

1993—No. 429

IMPOUNDING ACT 1993—REGULATION

(Impounding (Penalty Notice Offences) Regulation 1993)

NEW SOUTH WALES



[Published in Gazette No. 94 of 27 August 1993]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Impounding Act 1993, has been pleased to make the Regulation set forth hereunder.

GARRY WEST, M.P.,
Minister for Local Government and Co-operatives.

Citation

1. This Regulation may be cited as the Impounding (Penalty Notice Offences) Regulation 1993.

Commencement

2. This Regulation commences on 27 August 1993.

Definitions

3. In this Regulation:

penalty notice means a notice served under section 36 of the Act;
the Act means the Impounding Act 1993.

Offence in respect of which penalty notices may be served

4. The offence of abandoning a motor vehicle in a public place, being an offence arising under section 32 (1) of the Act, is an offence to which section 36 of the Act applies.

Penalty for offence

5. For the purposes of section 36 (2) of the Act, 2 penalty units is the amount of penalty prescribed for the offence specified in clause 4 if that offence is dealt with under section 36 of the Act.

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EXPLANATORY NOTE

A penalty notice is a notice alleging that the person on whom the notice is served has committed the offence identified in it. If the person does not wish to have the matter of his or her guilt determined by a court, the person may pay the penalty specified in the notice and will then not be liable for further proceedings in relation to the alleged offence. If the matter is dealt with by a court and the person is found to be guilty of the offence, the court has discretion to impose any penalty for the offence up to the maximum allowed by the Act creating the offence. The penalty specified in a penalty notice, however, is usually less than that maximum.

Section 36 of the Impounding Act 1993 empowers impounding officers (defined in the Act) to serve penalty notices in respect of offences stated by the regulations to be offences to which that section applies. The object of this Regulation is to prescribe a particular offence created by that Act as an offence in respect of which penalty notices may be served and to prescribe the penalty for that offence if dealt with by means of penalty notices.

The Regulation is made under section 36 of the Impounding Act 1993.
