



Western Australia

Debt Collectors Licensing Regulations 1964

Compare between:

[01 Jul 2017, 05-f0-03] and [01 Jul 2018, 05-g0-00]

Debt Collectors Licensing Regulations 1964

1. Citation

- (1) These regulations may be cited as the *Debt Collectors Licensing Regulations 1964* ¹.
- (2) In these regulations the *Act* means the *Debt Collectors Licensing Act 1964*, and if that Act is amended, includes that Act as amended from time to time.

2. Forms

The forms set out in the First Schedule shall be used for the several purposes to which they are respectively applicable, and shall contain the particulars, indicated by the forms respectively with such variations as circumstances may require.

3. Application by corporation

Every application under the Act by a corporation shall be signed on behalf of the corporation by its manager, secretary or other governing officer, by whatever name called.

[Regulation 3 inserted in Gazette 26 Sep 1975 p. 3725.]

4. Fees

The fees specified in the Table are payable for the matters specified in the Table.

Table

Item	Description	Fee
1.	Issue or renewal of licence for a period of — <ul style="list-style-type: none"> • 1 year • 2 years • 3 years 	<ul style="list-style-type: none"> • \$801.70<u>\$841.80</u> • \$1 603.40<u>683.5</u> <u>5</u> • \$2 405.10<u>525.3</u> <u>5</u>
2.	Transfer of licence	\$327.15 <u>\$343.50</u>
3.	Issue of duplicate licence	\$28.00
4.	Inspection of register kept under section 12 of the Act	\$11.25

[Regulation 4 inserted in Gazette 23 Jun 2015 p. 2171; amended in Gazette 3 Jun 2016 p. 1757; 23 Jun 2017 p. 3236; 27 Jun 2017 p. 3410; [25 Jun 2018 p. 2338.](#)]

5. Transfer of licence

- (1) A licensee may, at any time during the currency of his licence, apply to the Commissioner for the transfer of the licence to a person qualified to hold the licence and on receipt of the application the Commissioner shall as soon as practicable notify the Commissioner of Police of the fact.
- (2) The application for the transfer of the licence signed by the licensee and by the proposed transferee shall be lodged in the approved form with the Commissioner and shall be accompanied by —
 - (a) the licence; and
 - (b) testimonials as to the character of the proposed licensee signed by not less than 3 reputable persons; and

- (c) the fee prescribed under regulation 4; and
 - (d) a fidelity bond in the prescribed form or approved security in the appropriate sum as required by section 20 of the Act in respect of the proposed transferee as if the proposed transferee were an applicant for a licence.
- (3) Instead of lodging a fidelity bond or approved security there may be lodged in the case where a fidelity bond already lodged by the licensee is a fidelity bond in the prescribed form or the licensee has lodged an approved security, an undertaking in writing by the surety under the bond or security to hold itself or himself, as the case may be, liable thereunder in respect of the proposed transferee as if the fidelity bond or approved security were lodged in respect of the proposed transferee.
- (4) If the Commissioner is satisfied that the proposed transferee is —
 - (a) of good fame and character; and
 - (b) a fit and proper person to be a licensee; and
 - (c) of the age of 21 years or more,the Commissioner may transfer the licence to him and thereupon the transferee shall, during the currency of the licence, be deemed to be the holder of the licence.
- (5) Where the proposed transferee is a corporation any reference in subregulation (4) to the proposed transferee shall be read and construed as a reference to the directors of the corporation.
- (6) Upon the transfer of a licence the Commissioner shall —
 - (a) endorse the licence accordingly; and
 - (b) enter the particulars thereof in the register kept by him pursuant to section 12 of the Act; and
 - (c) notify the Commissioner of Police of the transfer of the licence.

- (7) Where the application for a transfer of a licence is not granted or the application is withdrawn the amount of the prescribed fee shall be refunded to the applicant.

[Regulation 5 amended in Gazette 30 Dec 2004 p. 6915-16; 22 Sep 2006 p. 4102; 27 Jun 2017 p. 3411.]

6. Prescribed period for issue of licence

For the purposes of section 10A(1) of the Act, the prescribed period for a licence that is issued is 3 years.

[Regulation 6 inserted in Gazette 27 Jun 2017 p. 3411.]

