

**1993—No. 652**

**TRAFFIC ACT 1909—REGULATION**

(Relating to penalty notices)

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 Traffic Act 1909, has been pleased to make the Regulation set forth hereunder.

**BRUCE BAIRD**  
Minister for Roads.

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**Commencement**

**1.** This Regulation commences on 1 February 1994.

**Amendments**

**2.** The Motor Traffic Regulations 1935 are amended:

- (a) by inserting after Regulation 130A (1) (c1) the following paragraph:
  - (c2) a person who is an authorised officer (within the meaning of the Roads Act 1993) for the purposes of Division 2 of Part 14 of that Act is a prescribed officer in relation to the following offences:
    - (i) an offence arising under section 108, 112 or 235 of that Act;
    - (ii) an offence arising under the Roads (Weight of Loads on Main Roads) Transitional Regulation 1993 or the Roads (Weight of Loads on Roads other than Main Roads) Transitional Regulation 1993.
- (b) by omitting from Regulation 130A (1) (d) the words “, 8 (other than offences under the Traffic (Parking) Transitional Regulation 1993);”

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(c) by inserting in Part 12 of Schedule K, before the matter relating to section 115 (4) of the Roads Act 1993, the following matter:

Any offence under section 108, or under section 235 in relation to an offence under section 108:

- (a) if the offence arises because the axle load on a single steer axle or a single axle with single tyres exceeds the maximum prescribed under the Roads Act 1993 with respect to that axle:
  - by not more than 0.5 tonnes ..... 175
  - by more than 0.5 tonnes but not more than 1 tonne ..... 530
- (b) if the offence arises because the axle load on a single axle with dual tyres exceeds the maximum prescribed under the Roads Act 1993 with respect to that axle:
  - by not more than 1 tonne ..... 175
  - by more than 1 tonne but not more than 1.5 tonnes ..... 355
  - by more than 1.5 tonnes but not more than 2 tonnes ..... 530
  - by more than 2 tonnes but not more than 2.5 tonnes ..... 710
- (c) if the offence arises because the sum of the axle loads on a twin steer axle group or a tandem axle group exceeds the maximum prescribed under the Roads Act 1993 with respect to that axle group:
  - by not more than 1 tonne ..... 175
  - by more than 1 tonne but not more than 1.5 tonnes ..... 355
  - by more than 1.5 tonnes but not more than 2 tonnes ..... 530
  - by more than 2 tonnes but not more than 2.5 tonnes ..... 710
- (d) if the offence arises because the sum of the axle loads on a tri-axle group exceeds the maximum prescribed under the Roads Act 1993 with respect to that axle group:
  - by not more than 1 tonne ..... 175
  - by more than 1 tonne but not more than 2 tonnes ..... 355
  - by more than 2 tonnes but not more than 3 tonnes ..... 530
  - by more than 3 tonnes but not more than 4 tonnes ..... 710
- (e) if the offence arises because the laden weight of a vehicle exceeds the maximum laden weight prescribed under the Roads Act 1993 with respect to that vehicle:
  - by not more than 1 tonne ..... 175
  - by more than 1 tonne but not more than 2 tonnes ..... 355
  - by more than 2 tonnes but not more than 3 tonnes ..... 530
  - by more than 3 tonnes but not more than 4 tonnes ..... 710

Any offence under section 112, or under section 235 in relation to an offence under section 112, if the offence arises because the laden weight of the vehicle exceeds the maximum specified by means of a notice displayed in accordance with section 112:

- by not more than 1 tonne ..... 175
- by more than 1 tonne but not more than 2 tonnes ..... 355
- by more than 2 tonnes but not more than 3 tonnes ..... 530
- by more than 3 tonnes but not more than 4 tonnes ..... 710

Any offence under section 235 in relation to an offence under clause 10 or 10A of the Roads (Weight of Loads on Main Roads) Transitional Regulation 1993 or clause 10 or 10A of the Roads (Weight of Loads on Roads other than Main Roads) Transitional Regulation 1993:

- (a) if the offence arises because the axle load on a single steer axle or a single axle with single tyres exceeds the maximum prescribed by or under that clause with respect to that axle:
  - by not more than 0.5 tonnes ..... 175
  - by more than 0.5 tonnes but not more than 1 tonne ..... 530
- (b) if the offence arises because the axle load on a single axle with dual tyres exceeds the maximum prescribed by or under that clause with respect to that axle:
  - by not more than 1 tonne ..... 175
  - by more than 1 tonne but not more than 1.5 tonnes ..... 355
  - by more than 1.5 tonnes but not more than 2 tonnes ..... 530
  - by more than 2 tonnes but not more than 2.5 tonnes ..... 710
- (c) if the offence arises because the sum of the axle loads on a twin steer axle group or a tandem axle group exceeds the maximum prescribed by or under that clause with respect to that axle group:
  - by not more than 1 tonne ..... 175
  - by more than 1 tonne but not more than 1.5 tonnes ..... 355
  - by more than 1.5 tonnes but not more than 2 tonnes ..... 530
  - by more than 2 tonnes but not more than 2.5 tonnes ..... 710
- (d) if the offence arises because the sum of the axle loads on a tri-axle group exceeds the maximum prescribed by or under that clause with respect to that axle group:
  - by not more than 1 tonne ..... 175
  - by more than 1 tonne but not more than 2 tonnes ..... 355
  - by more than 2 tonnes but not more than 3 tonnes ..... 530
  - by more than 3 tonnes but not more than 4 tonnes ..... 710
- (e) if the offence arises because the laden weight of a vehicle exceeds the maximum laden weight prescribed by or under that clause with respect to that vehicle:
  - by not more than 1 tonne ..... 175
  - by more than 1 tonne but not more than 2 tonnes ..... 355
  - by more than 2 tonnes but not more than 3 tonnes ..... 530
  - by more than 3 tonnes but not more than 4 tonnes ..... 710
- (d) by inserting in Part 12 of Schedule K, after the matter relating to Roads (General) Transitional Regulation 1993, the following matter :

