



New South Wales

## Partnership Regulation 1997

under the

Partnership Act 1892

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Partnership Act 1892*.

JEFFREY SHAW, Q.C., M.L.C.,

Attorney General

### Explanatory note

The object of this Regulation is to repeal and remake, without substantial changes, the *Partnership Regulation 1992* (which is concerned with limited partnerships).

The new Regulation:

- (a) specifies the particulars (additional to those required by the Act) that must be included in an application for the registration of a limited partnership (clause 5), and
- (b) prescribes the hours during which the registered office of a limited partnership is to be open and accessible to the public (clause 6), and
- (c) declares the laws relating to limited partnerships in force in certain jurisdictions of the United States of America to be corresponding laws for the purposes of Part 3 (Limited Partnerships) of the Act (clause 7 and Schedule 1), and
- (d) prescribes the fees payable in relation to various matters concerning limited partnerships (clause 8 and Schedule 2), and
- (e) provides for technical matters (clauses 1–4 and 9).

This Regulation is made under the *Partnership Act 1892* and, in particular, under section 81 (the general regulation-making power relating to limited partnerships) and the sections referred to in the Regulation.

This Regulation is made in connection with the staged repeal of subordinate legislation under the *Subordinate Legislation Act 1989*.

**1997 No 463**

Partnership Regulation 1997

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## **Partnership Regulation 1997**

### **Part 1 Preliminary**

#### **1 Name of Regulation**

This Regulation is the Partnership Regulation 1997.

#### **2 Commencement**

This Regulation commences on 1 September 1997.

#### **3 Definition**

In this Regulation:

the Act means the *Partnership Act 1892*.

#### **4 Notes**

The explanatory note and table of contents do not form part of this Regulation.

**1997 No 463**

Clause 5 Partnership Regulation 1999

Part 2 Limited partnerships

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## **Part 2 Limited partnerships**

### **5 Application for registration of limited partnership**

A statement made for the purpose of applying for the registration of a limited partnership under section 54 of the Act must contain the following particulars (in addition to the other particulars required by that section):

- (a) the date and place of birth of each proposed partner,
- (b) the provisions, if any, that the proposed partners have agreed will apply should the proposed partnership be dissolved.

### **6 Registered office of limited partnership**

The registered office of a limited partnership is to be open and accessible to the public between 9 am and 5 pm on each day that is not a Saturday, Sunday or public holiday.

### **7 Declaration of limited partnership corresponding laws**

The laws relating to limited partnerships in force in the jurisdictions of the United States of America specified in Schedule 1 are declared to be corresponding laws for the purposes of Part 3 of the Act.

### **8 Fees**

The fees payable in respect of the matters specified in Schedule 2 are as set out in that Schedule.

## Part 3 Miscellaneous

### 9 Repeal

- (1) The *Partnership Regulation 1992* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Partnership Regulation 1992*, had effect under that Regulation continues to have effect under this Regulation.

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Partnership Regulation 1997

Schedule 1 Specified jurisdictions of United States of America

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**Schedule 1 Specified jurisdictions of United States of America**

(Clause 7)

Alabama	Nebraska
Arizona	Nevada
Arkansas	New Hampshire
California	New Jersey
Colorado	New Mexico
Connecticut	New York
Delaware	North Carolina
District of Columbia	North Dakota
Florida	Ohio
Georgia	Oklahoma
Hawaii	Oregon
Idaho	Pennsylvania
Illinois	Rhode Island
Indiana	South Carolina
Iowa	South Dakota
Kansas	Tennessee
Kentucky	Texas
Maryland	Utah
Massachusetts	Virginia
Michigan	Washington
Minnesota	West Virginia
Mississippi	Wisconsin
Missouri	Wyoming
Montana	

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**Schedule 2 Fees**

(Clause 8)

Fee to accompany a statement under section 54 (1) (application for registration of limited partnership)	\$540
Fee to accompany a statement under section 56 (1) (notification of change in relation to registered particulars of limited partnership)	\$25 for up to 10 changes, plus \$1 for each additional change
Fee for inspection of Register of Limited Partnerships under section 57 (3)	\$10 per limited partnership inspected, plus \$1 per page for printed copy of any particulars relating to the partnership
Fee for issue of initial certificate under section 58 (1) (initial certificate of registration of limited partnership)	Nil
Fee for issue of subsequent certificate under section 58 (1) (additional certificate of registration and certificate of composition of limited partnership issued after notification of change in composition of the partnership)	\$10, plus \$1 per page for each page in excess of 5 pages
Fee for issue of certificate under section 58 (2) (certificate as to formation and composition of limited partnership, or as to any other particulars recorded in the Register, issued on application)	\$20, plus \$1 per page for each page other than the first page