

1996—No. 236

TRAFFIC ACT 1909—REGULATION

(Relating to traders' plates)

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.

M. S. Knight
Minister for Roads.

Commencement

1. This Regulation commences on 30 June 1996.

Amendments

2. The Motor Traffic Regulations 1935 are amended:
 - (a) by inserting after Regulation 35 the following Regulations:

Identification labels for traders' plates

36. (1) The Authority is to issue an identification label for a trader's plate that indicates the period for which the trader's plate is issued.

(2) The identification label is to be in a form approved by the Authority.

(3) A reference in this Division to an identification label is a reference to the identification label for a trader's plate issued under this Regulation.

Affixing of identification labels

37. A motor vehicle to which a trader's plate is attached must not stand or be driven on a public street unless the identification label for the trader's plate is displayed in a holder attached to the trader's plate in accordance with the following requirements:

- (a) the holder must be attached to the trader's plate in such a manner that the label faces outward from the vehicle;
- (b) the holder must be made from transparent glass or other suitable material so that the label, when it is in the holder, is clearly visible to a person facing the label at a distance of 6 metres from the label.

Duplicate label

37A. (1) If the Authority is satisfied that an identification label has been lost, destroyed, stolen, mutilated or defaced, the Authority may, on payment of the fee prescribed in Schedule A, issue a duplicate identification label. The duplicate label is taken to be an identification label issued under Regulation 36 and the label that it replaces is void.

- (2) Before the Authority issues a duplicate label, it may:
 - (a) require proof that the original identification label was lost, stolen or destroyed; or
 - (b) require the original identification label to be surrendered to the Authority.

(3) If a person issued with a duplicate identification label later recovers the identification label that it replaced, the person must immediately notify the Authority of that fact and, unless otherwise directed by the Authority, surrender the original label to the Authority.

- (b) by inserting at the end of Regulation 39 the following clauses:

(2) A person must not drive or allow to be driven or be in charge of a motor vehicle to which a trader's plate is attached on a public street if the identification label attached to the trader's plate:

- (a) has been altered, mutilated or defaced in any manner; or
- (b) is not clearly visible and legible; or
- (c) was issued for attachment to another trader's plate; or
- (d) contains any incorrect particulars; or
- (e) is void; or
- (f) was issued for use in a period that has expired.

(3) A person must not alter or deface an identification label for a trader's plate.

(4) A person must not lend or part with an identification label issued to the person under these Regulations, except as authorised by these Regulations.

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- (c) by inserting after Regulation 104 (1) (a) the following subclause:
 - (a1) if an identification label issued under these Regulations for a trader's plate on the vehicle, or the holder for the identification label, is attached or displayed in such a manner as to hide or render indistinct any letters, symbols or figures on the trader's plate;
- (d) by inserting in Schedule A after item 9 the following item:

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- (e) by omitting from Table A in Part 2 of Schedule K the matter “38, 38A,” and by inserting instead the matter “37, 38, 38A, 39 (2) (a) or (e), 39 (3);”
- (f) by inserting in Table B in Part 2 of Schedule K after the matter “Regulation 12 (4),” the matter “39 (2) (b), (d) or (f),”;
- (g) by inserting in Table C in Part 2 of Schedule K after the matter “or an offence under Regulation” the matter “39 (2) (c), 39 (4),”.

EXPLANATORY NOTE

The object of this Regulation is to allow the Roads and Traffic Authority to issue identification labels for traders' plates (similar to registration labels) indicating the period for which a trader's plate is issued and to require the display of such a label on any motor vehicle that has traders' plates attached. The label is to be displayed in a holder attached to the trader's plate in such a manner that both the label and the plate are clearly visible. The Regulation also prohibits the use of altered, void, expired or illegible identification labels.

Provision is made for the issue of penalty notices for offences relating to the use of traders' plates.

This Regulation is made under the Traffic Act 1909, including section 3 (the general regulation making power), particularly section 3 (1) (a), (k), (l) and (q2), and section 18B (Penalty notices for certain offences).
