



New South Wales

Motor Traffic Amendment (Demerit Points Allocation) Regulation 1998

under the
Traffic Act 1909

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Traffic Act 1909*.

CARL SCULLY, M.P.,
Minister for Roads

Explanatory note

The object of this Regulation is to amend the *Motor Traffic Regulations 1935* as a consequence of the enactment of the *Fines Act 1996*. The amendments recognise that penalty notice enforcement orders are in future to be made under the *Fines Act 1996* rather than under the *Justices Act 1902*. The amendments will enable the Roads and Traffic Authority to take appropriate action (such as the allocation of demerit points, the cancellation of provisional and probationary licences and the issuing of notices requiring vehicle modification) in respect of certain offences for which penalty notice enforcement orders are made under the *Fines Act 1996*.

This Regulation is made under the *Traffic Act 1909*, including section 3.

1998 No 50

Clause 1 Motor Traffic Amendment (Demerit Points Allocation) Regulation 1998

Motor Traffic Amendment (Demerit Points Allocation) Regulation 1998

1 Name of Regulation

This Regulation is the *Motor Traffic Amendment (Demerit Points Allocation) Regulation 1998*.

2 Commencement

This Regulation commences on 30 January 1998.

3 Amendment of Motor Traffic Regulations 1935

The *Motor Traffic Regulations 1935* are amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 3)

[1] Regulation 10B Demerit points

Omit Regulation 10B (1) (d). Insert instead:

- (d) is a person against whom a penalty notice enforcement order under the *Fines Act 1996* has been made, or is taken to have been made, in respect of an offence mentioned in Schedule L,

[2] Regulation 12A Provisional licences

Omit Regulation 12A (6) (c). Insert instead:

- (c) if a penalty notice enforcement order under the *Fines Act 1996* has been made, or is taken to have been made, against the licensee in respect of any such offence, or

[3] Regulation 12B Probationary licences

Omit Regulation 12B (4) (c). Insert instead:

- (c) if a penalty notice enforcement order under the *Fines Act 1996* has been made, or is taken to have been made, against the licensee in respect of any such offence.

[4] Regulation 123E Modifications

Omit Regulation 123E (2) (c):

- (c) a penalty notice enforcement order under the *Fines Act 1996* has been made, or is taken to have been made, against a driver of any vehicle to which this Part applies in respect of an alleged offence so arising and the police officer or authorised officer who issued the relevant penalty notice indicated on the notice that, at the time of the alleged offence, the driver was driving the vehicle at a speed exceeding 105 km/h,

1998 No 50

Motor Traffic Amendment (Demerit Points Allocation) Regulation 1998

Schedule 1 Amendments

[5] Regulation 142A Towing fee for impounded vehicles

Omit “an enforcement order under section 100L of the Justices Act 1902” from Regulation 142A (3).

Insert instead “a penalty notice enforcement order under the *Fines Act 1996* that is made, or is taken to have been made, against the person and”.