

Business Franchise Licences (Repeal) Act 1997

No 109

[1997-109]



New South Wales

Status Information

Currency of version

Repealed version for 3 December 1999 to 7 July 2011 (accessed 22 November 2024 at 9:00)

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The Act was repealed by Sch 4 to the [Statute Law \(Miscellaneous Provisions\) Act 2011 No 27](#) with effect from 8.7.2011.

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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Business Franchise Licences (Repeal) Act 1997 No 109



New South Wales

An Act to repeal the *Business Franchise Licences (Petroleum Products) Act 1987* and the *Business Franchise Licences (Tobacco) Act 1987*.

1 Name of Act

This Act is the *Business Franchise Licences (Repeal) Act 1997*.

2 Commencement

This Act commences on the date of assent.

3 Repeals

The *Business Franchise Licences (Petroleum Products) Act 1987* and the *Business Franchise Licences (Tobacco) Act 1987* are repealed.

4 (Repealed)

5 Savings, transitional and other provisions

Schedule 2 has effect.

Schedule 1 (Repealed)

Schedule 2 Savings, transitional and other provisions

(Section 5)

Part 1 Preliminary

1 Definitions

In this Schedule:

Petroleum Franchise Act means the *Business Franchise Licences (Petroleum Products) Act 1987*.

Tobacco Franchise Act means the *Business Franchise Licences (Tobacco) Act 1987*.

2 Regulations

- (1) The Governor may make regulations containing provisions of a savings or transitional nature consequent on the repeal of the Petroleum Franchise Act and the Tobacco Franchise Act.
- (2) Any such provision may, if the regulations so provide, take effect from the date of assent to this Act or a later date.
- (3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:
 - (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or
 - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.

Part 2 Provisions relating to repeal of Petroleum Franchise Act

3 Saving of authorities and permits

An authority or permit in force under Part 5A of the Petroleum Franchise Act immediately before the commencement of this Act is taken to continue in force, subject to the [Petroleum Products Subsidy Act 1997](#), as an authority or permit granted under that Act.

4 Immunity of officers and others

- (1) The provisions of section 27 of the Petroleum Franchise Act are taken to continue to apply in respect of anything done by the Chief Commissioner or any other officer or person before the commencement of this Act.
- (2) For the purpose of determining any liability of an individual, a determination in any proceedings of whether a matter or thing was done for the purpose of executing the Petroleum Franchise Act is to be made as though all the provisions of that Act were valid at the time the matter or thing was done.

Part 3 Provisions relating to repeal of Tobacco Franchise Act

5 Immunity of officers and others

- (1) The provisions of section 27 of the Tobacco Franchise Act are taken to continue to apply in respect of anything done by the Chief Commissioner or any other officer or person before the commencement of this Act.
- (2) For the purpose of determining any liability of an individual, a determination in any

proceedings of whether a matter or thing was done for the purpose of executing the Tobacco Franchise Act is to be made as though all the provisions of that Act were valid at the time the matter or thing was done.

6 Tobacco in possession of Chief Commissioner

- (1) It is the duty of the Chief Commissioner to deliver to any person appearing to the Chief Commissioner to be entitled to it any tobacco that was seized in purported execution of the provisions of the Tobacco Franchise Act.
- (2) No action against the Crown, the State of New South Wales, the Chief Commissioner or any other person may be commenced or maintained for any trespass occasioned by a seizure of any tobacco in purported execution of the provisions of the Tobacco Franchise Act or for any injury, loss or damage arising from any such seizure.
- (3) Tobacco to which no person appears to the Chief Commissioner to be entitled may be sold or otherwise disposed of in such manner as the Chief Commissioner thinks fit.