

Those who fail to prepare, are preparing to fail.
-Zombyra

No more “Trading as” Names for Business

The practice whereby legal entities (for example, a company or close corporation) trade under names other than their registered names, will cease due to the implementation of the New Consumer Protection Act ('CPA'), which will come into force in October this year.

The Act prohibits any person from carrying on business under a name, other than such person's full name as recorded in an identity document, officially recognised or, in the case of a legal entity, the business name registered with the Registrar of Companies. This means that a trading name must be the registered name of the entity.

If an entity conducts business under a trading name that is not its registered name, the Consumer Commission may require it to cease trading under that name. Contraventions of the Act will not be treated lightly and there is provision for hefty penalties in the event of non-compliance.

The effective date for the implementation of the registration of business names is deemed to take effect by middle 2011. No action or penalties shall be imposed on a person for the use of a business name, if that person:

- (i) had registered that business name before the effective date; and
- (ii) was actively conducting business under that business name for a period of at least one year before the effective date.

Law & Laughter

Why won't sharks attack lawyers?

Professional courtesy.

Visit us online for the latest news and info on upcoming events!
www.vanhuyssteens.co.za

Non-reporting of child abuse is a Criminal Act

As a firm that is committed to social investment and the upliftment of those less fortunate, we wish to draw your attention to a section of the Children's Act which came into effect during April 2010.

The section compels certain professionals to report child abuse to a designated child protection organization, or to the provincial department of social development.

A suspicion of physical, emotional or sexual abuse, or deliberate neglect, and the reporting thereof must be based on reasonable grounds, be truthful and in the best interest of the child concerned.

Persons in terms of the Act include, amongst others, all medical personnel and professionals, legal practitioners, police and government officials, religious leaders, teachers, persons undertaking child care or protection, social workers, etc.

Anyone other than a person listed above **may** report abuse to a police officer, social worker or child welfare.

The section removes the professional's discretion to report abuse. Non-compliance is an offence which may result in a fine, imprisonment or both.

The Act as a whole seeks to give substance to the Constitutional protection and promotion of children's rights and we **must** comply.

Contact van Huyssteens

T +27 12 349 2306

F +27 12 349-2308

Address:

De Haviland Crescent Nr. 5,
III Villaggio Nr.12, Torino Suite
Persequor Park
Pretoria, South Africa

Van Huyssteens appreciates your feedback:

For information or editorial contributions, please e-mail: commercial@vanhuyssteens.co.za

If you would like to subscribe to this service, please send a blank e-Mail to: commercial@vanhuyssteens.co.za with the word 'subscribe' in the subject line. To unsubscribe send a blank e-Mail to: commercial@vanhuyssteens.co.za with the word 'un-subscribe' in the subject line.

Van Huyssteens Commercial Attorneys disclaims all liability for any loss, damage, injury or expense however caused, arising from the use of, or reliance upon, in any manner or form, the information provided through this newsletter. It does not, in any form or manner, warrant, or purport to warrant, the truth, accuracy and/or completeness of the information provided. Should any of the information provided herein be applicable to (or interest) you, please consult with a legal professional for comprehensive advice and guidance thereon. The publisher's prior written permission is required to reproduce, publish, use and/or display the contents hereof in any form or manner and/or for any reason whatsoever.