

**1996—No. 191**

**TRAFFIC ACT 1909—REGULATION**

(Relating to registration of motor vehicles, and making amendments by way of  
statute law revision)

NEWSOUTH 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.

**MICHAEL KNIGHT, MP**  
Minister for Roads.

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**Commencement**

1. This Regulation commences on 1 June 1996.

**Amendments**

2. The Motor Traffic Regulations 1935 are amended:

- (a) by omitting from Regulation 18 (1) the words "who may, upon proof of the facts to his satisfaction" and by inserting instead the words "which may, on proof of the facts to its satisfaction";
- (b) by omitting from Regulations 28 (3), 31 (3), 53A (1), 91A (2) and 92C (4) the word "he" wherever occurring and by inserting instead the word "it";
- (c) by inserting at the end of Regulation 33A the following clauses:
  - (2) The Authority may suspend, either indefinitely or for such period as it thinks fit, the operation of clause (1) in relation to any vehicle to which that clause would, but for this clause, apply if, having regard to any of the matters referred to in Regulation 13, the Authority considers such action desirable in the public interest.

(3) Section 21 (1) and (2) of the Act applies to a decision to suspend under this Regulation in the same way as it applies to a decision to suspend referred to in subsection (1) (c) of that section.

- (d) by omitting from Regulations 92C (1) and 92E (3) the word “him” wherever occurring and by inserting instead the words “the Authority”;
- (e) by omitting from Regulation 94D the word “he” wherever occurring and by inserting instead the words “the Authority”.

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#### **EXPLANATORY NOTE**

At present, Regulation 33A of the Motor Traffic Regulations 1935 exempts certain motor vehicles (such as—in specified circumstances—those registered under the law in force in any place outside New South Wales that are brought for temporary use in New South Wales) from the requirement that they be registered under New South Wales law.

Clause 2 (c) of this Regulation amends the Motor Traffic Regulations 1935 so as to allow the Roads and Traffic Authority to withdraw that exemption from any vehicle benefiting from it if the Authority considers it desirable in the public interest to do so. In considering whether to withdraw an exemption, the Authority must have regard to the grounds on which it may refuse to register, or cancel the registration of, a motor vehicle, or may refuse to renew or transfer a registration.

Clause 2 (a), (b), (d) and (e) make amendments by way of statute law revision. Those amendments are consequential on the transfer of functions from the Commissioner for Motor Transport to the Roads and Traffic Authority.

This Regulation is made under the Traffic Act 1909 and, in particular, under section 3 (1) (a), (j) and (ll).

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