6A. Prescribed period for renewal of licence

- (1) In this regulation —
transition period means the period commencing on the day on which the *Licensing Provisions Amendment Act 2016* section 13 comes into operation and ending 12 months after that day.
- (2) For the purposes of section 10A(1) of the Act, the prescribed period for a licence that is renewed is 3 years.
- (3) However, if an application for renewal of a licence is made during the transition period, the prescribed period for the renewed licence is as follows —
- (a) for a licence that expires between 1 January and 30 April — a period of 3 years;
 - (b) for a licence that expires between 1 May and 31 August — a period of 2 years;
 - (c) for a licence that expires between 1 September and 31 December — a period of 1 year.

[Regulation 6A inserted in Gazette 27 Jun 2017 p. 3411.]

7. Duplicate licence

- (1) An application for a duplicate licence under section 9(5) of the Act shall be lodged in the approved form with the Commissioner.
- (2) Where a duplicate licence is issued that licence shall be endorsed as follows —

This licence is issued under section 9(5) of the *Debt Collectors Licensing Act 1964*, in substitution for licence number

[Regulation 7 amended in Gazette 30 Dec 2004 p. 6916; 27 Jun 2017 p. 3411.]

8. Fidelity bond

The fidelity bond required to be lodged prior to the issue by the Commissioner of a licence or a transfer thereof shall be in or to the effect of the Second Schedule.

[Regulation 8 amended in Gazette 30 Dec 2004 p. 6916.]

9. Surrender of licence

A licensee may at any time during the currency of his licence surrender the licence by letter under his hand addressed to the Commissioner notifying the Commissioner that he desires, as from the date specified therein, to surrender the licence and enclosing the licence with the letter.

[Regulation 9 amended in Gazette 30 Dec 2004 p. 6916.]

9A. Refund of prescribed fee if licence surrendered

- (1) In this regulation —
surrendered licence means a licence that is surrendered under regulation 9.
- (2) The Commissioner must, on application by a person who was the holder of a surrendered licence, refund to the person an amount of the prescribed fee paid for the licence that, in the

Commissioner's opinion, relates to the period between the day the licence is surrendered and the day the licence would have expired.

[Regulation 9A inserted in Gazette 27 Jun 2017 p. 3412.]

10. Non-disclosure by auditor and person appointed by Minister

- (1) Except as provided in this regulation an auditor or person appointed by the Minister shall not divulge to any person or in any proceedings, any information that he has obtained in the course of conducting an audit or examination pursuant to the Act.
- (2) An auditor or person appointed by the Minister is not guilty of a breach of this regulation by disclosing any information —
 - (a) by means of or in any report made pursuant to the Act or to the Minister; or
 - (b) in or for the purposes of any legal proceedings arising out of any such report or instituted in connection with the trust accounts of a debt collector to whom the information relates; or
 - (c) to any surety under a fidelity bond or approved security given in respect of a debt collector either verbally or in writing if the disclosure is first approved by the Minister.

11. Offence

A licensee shall not use directly or indirectly in the conduct or carrying on of his business as a debt collector, any vehicle of whatever kind on which is painted, affixed or otherwise exhibited —

- (a) the fact that he is a debt collector; or
- (b) the words, "debt collector"; or
- (c) any words importing or likely to import that he carries on the business of a debt collector.

12. Notification of changes in information relating to licensee

- (1) A licensee must give a notice in writing to the Commissioner if there is a change in any of the following information relating to the licensee —
 - (a) the name of the licensee;
 - (b) the address of the place of business of the licensee;
 - (c) if the licensee is a natural person — the residential address of the licensee;
 - (d) if the licensee is a corporation — the directors of the licensee.
- (2) Notice must be given within 14 days after the change in the information relating to the licensee.
- (3) On receipt of a notice, the Commissioner must update the information in the register relating to the licensee accordingly.

[Regulation 12 inserted in Gazette 27 Jun 2017 p. 3412.]

13. Charges by licensee

A licensee may charge, recover or receive from any debtor of a creditor for or in connection with the collection of a debt from the debtor on behalf of the creditor where the debt is paid by instalments a sum of 50 cents or a sum not exceeding 2½% of the amount of the debt, whichever is the greater amount.

