

NORTHERN TERRITORY OF AUSTRALIA

BUSINESS NAMES REGULATIONS

As in force at 22 August 2007

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 22 August 2007

BUSINESS NAMES REGULATIONS

Regulations under the *Business Names Act*

Part 1 Preliminary matters

1 Citation

These Regulations may be cited as the *Business Names Regulations*.

2 Definitions

In these Regulations:

infringement notice, see regulation 3.

infringement offence means an offence against a provision of the Act specified in Schedule 1, column 1.

prescribed amount, for an infringement offence, means the amount specified in Schedule 1, column 2 opposite the offence provision.

Part 2 Infringement notices

3 When infringement notice for infringement offence may be served

If the Commissioner reasonably believes a person has committed an infringement offence, the Commissioner may serve a notice (an ***infringement notice***) on the person.

4 Contents of infringement notice

- (1) The infringement notice must specify the following particulars:
 - (a) the name and address of the alleged offender, if known;
 - (b) the date of the infringement notice;

- (c) the date, time and place of the infringement offence;
 - (d) a description of the infringement offence and the prescribed amount payable for the offence;
 - (e) the enforcement agency, as defined in the *Fines and Penalties (Recovery) Act*, to whom the prescribed amount is payable.
- (2) The infringement notice must include a statement to the effect of the following:
- (a) the alleged offender may expiate the infringement offence and avoid further action in relation to the offence by paying the prescribed amount to the specified enforcement agency within 28 days after service of the notice;
 - (b) the alleged offender may elect under section 21 of the *Fines and Penalties (Recovery) Act* to have the matter dealt with by a court instead of under that Act by completing a statement of election and serving it on the specified enforcement agency;
 - (c) if the alleged offender does nothing in response to the notice, enforcement action may be taken under the *Fines and Penalties (Recovery) Act* including (but not limited to) action for the following:
 - (i) suspension of the alleged offender's licence to drive;
 - (ii) suspension of the alleged offender's vehicle registration;
 - (iii) seizure of personal property of the alleged offender;
 - (iv) deduction of an amount from the alleged offender's wages or salary;
 - (v) registration of a statutory charge on land owned by the alleged offender;
 - (vi) making of a community work order for the alleged offender which may result in imprisonment of the alleged offender if the alleged offender breaches the order.
- (3) Also, the infringement notice must include an appropriate form for making the statement of election mentioned in subregulation (2)(b).

5 Payment by cheque

If the alleged offender tenders a cheque in payment of the prescribed amount, the amount is not taken to have been paid unless the cheque is cleared on first presentation.

6 Withdrawal of infringement notice

- (1) The Commissioner may withdraw the infringement notice by written notice served on the alleged offender.
- (2) The notice must be served within 28 days after service of the infringement notice but before payment of the prescribed amount.

7 Application of Part

- (1) This Part does not prejudice or affect the start or continuing of proceedings for an infringement offence for which an infringement notice has been served unless the offence is expiated.
- (2) Also, this Part does not prevent more than one infringement notice for the same infringement offence being served on an alleged offender and, to expiate the offence, it is sufficient for the alleged offender to pay the prescribed amount in accordance with any of the notices.
- (3) In addition, this Part does not:
 - (a) require an infringement notice to be served; or
 - (b) affect the liability of a person to be prosecuted in a court for an infringement offence for which an infringement notice has not been served.

Part 3 Fees

8 Fees

The fee payable under a provision of the Act specified in Schedule 2, column 1 is the amount specified opposite column 2.

Part 4 Repeal

9 Repeal

The *Business Names Regulations* (Subordinate Legislation No. 12 of 1963) are repealed.

10 Expiry of Part

This Part expires the day after it commences.

Schedule 1

regulation 2, definitions ***infringement offence*** and ***prescribed amount***

INFRINGEMENT OFFENCES AND PRESCRIBED AMOUNTS

| Column 1 | Column 2 |
|-----------------------|-------------------|
| Offence provision | Prescribed amount |
| Section 9(1) | 10 penalty units |
| Section 19(4) | 4 penalty units |
| Section 20(4) | 4 penalty units |
| Section 21(1) and (2) | 4 penalty units |
| Section 22(1) | 4 penalty units |
| Section 25(5) | 4 penalty units |

Schedule 2

regulation 8

PART A – FEES (REVENUE UNITS)

| Column 1 | Column 2 |
|---|----------------------------|
| Provision | Fee – revenue units |
| Section 10(2)(c) – application for registration of business name | 60 |
| Section 16(2)(c) – application for renewal of registration of business name | 50 |
| Section 19(3)(c) – notice of change in particulars | 10 |

PART B – FEES (\$)

| Column 1 | Column 2 |
|--|---|
| Provision | Fee – \$ |
| Section 50(1)(b) – copy of, or extract from, register | 10 (first page) 2 (each additional page) |
| Section 50(2)(a) – issue of certified copy of, or extract from, register | 10 (first page) 2 (each additional page) |
| Section 50(2)(b) – issue of certificate | 10 (first page) 2 (each additional page) |

ENDNOTES

1 KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz = *Gazette*
hdg = heading
ins = inserted
lt = long title
nc = not commenced

od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2 LIST OF LEGISLATION

Business Names Regulations (SL No. 25, 2007)

| | |
|-----------|----------------|
| Notified | 22 August 2007 |
| Commenced | 22 August 2007 |