



Western Australia

## **Armorial Bearings Protection Act 1979**

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## **Armorial Bearings Protection Act 1979**

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## **Armorial Bearings Protection Act 1979**

**An Act to prohibit the unauthorised use of the Royal, State or other Arms and for other incidental purposes.**

**1. Short title**

This Act may be cited as the *Armorial Bearings Protection Act 1979*<sup>1</sup>.

**2. Commencement**

This Act shall come into operation on a day to be fixed by proclamation<sup>1</sup>.

**3. Improper use of Royal or other Arms an offence**

- (1) Every person who, directly or indirectly, without the previous written authority of Her Majesty, or of any member of the Royal Family, or of any Government Department in the United Kingdom, or of the Governor-General or Governor or other person administering the Government of any part of Her Majesty's Dominions (exclusive of the United Kingdom), or of any Government Department in any such part of Her Majesty's Dominions, or without the authority of any Act or Ordinance in force in any part of Her Majesty's Dominions (including the United Kingdom) —
- (a) prints, publishes, manufactures or uses or causes to be printed, published, manufactured or used; or
  - (b) sends, distributes or delivers to, or serves on, or causes to be sent, distributed or delivered to, or served on, any person,

any document, material or object in or upon which the Royal Arms or the Arms of any part of Her Majesty's Dominions, or Arms or any token insignia or emblem so nearly resembling the Royal Arms or the Arms of any part of Her Majesty's Dominions as to be likely to deceive or be capable of being mistaken for the same, appear —

- (c) for any commercial purpose; or
- (d) in such a manner as to suggest that the document, material or object has official significance,

shall be guilty of an offence and is liable to a penalty of \$500 but this subsection shall not apply to or in relation to the promotion, sale or use of any document, material or object printed, published or manufactured with the authority referred to in this subsection.

- (2) In any proceedings in respect of an offence under this section the onus of proving that authority has been duly given shall lie upon the person charged.
- (3) In any charge of an offence under this section it shall be sufficient to set forth that the act was done without due authority instead of setting forth in the words of subsection (1) that the act was done without the authority referred to in that subsection.
- (4) In any proceedings under this section, if any person is named on any paper, writing or object mentioned in this section in such manner as to imply that he is the printer, publisher, manufacturer, seller or sender of the same, that person shall *prima facie* be deemed to be the person who printed, published, manufactured, sold or sent that paper, writing or object.

*[Section 3 amended: No. 84 of 2004 s. 80.]*

#### **4. Penalties in case of bodies corporate**

Without affecting any other liability of any person under this Act or otherwise, a company or other body corporate shall be liable to the penalty for an offence under this Act as if it were a private person; and every person who, being a director,

manager, secretary or other officer of that company or other body corporate, aided, abetted, counselled or procured the commission of that offence shall also be liable to the penalty for that offence.

**5. Consent of Attorney General to proceedings**

No proceedings for an offence against this Act shall be taken by any person without the consent in writing of the Attorney General.

**6. Other proceedings not affected**

Nothing in this Act shall be held to affect any other proceeding, civil or criminal, which might have been taken against any person if this Act had not been passed, but a person shall not be punished for the same offence under any such proceeding and under this Act.

**Notes**

- <sup>1</sup> This is a compilation of the *Armorial Bearings Protection Act 1979* 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**

<b>Short title</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>
<i>Armorial Bearings Protection Act 1979</i>	108 of 1979	17 Dec 1979	1 Feb 1980 (see s. 2 and <i>Gazette</i> 1 Feb 1980 p. 283)
<b>Reprint 1: The <i>Armorial Bearings Protection Act 1979</i> as at 7 Nov 2003</b>			
<i>Criminal Procedure and Appeals (Consequential and Other Provisions) Act 2004</i>	84 of 2004	16 Dec 2004	2 May 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7129 (correction in <i>Gazette</i> 7 Jan 2005 p. 53))