14. Exemptions

- (1) The provisions of the Act do not apply to a person who, in the course of carrying on business either on his own account or in conjunction with another, collects debts being moneys owing to another person under a mortgage or bill of sale or contract for the sale or letting of land or of a business, if —
 - (a) authority to make the collection is, in each case, to the knowledge of the debtor concerned, conferred on the person collecting the debt at or before the time when the

debt becomes due and payable or within one month thereafter; and

- (b) that person is not otherwise a debt collector within the meaning of the Act; and
 - (c) that person does not himself, or by any person employed by him in the ordinary course of his business, prepare or issue or take any active part in the preparation or issue of any court process for the recovery of any of those debts.
- (2) Where a licensee carries on the business of a debt collector in partnership with any person, that person is exempt from the provisions of section 5 of the Act, so far as those provisions apply to that business or any of the functions of a debt collector performed by that person in relation to that business, so long as the licensee remains a licensee and a partner of that person.

*[Regulation 14 inserted in Gazette 12 Oct 1965 p. 3515;
amended in Gazette 6 Jan 1966 p. 1.]*

15. Penalties

A person who commits a breach of these regulations is guilty of an offence against the regulations and is liable to a penalty not exceeding \$200.

16. Infringement notices

- (1) The offences specified in the Third Schedule are offences for which an infringement notice may be issued under Part 2 of the *Criminal Procedure Act 2004*.
- (2) The modified penalty specified opposite an offence in the Third Schedule is the modified penalty for that offence for the purposes of section 5(3) of the *Criminal Procedure Act 2004*.
- (3) The Commissioner may, in writing, appoint persons or classes of persons to be authorised officers or approved officers for the purposes of Part 2 of the *Criminal Procedure Act 2004*.

- (4) The Commissioner is to issue to each authorised officer a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices.

[Regulation 16 inserted in Gazette 22 Sep 2006 p. 4102.]

First Schedule

[Forms 1 and 2 deleted in Gazette 27 Jun 2017 p. 3412.]

[Form 3 deleted in Gazette 30 Dec 2004 p. 6917.]

Form 4

Debt Collectors Licensing Act 1964

NOTIFICATION TO COMMISSIONER OF POLICE

Name of Licensee	Place of Abode	Sole or Principal Place of Business	Licence No. and Expiry Date	Date of Issue, Renewal or Cancellation	Action Notified*

* Issue, renewal, cancellation or surrender or notification of change of place of business or transfer of licence.

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Commissioner for Consumer Protection²

[Form 4 amended in Gazette 30 Dec 2004 p. 6917; 12 Jan 2007 p. 47.]

[Forms 5 and 6 deleted in Gazette 27 Jun 2017 p. 3412.]

Debt Collectors Licensing Regulations 1964
First Schedule

Form 7

Form 7

<i>Debt Collectors Licensing Act 1964</i>		Infringement notice no.
Infringement notice		
Alleged offender	Name: Family name _____	
	Given names _____	
	or Company name _____	
	ACN _____	
Address _____		Postcode _____
Alleged offence	Description of offence _____	
	<i>Debt Collectors Licensing Act 1964 s.</i>	
	<i>Debt Collectors Licensing Regulations 1964 r.</i>	
	Date / /20	Time a.m./p.m.
Modified penalty \$ _____		
Officer issuing notice	Name _____	
	Signature _____	
	Office _____	
Date	Date of notice / /20	
Notice to alleged offender	<p>It is alleged that you have committed the above offence. If you do not want to be prosecuted in court for the offence, pay the modified penalty within 28 days after the date of this notice.</p> <p>How to pay</p> <p>By post: Send a cheque or money order (payable to 'Approved Officer — <i>Debt Collectors Licensing Act 1964</i>') to: Approved Officer — <i>Debt Collectors Licensing Act 1964</i> Department of Consumer and Employment Protection ³ Locked Bag 14 Cloisters Square Perth WA 6850</p> <p>In person: Pay the cashier at: Department of Consumer and Employment Protection ³ 219 St George's Terrace, Perth WA</p> <p>If you do not pay the modified penalty within 28 days, you may be prosecuted or enforcement action may be taken under the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i>. Under that Act, some or all of the following action may be taken — your driver's licence may be suspended; your vehicle licence may be suspended or cancelled; your details may be published on a website; your vehicle may be immobilised or have its number plates removed; and your property may be seized and sold.</p> <p>If you need more time to pay the modified penalty, you can apply for an extension of time by writing to the Approved Officer at the above postal address.</p>	

