



New South Wales

Business Names Amendment Act 2006 No 72

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New South Wales

Business Names Amendment Act 2006 No 72

Act No 72, 2006

An Act to amend the *Business Names Act 2002* to make further provision with respect to the registration and use of business names; and for other purposes.
[Assented to 27 October 2006]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Business Names Amendment Act 2006*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

3 Amendment of Business Names Act 2002 No 97

The *Business Names Act 2002* is amended as set out in Schedule 1.

4 Repeal of Act

- (1) This Act is repealed on the day following the day on which all of the provisions of this Act have commenced.
- (2) The repeal of this Act does not, because of the operation of section 30 of the *Interpretation Act 1987*, affect any amendment made by this Act.

Schedule 1 Amendments

(Section 3)

[1] Section 3 Definitions

Omit the definitions of *Department* and *Director-General* from section 3 (1).

Insert instead:

Department means the Department of Commerce.

Director-General means:

- (a) the Commissioner for Fair Trading, Department of Commerce, or
- (b) if there is no such position in the Department—the Director-General of the Department.

[2] Section 5 Application to registration of Licensing and Registration (Uniform Procedures) Act 2002

Omit “section 35 (1)” from section 5 (3) (a).

Insert instead “sections 35 (1) and 37 (3)”.

[3] Section 5 (3) (c)

Omit the paragraph. Insert instead:

- (c) applications for restoration of registration under section 39 of that Act must be made within 3 months of the registration expiring.

[4] Section 6 Refusal of registration of certain business names

Insert after section 6 (2A):

- (2B) A business name that includes the word “sheriff” is not to be registered unless the use of that name is the subject of a consent granted under section 12 of the *Sheriff Act 2005*.

[5] Section 6 (3) (a)

Insert “, or existing business name capable of restoration under section 5 (3) (c),” after “business name”.

[6] Section 17 Cancellation of registration in relation to business name generally

Insert at the end of section 17 (1) (c):

, or

- (d) in the case of a business name that includes the word “sheriff”, if the Director-General receives notice that consent to the use of that name has been revoked under section 12 of the *Sheriff Act 2005*.

[7] Section 23 Effect of certain contraventions on legal proceedings

Insert after section 23 (3):

- (4) This section does not limit the operation of the rules of a court on legal proceedings.

[8] Section 40 Regulations

Insert at the end of the section:

- (2) In particular the regulations may make provision for or with respect to the refund or waiver of the whole or any part of a fee payable under this Act.

[9] Schedule 2 Savings, transitional and other provisions

Insert at the end of clause 1 (1):

Business Names Amendment Act 2006

[Second reading speech made in—
Legislative Assembly on 6 September 2006
Legislative Council on 18 October 2006]

BY AUTHORITY