

CE302\*

Business Names Act 1962  
Criminal Procedure Act 2004

## Business Names Amendment Regulations 2006

Made by the Governor in Executive Council.

### 1. Citation

These regulations are the *Business Names Amendment Regulations 2006*.

### 2. Commencement

These regulations come into operation on the later of —

- (a) the day on which they are published in the *Gazette*; and
- (b) the day on which the *Criminal Procedure Amendment Regulations (No. 2) 2006* come into operation.

### 3. The regulations amended

The amendments in these regulations are to the *Business Names Regulations 1962*\*.

[\* Reprinted as at 21 June 2002.

For amendments to 26 May 2006 see *Western Australian Legislation Information Tables for 2005, Table 4, p. 42-3.*]

### 4. Regulation 5 replaced

Regulation 5 is repealed and the following regulation is inserted instead —

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### 5. Forms

The forms set out in the Second Schedule are prescribed in relation to the matters specified in those forms.

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### 5. Regulation 11 inserted

After regulation 10 the following regulation is inserted —

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### 11. Infringement notices

- (1) The offences specified in the Fourth 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 Fourth 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.

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## 6. First Schedule repealed

The First Schedule is repealed.

## 7. Second Schedule amended

The Second Schedule is amended after Form 5 by inserting the following Forms —

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### Form 6 — Infringement notice

<i>Business Names Act 1962</i>		Infringement notice no.
<b>Infringement notice</b>		
<b>Alleged offender</b>	Name: Family name _____	
	Given names _____	
	or Company name _____	
	ACN _____	
Address _____		Postcode _____
<b>Alleged offence</b>	Description of offence _____	
	<i>Business Names Act 1962 s.</i>	
	Date / /20	Time a.m./p.m.
	Modified penalty \$ _____	
<b>Officer issuing notice</b>	Name _____	
	Signature _____	
	Office _____	
<b>Date</b>	Date of notice / /20	
<b>Notice to alleged offender</b>	<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><b>How to pay</b></p> <p><b>By post:</b> Send a cheque or money order (payable to ‘Approved Officer — <i>Business Names Act 1962</i>’) to:            Approved Officer — <i>Business Names Act 1962</i>            Department of Consumer and Employment Protection            Locked Bag 14 Cloisters Square            Perth WA 6850</p> <p><b>In person:</b> Pay the cashier at:            Department of Consumer and Employment Protection            219 St George’s Terrace, Perth WA</p>	

	<b>If you do not pay</b> 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 your driver's licence and/or vehicle licence may be suspended.
	<b>If you need more time</b> to pay the modified penalty, you can apply for an extension of time by writing to the Approved Officer at the above postal address.  <b>If you want this matter to be dealt with by prosecution in court</b> , sign here _____ and post this notice to the Approved Officer at the above postal address within 28 days after the date of this notice.

**Form 7 — Withdrawal of infringement notice**

<i>Business Names Act 1962</i>		Withdrawal no.
<b>Withdrawal of infringement notice</b>		
<b>Alleged offender</b>	Name: Family name _____	
	Given names _____	
	or Company name _____ ACN _____	
	Address _____ Postcode _____	
<b>Infringement notice</b>	Infringement notice no. _____	
	Date of issue / /20	
<b>Alleged offence</b>	Description of offence _____	
	<i>Business Names Act 1962 s.</i> _____	
	Date / /20	Time a.m./p.m.
<b>Officer withdrawing notice</b>	Name _____	
	Signature _____	
	Office _____	
<b>Date</b>	Date of withdrawal / /20	
<b>Withdrawal of infringement notice</b>	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>Business Names Act 1962</i> Department of Consumer and Employment Protection Locked Bag 14 Cloisters Square Perth WA 6850	
<i>[*delete whichever is not applicable]</i>	Signature _____ / /20	

**8. Fourth Schedule inserted**

After the Third Schedule the following Schedule is inserted —

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

[r. 11]

Offences under <i>Business Names Act 1962</i>	Modified penalty
s. 5(1) Carrying on business under unregistered name .....	\$40

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<b>Offences under <i>Business Names Act 1962</i></b>		<b>Modified penalty</b>
s. 12(8)	Failure to lodge statement of change of registered particulars .....	\$40
s. 13(2)	Failure to provide information required by Commissioner .....	\$40
s. 20(a)	Using business document not showing registered name .....	\$20
s. 20(b)	Failure to display registered name at place of business .....	\$20
s. 20(c)	Failure to exhibit certificate of registration .....	\$20

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By Command of the Governor,

G. M. PIKE, Clerk of the Executive Council.

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