

1993—No. 31

TRAFFIC ACT 1909—REGULATION

(Relating to controls on street vending)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Traffic Act 1909, has been pleased to make the Regulation set forth hereunder.

WALLACE MURRAY, M.P.,
Minister for Roads.

Commencement

1. This Regulation commences on 1 February 1993.

Amendments to the General Traffic Regulations 1916

2. The General Traffic Regulations 1916 are amended:

(a) by omitting subsection 9 of section 6 and by inserting instead the following subsection:

9. Set up or use any basket, box, stall, barrow, stand or vehicle (other than a street vending vehicle) for the purpose of offering for sale my goods or for the pursuit of any business, calling or employment or any charitable purpose unless:

(a) the person has been issued with an approval under clause 12 of Ordinance No. 30 under the Local Government Act 1919 to set up or use the basket, box, stall, barrow, stand or vehicle; and

(b) the person is acting in compliance with my conditions attached to the approval.

In this subsection, “**street vending vehicle**” means a motor vehicle from which only ice cream, ice confection, chocolate or confectionery is sold.

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(b) by omitting subsection 7 of section 7.

Amendment to the Motor Traffic Regulations 1935

3. The Motor Traffic Regulations 1935 are amended by inserting after Regulation 130A (1) (f) (ii) the following matter:

; and

(iii) an offence arising under subsection 9 of section 6 of the General Traffic Regulations 1916; and

EXPLANATORY NOTE

Currently a person is prohibited by subsection 9 of section 6 of the General Traffic Regulations 1916 from setting up or using a stall, stand or standing vehicle on a public street for a business purpose unless the person has the approval of the Commissioner of Police or is licensed under the Local Government Act 1919. The penalty for breach of that provision is prescribed by Part 8 of Schedule K to the Motor Traffic Regulations 1935 and is currently \$68.

The object of this Regulation is to amend the General Traffic Regulations 1916 to dispense with the requirement for approval by the Commissioner of Police and to extend the prohibition to all vehicles other than street vending vehicles.

Clause 2 (b) of this Regulation removes a provision relating to advertising signs on footpaths which was made redundant by the repeal of the General Traffic Act 1900.

The Regulation also amends the Motor Traffic Regulations 1935 to prescribe certain employees of local councils as officers who can serve a penalty notice on a person who has committed an offence under subsection 9 of section 6 of the General Traffic Regulations 1916.