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

Any offence under clause 10 or 10A:

- (a) if the offence arises because the axle load on a single steer axle or a single axle with single tyres exceeds the maximum prescribed by or under that clause with respect to that axle:
  - by not more than 0.5 tonnes ..... 175
  - by more than 0.5 tonnes but not more than 1 tonne ..... 530
- (b) if the offence arises because the axle load on a single axle with dual tyres exceeds the maximum prescribed by or under that clause with respect to that axle:
  - by not more than 1 tonne ..... 175
  - by more than 1 tonne but not more than 1.5 tonnes ..... 355
  - by more than 1.5 tonnes but not more than 2 tonnes ..... 530
  - by more than 2 tonnes but not more than 2.5 tonnes ..... 710

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(c) if the offence arises because the sum of the axle loads on a twin steer axle group or a tandem axle group exceeds the maximum prescribed by or under that clause with respect to that axle group:		
by not more than 1 tonne .....	175	
by more than 1 tonne but not more than 1.5 tonnes .....	355	
by more than 1.5 tonnes but not more than 2 tonnes .....	530	
by more than 2 tonnes but not more than 2.5 tonnes .....	710	
(d) if the offence arises because the sum of the axle loads on a tri-axle group exceeds the maximum prescribed by or under that clause with respect to that axle group:		
by not more than 1 tonne .....	175	
by more than 1 tonne but not more than 2 tonnes .....	355	
by more than 2 tonnes but not more than 3 tonnes .....	530	
by more than 3 tonnes but not more than 4 tonnes .....	710	
(e) if the offence arises because the laden weight of a vehicle exceeds the maximum laden weight prescribed by or under that clause with respect to that vehicle:		
by not more than 1 tonne .....	175	
by more than 1 tonne but not more than 2 tonnes .....	355	
by more than 2 tonnes but not more than 3 tonnes .....	530	
by more than 3 tonnes but not more than 4 tonnes .....	710	

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

Any offence under clause 10 or 10A:

(a) if the offence arises because the axle load on a single steer axle or a single axle with single tyres exceeds the maximum prescribed by or under that clause with respect to that axle:		
by not more than 0.5 tonnes .....	175	
by more than 0.5 tonnes but not more than 1 tonne .....	530	
(b) if the offence arises because the axle load on a single axle with dual tyres exceeds the maximum prescribed by or under that clause with respect to that axle:		
by not more than 1 tonne .....	175	
by more than 1 tonne but not more than 1.5 tonnes .....	355	
by more than 1.5 tonnes but not more than 2 tonnes .....	530	
by more than 2 tonnes but not more than 2.5 tonnes .....	710	
(c) if the offence arises because the sum of the axle loads on a twin steer axle group or a tandem axle group exceeds the maximum prescribed by or under that clause with respect to that axle group:		
by not more than 1 tonne .....	175	
by more than 1 tonne but not more than 1.5 tonnes .....	355	
by more than 1.5 tonnes but not more than 2 tonnes .....	530	
by more than 2 tonnes but not more than 2.5 tonnes .....	710	
(d) if the offence arises because the sum of the axle loads on a tri-axle group exceeds the maximum prescribed by or under that clause with respect to that axle group:		
by not more than 1 tonne .....	175	
by more than 1 tonne but not more than 2 tonnes .....	355	
by more than 2 tonnes but not more than 3 tonnes .....	530	
by more than 3 tonnes but not more than 4 tonnes .....	710	

(e) if the offence arises because the laden weight of a vehicle exceeds the maximum laden weight prescribed by or under that clause with respect to that vehicle:	
by not more than 1 tonne .....	175
by more than 1 tonne but not more than 2 tonnes .....	355
by more than 2 tonnes but not more than 3 tonnes .....	530
by more than 3 tonnes but not more than 4 tonnes .....	710

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#### EXPLANATORY NOTE

The object of this Regulation is to enable penalty notices to be issued under section 18B of the Traffic Act 1909 with respect to the offences of overloading a motor vehicle in contravention of section 108, 112 or 235 of the Roads Act 1993, clause 10 or 10A of the Roads (Weight of Loads on Main Roads) Transitional Regulation 1993 or clause 10 or 10A of the Roads (Weight of Loads on Roads other than Main Roads) Transitional Regulation 1993.

The Regulation prescribes certain authorised officers under the Roads Act 1993 as prescribed officers for the purpose of issuing penalty notices for the offences and fixes the penalties that may be recovered in respect of the offences when dealt with by penalty notice.

This Regulation is made under the Traffic Act 1909, including section 3 (the general regulation making power) and section 18B.

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