Debt Collectors Licensing Regulations 1964
First Schedule

Form 7

	<p>If you want this matter to be dealt with by prosecution in court, sign here _____ and post this notice to the Approved Officer at the above postal address within 28 days after the date of this notice.</p>
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*[Form 7 inserted in Gazette 22 Sep 2006 p. 4103; amended in Gazette
20 Aug 2013 p. 3828.]*

Debt Collectors Licensing Regulations 1964
First Schedule

Form 8

Form 8

<i>Debt Collectors Licensing Act 1964</i>		Withdrawal no.
Withdrawal of infringement notice		
Alleged offender	Name: Family name _____	
	Given names _____	
	or Company name _____	
	ACN _____	
Address _____		Postcode _____
Infringement notice	Infringement notice no. _____	
	Date of issue ____ / ____ /20	
Alleged offence	Description of offence _____	
	<i>Debt Collectors Licensing Act 1964 s.</i>	
	<i>Debt Collectors Licensing Regulations 1964 r.</i>	
Date ____ / ____ /20		Time ____ a.m./p.m.
Officer withdrawing notice	Name _____	
	Signature _____	
	Office _____	
Date	Date of withdrawal ____ / ____ /20	
Withdrawal of infringement notice [*delete whichever is not applicable]	The above infringement notice issued against you has been withdrawn.	
	If you have already paid the modified penalty for the alleged offence you are entitled to a refund. * Your refund is enclosed. or * If you have paid the modified penalty but a refund is not enclosed, to claim your refund sign this notice and post it to: Approved Officer — <i>Debt Collectors Licensing Act 1964</i> Department of Consumer and Employment Protection ³ Locked Bag 14 Cloisters Square Perth WA 6850	
	Signature _____ / ____ /20	

[Form 8 inserted in Gazette 22 Sep 2006 p. 4103-4.]

Second Schedule

Debt Collectors Licensing Act 1964

FIDELITY BOND

KNOW ALL MEN BY THESE PRESENTS that

(insert name in full of the corporation which is the surety) an incorporated company carrying on the business of insurance in the State of Western Australia (in this bond called “the Surety”) is hereby firmly held and bound to Her Most Gracious Majesty Queen Elizabeth II, Her Heirs, Successors and Assigns in the sum of (\$10 000 if the licensee is a corporation or \$6 000 where the licensee is a natural person) to be paid to Her Majesty, Her Heirs, Successors or Assigns for which payment well and truly be made the Surety binds itself and its successors firmly by these presents.

Sealed with our seal

Dated this day of, 20.....

WHEREAS one (name of applicant for a debt collector’s licence with his address and description) (in this bond called “the Applicant”) is an applicant for the grant of a debt collector’s licence under the *Debt Collectors Licensing Act 1964*, and under the provisions of that Act each such applicant is required to lodge with its or his application a fidelity bond for the sum of \$10 000 if the applicant is a corporation and \$6 000 if the applicant is a natural person from some insurance company approved for the purpose by the Minister for the time being administering the Act; and whereas the above bounden Surety has agreed to enter into the above written bond. Now, therefore, the condition of the above written bond is such that if the applicant is granted a debt collector’s licence under the *Debt Collectors Licensing Act 1964*, and if from time to time and at all times thereafter the applicant shall duly pay all penalties, damages and costs adjudged against the licensee to whom the bond relates in respect of any act done or omitted by him as a debt collector before the bond is terminated and shall duly observe and comply with all the provisions of that Act and the regulations thereunder with respect to any moneys received by him or it or by any partnership of which he or it is or shall be a member as a debt collector or debt collectors and the applicant shall duly and faithfully account for and pay over to the persons respectively entitled thereto all moneys received by the applicant or by any partnership of which he or it is or shall be a member in the course of his or its business as debt collectors but so that no granting by or on behalf of Her Majesty the Queen or the Minister or any person paying to the

applicant or to any such partnership or any employee of the applicant any of those moneys or by or on behalf of any person entitled to any of those moneys or any person employing the applicant or any such partnership as debt collectors, of any time, credit, forbearance or indulgence to the applicant, to any such partnership or employee of the applicant shall in any way release the Surety from liability under the above written bond then the above written bond shall be void but otherwise shall remain in full force and effect, but if the Surety gives notice in writing to the licensee, the Commissioner of Police and to the Commissioner that the Surety desires to be relieved of any further liability thereunder as from the date specified in the notice, being a date not earlier than 30 days from the service of the notice, the obligation of the surety under these presents shall cease as from the date so specified but notwithstanding such determination the Surety shall continue to be liable —

