



New South Wales

Business Names Amendment (Short Descriptions of Offences) Regulation 1998

under the

Business Names Act 1962

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Business Names Act 1962*.

BRIAN LANGTON, M.P.,

Minister for Fair Trading

Explanatory note

The object of this Regulation is to specify, in accordance with section 145B of the *Justices Act 1902*, the short descriptions of certain offences under the *Business Names Act 1962* (being offences that are currently dealt with by way of a penalty notice).

This Regulation is made under the *Business Names Act 1962*, including section 32 (the general regulation-making power) and in accordance with section 145B of the *Justices Act 1902*.

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

Business Names Amendment (Short Descriptions of Offences) Regulation 1998

1 Name of Regulation

This Regulation is the *Business Names Amendment (Short Descriptions of Offences) Regulation 1998*.

2 Commencement

This Regulation commences on 1 September 1998.

3 Amendment of Business Names Regulation 1995

The *Business Names Regulation 1995* is amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 3)

[1] Clause 6 Penalty notice offences

Omit clause 6 (a). Insert instead:

- (a) an offence under a provision of the Act specified in Column 1 of Schedule 1 is a prescribed offence, and

[2] Clause 6 (b)

Insert “Column 3 of” after “specified in”.

[3] Clause 6A

Insert after clause 6:

6A Short descriptions of offences

- (1) For the purposes of section 145B of the *Justices Act 1902*, the prescribed expression for an offence created by a provision of the Act specified in Column 1 of Schedule 1 is:
 - (a) the expression specified in Column 2 of that Schedule, or
 - (b) if a choice of words is indicated in that expression, the words remaining after the omission of the words irrelevant to the offence.
- (2) For the purposes of any proceedings for an offence created by a provision of the Act specified in Column 1 of Schedule 1, the prescribed expression for the offence is taken to relate to the offence created by the provision, as the provision was in force when the offence is alleged to have been committed.
- (3) The amendment or repeal of a prescribed expression does not affect the validity of any information, complaint, summons, warrant, notice, order or other document in which the expression is used.

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Schedule 1 Amendments

- (4) Subclause (3) applies to any information, complaint, summons, warrant, notice, order or other document (whether issued, given or made before or after the amendment or repeal) that relates to an offence alleged, to have been committed before the amendment or repeal.

[4] Schedule 1

Omit the Schedule. Insert instead:

Schedule 1 Penalty notice offences and short descriptions

(Clauses 6 and 6A)

Column 1	Column 2	Column 3
Offence	Prescribed expression	Penalty
Section 5 (l)	carry on business under unregistered business name	\$200
Section 12 (9)	fail to lodge statement/ provide details required by s 12	\$100
Section 13 (3) (a)	fail to give information/ produce documents required by s 13	\$100
Section 13 (3) (b)	give/produce materially false/misleading information/document	\$100
Section 13 (3) (c)	hinder/obstruct authorised officer exercising powers under s 13	\$100
Section 20	fail to use registered business name on documents/display registered business name/ exhibit certificate of registration of business name	\$200