

1993—No. 651

ROADS ACT 1993—REGULATION

(Relating to weight restrictions for vehicles using public roads)

NEW SOUTH WALES



[Published in Gazette No. 146 of 31 December 1993]

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

BRUCE BAIRD
Minister for Roads.

Commencement

1. This Regulation commences on 1 February 1994.

Amendment of Roads (Weight of Loads on Main Roads) Transitional Regulation 1993

2. The Roads (Weight of Loads on Main Roads) Transitional Regulation 1993 is amended:

- (a) by inserting after clause 4 (2) the following subclause:
 - (2A) The weights prescribed under subclause (1) are taken to be weight restrictions for the purposes of section 108 of the Act.
- (b) by inserting after clause 5 (1) the following subclause:
 - (1A) The weights prescribed under subclause (1) are taken to be weight restrictions for the purposes of section 108 of the Act.
- (c) by inserting after clause 6 (2C) the following subclause:
 - (2D) The weights prescribed under subclauses (1), (2), (2A) and (2B) are taken to be weight restrictions for the purposes of section 108 of the Act.

- (d) by inserting after clause 7 (3) the following subclause:
 - (3A) The weights prescribed under subclauses (1), (1A) and (3) are taken to be weight restrictions for the purposes of section 108 of the Act.
- (e) by inserting after clause 10 the following clause:

Vehicle not to be driven in contravention of weight restrictions imposed by excess weight permit

10A. A person must not drive, or cause to be driven, along a main road a vehicle that contravenes any weight restriction imposed as a condition of an excess weight permit in force with respect to the vehicle.
- (f) by inserting at the end of clause 15 the following subclause:
 - (2) Contravention of a provision of this Regulation does not give rise to an offence against this Regulation if the provision merely prescribes weight restrictions for the purposes of section 108 of the Act, but such a contravention may give rise to an offence against that section.

Amendment of Roads (Weight of Loads on Roads other than Main Roads) Transitional Regulation 1993

3. The Roads (Weight of Loads on Roads other than Main Roads) Transitional Regulation 1993 is amended:

- (a) by inserting after clause 4 (2) the following subclause:
 - (2A) The weights prescribed under subclause (1) are taken to be weight restrictions for the purposes of section 108 of the Act.
- (b) by inserting after clause 5 (1) the following subclause:
 - (1A) The weights prescribed under subclause (1) are taken to be weight restrictions for the purposes of section 108 of the Act.
- (c) by inserting after clause 6 (2C) the following subclause:
 - (2D) The weights prescribed under subclauses (1), (2), (2A) and (2B) are taken to be weight restrictions for the purposes of section 108 of the Act.
- (d) by inserting after clause 7 (3) the following subclause:
 - (3A) The weights prescribed under subclauses (1), (1A) and (3) are taken to be weight restrictions for the purposes of section 108 of the Act.

(e) by inserting after clause 10 the following clause:

Vehicle not to be driven in contravention of weight restrictions imposed by excess weight permit

10A. A person must not drive, or cause to be driven, along a road a vehicle that contravenes any weight restriction imposed as a condition of an excess weight permit in force with respect to the vehicle.

(f) by inserting at the end of clause 16 the following subclause:

(2) Contravention of a provision of this Regulation does not give rise to an offence against this Regulation if the provision merely prescribes weight restrictions for the purposes of section 108 of the Act, but such a contravention may give rise to an offence against that section.

(g) by omitting clauses 18 and 19.

Amendment of Roads (General) Transitional Regulation 1993

4. The Roads (General) Transitional Regulation 1993 is amended by renumbering clause 1A (as inserted by clause 4 of the Regulation under the Roads Act 1993 published in Gazette No. 73 of 1 July 1993) as clause 1AA.

Amendment of Roads (Public Gates) Transitional Regulation 1993

5. The Roads (Public Gates) Transitional Regulation 1993 is amended by omitting from clause 11 the words “or roads authority”.

EXPLANATORY NOTE

The object of this Regulation is to make minor amendments to the Roads (Weight of Loads on Main Roads) Transitional Regulation 1993 and the Roads (Weight of Loads on Roads other than Main Roads) Transitional Regulation 1993 for the purpose of bringing them into line with the provisions of the Roads Act 1993. The amendments repeal some provisions (on the basis that they merely duplicate provisions of the Act) and modify other provisions (on the basis that they are now intended merely to supplement provisions of the Act).

This Regulation also effects minor statute law revision.

This Regulation is made under the Roads Act 1993, including section 264 (the general regulation making power) and section 108.