- (a) in respect of all penalties, damages and costs adjudged against the licensee to whom the above written bond relates in respect of any act, done or omitted before the date of the determination of the bond; and
- (b) for the due accounting after the specified date by the licensee to the persons entitled thereto, of all trust money received by the licensee before the specified date.

In witness whereof the Surety has hereunto affixed its Common Seal the day and year above written.

The Common Seal of
was hereunto affixed
pursuant, etc.,
in the presence of:

*[Second Schedule amended in Gazette 30 Dec 2004 p. 6917;
22 Sep 2006 p. 4104.]*

**Third Schedule — Prescribed offences and
modified penalties**

[r. 16]

[Heading inserted in Gazette 22 Sep 2006 p. 4104.]

Offences under <i>Debt Collectors Licensing Act 1964</i>		Modified penalty
s. 5	Unlicensed person carrying on business as a debt collector	\$40
s. 15(4)	Failing to notify Commissioner of opening or change of name of trust account	\$40

Offences under <i>Debt Collectors Licensing Regulations 1964</i>		Modified penalty
r. 11	Using vehicle identifying person as debt collector	\$40
r. 12	Failing to notify Commissioner of change of address	\$40

[Third Schedule inserted in Gazette 22 Sep 2006 p. 4104.]

Notes

- ¹ This is a compilation of the *Debt Collectors Licensing Regulations 1964* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Debt Collectors Licensing Regulations 1964</i>	14 Apr 1965 p. 1031-7	1 May 1965 (see <i>Gazette</i> 15 Apr 1965 p. 1041)
Untitled regulations	12 Oct 1965 p. 3515	12 Oct 1965
Untitled regulations	6 Jan 1966 p. 1	6 Jan 1966
Untitled regulations	26 Sep 1975 p. 3725	1 Oct 1975
Reprint of the <i>Debt Collectors Licensing Regulations 1964</i> authorised 17 Apr 1980 (see <i>Gazette</i> 22 Apr 1980 p. 1171-8) (includes amendments listed above)		
<i>Debt Collectors Licensing Amendment Regulations 1983</i>	28 Oct 1983 p. 4370	1 Nov 1983 (see r. 2)
<i>Debt Collectors Licensing Amendment Regulations 1986</i>	29 Aug 1986 p. 3205-6	1 Sep 1986 (see r. 2)
<i>Debt Collectors Licensing Amendment Regulations 1988</i>	12 Aug 1988 p. 2771	12 Aug 1988
<i>Debt Collectors Licensing Amendment Regulations 1989</i>	30 Jun 1989 p. 1974	1 Jul 1989 (see r. 2)
<i>Debt Collectors Licensing Amendment Regulations 1990</i>	1 Aug 1990 p. 3658	1 Aug 1990
<i>Debt Collectors Licensing Amendment Regulations 1991</i>	13 Dec 1991 p. 6157	13 Dec 1991
<i>Debt Collectors Licensing Amendment Regulations 1992</i>	14 Aug 1992 p. 4023	14 Aug 1992
Reprint of the <i>Debt Collectors Licensing Regulations 1964</i> as at 9 Mar 2001 (includes amendments listed above)		
<i>Debt Collectors Licensing Amendment Regulations 2004</i>	30 Dec 2004 p. 6915-17	1 Jan 2005 (see r. 2 and <i>Gazette</i> 31 Dec 2004 p. 7130)

