

Passed by both Houses



New South Wales

Business Names Amendment Bill 2006

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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.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney, , 2006*



New South Wales

Business Names Amendment Bill 2006

Act No , 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.

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

Chairman of Committees of the Legislative Assembly.

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- (1) This Act is repealed on the day following the day on which all of the provisions of this Act have commenced.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