

# Business Names Amendment Act 2006 No 72

[2006-72]



New South Wales

## Status Information

### Currency of version

Repealed version for 27 October 2006 to 1 February 2007 (accessed 28 April 2024 at 13:25)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Repeal**

The Act was repealed by sec 4 (1) of this Act with effect from 2.2.2007.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 2 February 2007

# Business Names Amendment Act 2006 No 72



New South Wales

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# Business Names Amendment Act 2006 No 72



New South Wales

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.

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- (1) This Act is repealed on the day following the day on which all of the provisions of this Act have commenced.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