

1993—No. 587

TRAFFIC ACT 1909—REGULATION

(Relating to special mobility vehicles and driving on the footpath)

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.

BRUCE BAIRD
Minister for Roads.

Commencement

1. This Regulation commences on 1 April 1994.

Amendments

2. The Motor Traffic Regulations 1935 are amended:

(a) by omitting Regulation 34 (1) (k) and by inserting instead the following paragraph:

(k) section 6 (1) (a) and (b) of the Act and the provisions of these Regulations relating to the licensing of drivers, and section 6 (1) (c) (v) of the Act and the provisions of these Regulations relating to the affixing of number-plates or numbers on motor vehicles and section 7A (2) (a), (b) and (c) of the Act, in respect of any motor vehicle:

- (i) which is specially constructed to be used, and while upon a public street is used, solely for the conveyance of an invalid; and
- (ii) which weighs not more than 110 kg when unladen; and
- (iii) which is not capable of travelling at more than 10 km/h; and

(b) by inserting after Regulation 90A (3) the following clause:

(3A) The driver of a motor vehicle referred to in clause (2) (b) must not, when driving upon a footpath, drive the motor vehicle at a speed exceeding 10 km/h.

EXPLANATORY NOTE

Currently, Regulation 34 (1) (k) of the Motor Traffic Regulations 1935 exempts persons from certain offences and requirements under the Traffic Act 1909 relating to licensing and registration in relation to certain vehicles specially constructed to carry invalids on public streets.

Currently, the exemptions only apply where the unladen vehicle weighs 250 kg or less. The object of this Regulation is to modify those exemptions so that an invalid driving such a vehicle will only be exempt from the provisions if the vehicle weighs 110 kg or less and the vehicle is not capable of travelling more than 10 km/h.

The Regulation also amends Regulation 90A, which exempts vehicles used by invalids from the prohibition on driving on a footpath. That exemption will apply only when the vehicle is driven at a speed of not more than 10 km/h.

This Regulation is made under the Traffic Act 1909, including section 3 (1) (a), (v) and (11) and 7A (2A).