Citation	Gazettal	Commencement
<i>Debt Collectors Licensing Amendment Regulations (No. 2) 2006</i>	27 Jun 2006 p. 2254	1 Jul 2006 (see r. 2)
<i>Debt Collectors Licensing Amendment Regulations 2006</i>	22 Sep 2006 p. 4101-4	22 Sep 2006 (see r. 2(a))
Reprint 3: The Debt Collectors Licensing Regulations 1964 as at 10 Nov 2006 (includes amendments listed above)		
<i>Debt Collectors Licensing Amendment Regulations (No. 3) 2006</i>	12 Jan 2007 p. 46-7	12 Jan 2007
<i>Debt Collectors Licensing Amendment Regulations 2007</i>	15 Jun 2007 p. 2771-2	r. 1 and 2: 15 Jun 2007 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2007 (see r. 2(b)(i))
<i>Debt Collectors Licensing Amendment Regulations 2008</i>	17 Jun 2008 p. 2549	r. 1 and 2: 17 Jun 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2008 (see r. 2(b))
<i>Debt Collectors Licensing Amendment Regulations 2009</i>	23 Jun 2009 p. 2437	r. 1 and 2: 23 Jun 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2009 (see r. 2(b))
Reprint 4: The Debt Collectors Licensing Regulations 1964 as at 21 Aug 2009 (includes amendments listed above)		
<i>Debt Collectors Licensing Amendment Regulations 2010</i>	25 Jun 2010 p. 2844-5	r. 1 and 2: 25 Jun 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2010 (see r. 2(b))
<i>Debt Collectors Licensing Amendment Regulations 2011</i>	22 Jun 2011 p. 2345-6	r. 1 and 2: 22 Jun 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2011 (see r. 2(b))
<i>Debt Collectors Licensing Amendment Regulations 2012</i>	15 Jun 2012 p. 2585-6	r. 1 and 2: 15 Jun 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2012 (see r. 2(b))
<i>Debt Collectors Licensing Amendment Regulations (No. 2) 2013</i>	27 Jun 2013 p. 2677-8	r. 1 and 2: 27 Jun 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2013 (see r. 2(b))

Citation	Gazettal	Commencement
<i>Debt Collectors Licensing Amendment Regulations 2013</i>	20 Aug 2013 p. 3828	r. 1 and 2: 20 Aug 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 21 Aug 2013 (see r. 2(b) and <i>Gazette</i> 20 Aug 2013 p. 3815)
Reprint 5: The Debt Collectors Licensing Regulations 1964 as at 2 May 2014 (includes amendments listed above)		
<i>Debt Collectors Licensing Amendment Regulations 2014</i>	17 Jun 2014 p. 1962-3	r. 1 and 2: 17 Jun 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2014 (see r. 2(b))
<i>Debt Collectors Licensing Amendment Regulations 2015</i>	23 Jun 2015 p. 2170-1	r. 1 and 2: 23 Jun 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2015 (see r. 2(b))
<i>Commerce Regulations Amendment (Fees and Charges) Regulations 2016 Pt. 7</i>	3 Jun 2016 p. 1745-73	1 Jul 2016 (see r. 2(b))
<i>Commerce Regulations Amendment (Fees and Charges) Regulations 2017 Pt. 9</i>	23 Jun 2017 p. 3213-52	1 Jul 2017 (see r. 2(b))
<i>Licensing Provisions Regulations Amendment Regulations 2017 Pt. 3</i>	27 Jun 2017 p. 3408-16	1 Jul 2017 (see r. 2(b))
<i>Commerce and Industrial Relations Regulations Amendment (Fees and Charges) Regulations 2018 Pt. 8</i>	25 Jun 2018 p. 2325-53	1 Jul 2018 (see r. 2(b))

² Under the *Consumer Affairs Act 1971* s. 4(3), references, however expressed, in any other Act or in any regulation, notice, proclamation, or statutory instrument of any kind made, published or in force under that or any other Act to the Commissioner for Consumer Protection are, unless the context requires otherwise, read and construed as references to the Commissioner for Fair Trading as defined by the *Consumer Affairs Act 1971*.

The *Machinery of Government (Miscellaneous Amendments) Act 2006* s. 151(5) provides that a reference to the Commissioner for Fair Trading is to have effect as if it had been amended to be a reference to the Commissioner as defined by the *Consumer Affairs Act 1971*.

- ³ Under the *Public Sector Management Act 1994* the names of departments may be changed. At the time of this reprint the former Department of Consumer and Employment Protection is called the Department of Commerce.