tr>
<th>Full Name [to be written or acknowledged by each person himself]</th>
<th>Usual Residence</th>
<th>Other Occupation, Description, and Addition (if any)</th>
</tr>
</thead>
<tbody>
<tr>
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Date of intended commencement of business, or establishment of new place of business, if after the commencement of the Act

Signed and declared at the day of before me

[Here set out Justice of the Peace, Commissioner for taking Affidavit, Solicitor, &c., as the case may be.]

(B) Notice of Change in Constitution of Registered Firm.

Registered firm-name

We, the undersigned [the members of the firm as re-constituted] hereby give notice that on the day of , the following change took place in the constitution of the firm registered by the name of that is to say

* A.B. retired from the firm.
* C.D. became a member of the firm.
* As the case may be.
The Registration of Firms Act.—1899.

† Description of a New Member.

<table>
<thead>
<tr>
<th>Full Name.</th>
<th>Usual Residence.</th>
<th>Other Occupation, Description, and Addition (if any).</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
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</tbody>
</table>

+ As upon an original registration.

Signed and declared at the day of before me

[Here set out Justice of the Peace, Commissioner for taking Affidavit, Solicitor, &c., as the case may be.]

“"The Registration of Firms Act, 1899.”

(C) Notice of Change of Registered Firm-name.

Registered firm-name (in addition to Form A)

The persons now registering are the persons who heretofore carried on business under the registered firm-name of , which is abandoned as from the date of this notice.