

Fair Trading (Penalty Notices) Regulation 1998

[1998-325]



New South Wales

Status Information

Currency of version

Repealed version for 24 March 2000 to 31 August 2002 (accessed 18 July 2024 at 4:20)

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The Regulation was repealed by the *Fair Trading (General) Regulation 2002*, cl 89 (1) (a) with effect from 1.9.2002.

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](#).

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Fair Trading (Penalty Notices) Regulation 1998



New South Wales

1 Name of Regulation

This Regulation is the *Fair Trading (Penalty Notices) Regulation 1998*.

2 Commencement

This Regulation commences on 1 September 1998.

3 Definitions

In this Regulation:

Infringement Processing Bureau means the Infringement Processing Bureau within the Police Service.

IPB Code, in relation to an offence, means the code allocated to the offence by the Infringement Processing Bureau.

the Act means the *Fair Trading Act 1987*.

4 Notes

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

5 Penalty notice offences: section 64

For the purposes of section 64 of the Act:

- (a) each offence created by a provision specified in Column 1 of Schedule 1 is a prescribed offence, and
- (b) the prescribed penalty for such an offence is the amount specified in Column 3 of Schedule 1.

6 Short descriptions

(1) For the purposes of section 145B of the *Justices Act 1902*, the prescribed expression for an offence created by a provision specified in Column 1 of Schedule 1 is:

- (a) if one or more IPB codes are set out in relation to the offence in Column 4 of

Schedule 1, any of those IPB codes together with:

- (i) the text set out in relation to the offence in Column 2 of Schedule 1, or
 - (ii) if a choice of words is indicated in that text, the words remaining after the omission of the words irrelevant to the offence, or
- (b) if no IPB code is set out in relation to the offence in Column 1 of Schedule 1:
- (i) the text set out in relation to the offence in Column 2 of Schedule 1, or
 - (ii) if a choice of words is indicated in that text, 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 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.
- (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.

7 Repeal

The *Fair Trading (Penalty Notices) Regulation 1993* is repealed.

Schedule 1 Penalty notice offences

(Clauses 5 and 6)

Offences under the Act

| Column 1 | Column 2 | Column 3 | Column 4 |
|---|--|----------|----------|
| Offence | Short description | Penalty | IPB Code |
| Section 32 (2) | supply goods contra to interim/ permanent order under sec 30/31 | \$500 | 6643 |
| Section 39 (1)—in relation to the product information standard for regular unleaded petrol supplied at a petrol station | fail to comply with petrol product information standard | \$550 | 7556 |
| Section 40 (1) | sell goods at price greater than lower/ lowest marked price | \$200 | 6644 |