



Australian Capital Territory

Magistrates Court (Trade Measurement Infringement Notices) Regulations 2002 No 36

made under the

Magistrates Court Act 1930

Republication No 1

Effective: 13 December 2002

Republication date: 13 December 2002

Regulations not amended up to this date

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Magistrates Court (Trade Measurement Infringement Notices) Regulations 2002*, made under the *Magistrates Court Act 1930* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 13 December 2002. It also includes any commencement, repeal or expiry affecting the republished law.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial amendments

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



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Magistrates Court (Trade Measurement Infringement
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1 Name of regulations

These regulations are the *Magistrates Court (Trade Measurement Infringement Notices) Regulations 2002*.

3 Purpose of regulations

The purpose of these regulations is to create a system of infringement notices under the *Magistrates Court Act 1930*, part 8, for certain offences against the trade measurement legislation.

Note The *Magistrates Court Act 1930*, pt 8 provides a system of infringement notices for offences against various Acts. The infringement notice system is intended to provide an alternative to prosecution.

4 Notes

A note included in these regulations is explanatory and is not part of these regulations.

Note See Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

5 Meaning of *trade measurement legislation*

In these regulations:

trade measurement legislation means—

- (a) the *Trade Measurement Act 1991*; and
- (b) the *Trade Measurement (Measuring Instruments) Regulations 1991*; and
- (c) the *Trade Measurement (Miscellaneous) Regulations 1991*; and
- (d) the *Trade Measurement (Weighbridges) Regulations 1991*.

6 Administering authority

The administering authority for an infringement notice offence against the trade measurement legislation is the commissioner for fair trading.

7 Infringement notice offences

The Act, part 8 applies to an offence against a provision of the trade measurement legislation mentioned in schedule 1, column 2.

8 Infringement notice penalties

- (1) The penalty payable by an individual for an offence against the trade measurement legislation, under an infringement notice for the offence, is the amount mentioned in schedule 1, column 4 for the offence.
- (2) The penalty payable by a corporation for an offence against the trade measurement legislation, under an infringement notice for the offence, is 5 times the amount mentioned in schedule 1, column 4 for the offence.
- (3) The cost of serving a reminder notice for an infringement notice offence against the trade measurement legislation is \$34.

9 Identifying particulars for person served

An infringement notice served on a person by an authorised person for an infringement notice offence against the trade measurement legislation must identify the person as follows:

- (a) if the person is a company registered under the *Corporations Act 2001* (Cwlth)—by the company's ACN;
- (b) if the person is a business with a business name registered under the *Business Names Act 1963*—by the registered business name.

10 Identifying particulars for authorised person for infringement notice

An infringement notice served on a person by an authorised person for an infringement notice offence against the trade measurement legislation must identify the authorised person by—

- (a) the authorised person's full name, or surname and initials; and
- (b) the date of issue of the authorised person's identity card; and
- (c) the date of expiry of the authorised person's identity card.

11 Identifying particulars for authorised person for reminder notice

A reminder notice served on a person by an authorised person for an infringement notice offence against the trade measurement legislation must identify the authorised person by—

- (a) the authorised person's full name, or surname and initials; and
- (b) the date of issue of the authorised person's identity card; and
- (c) the date of expiry of the authorised person's identity card.

12 Authorised people for infringement notice offences

- (1) An inspector under the *Trade Measurement (Administration) Act 1991*, section 7 may serve—
 - (a) an infringement notice for an infringement notice offence against the trade measurement legislation; and
 - (b) a reminder notice for an infringement notice offence against the trade measurement legislation.

Schedule 1 Trade measurement legislation infringement notice offences and penalties

(see reg 7 and reg 8)

Part 1.1 Trade Measurement Act 1991

column 1 item	column 2 offence provision and, if relevant, case	column 3 offence penalty (penalty units)	column 4 infringement penalty (\$)
1	7 (1)		
1.1	(a) if measuring instrument is a weighbridge	100	500
1.2	(b) in any other case	50	500
2	7 (2)	100	500
3	8 (1)	200	200
4	8 (2)	200	200
5	28 (1)	100	250
6	28 (2)	100	250

Part 1.2 Trade Measurement (Measuring Instruments) Regulations 1991

column 1 item	column 2 offence provision and, if relevant, case	column 3 offence penalty (penalty units)	column 4 infringement penalty (\$)
1	22 (1) (e)	20	100
2	22 (1) (f)	20	100
3	22 (3) (a)	20	100
4	22 (3) (b)	20	100
5	22 (3) (c)	20	100
6	22 (3) (d)	20	100
7	23 (a)	20	100
8	23 (b)	20	100

Part 1.3 Trade Measurement (Miscellaneous) Regulations 1991

column 1 item	column 2 offence provision and, if relevant, case	column 3 offence penalty (penalty units)	column 4 infringement penalty (\$)
1	4 (2)	20	100

Part 1.4

Trade Measurement (Weighbridges) Regulations 1991

column 1 item	column 2 offence provision and, if relevant, case	column 3 offence penalty (penalty units)	column 4 infringement penalty (\$)
1	19	2	50
2	25 (a)	20	100
3	25 (c)	20	100
4	25 (d)	20	100
5	25 (e)	20	100
6	29	20	250
7	30 (1)	20	250

Endnotes

1 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
IA = Interpretation Act 1967	renum = renumbered
ins = inserted/added	reloc = relocated
LA = Legislation Act 2001	R[X] = Republication No
LR = legislation register	RI = reissue
LRA = Legislation (Republication) Act 1996	s = section/subsection
mod = modified / modification	sch = schedule
No = number	sdiv = subdivision
num = numbered	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

3 Legislation history

Magistrates Court (Trade Measurement Infringement Notices) Regulations 2002 SL2002-36

notified LR 12 December 2002

reg 1, reg 2 commenced 12 December 2002 (LA s 75 (1))

remainder commenced 13 December 2002 (reg 2)

4 Amendment history

Commencement

reg 2 om LA s 89 (4)

Authorised when accessed at www.legislation.act.gov.au or in authorised printed form

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