MOTOR TRAFFIC (REGULATIONS) AMENDMENT ACT, 1977

New South Wales

ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

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Act No. 88, 1977.

An Act to amend the Motor Traffic Act, 1909, so as to validate, if they are invalid, certain regulations purporting to have been made under that Act; and to clarify the power to make regulations under that Act. [Assented to, 20th October, 1977.]

BE

Act No. 88, 1977.

Motor Traffic (Regulations) Amendment.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title. **1.** This Act may be cited as the "Motor Traffic (Regulations) Amendment Act, 1977".

Schedules. **2.** This Act contains the following Schedules :—

SCHEDULE 1.—AMENDMENTS TO THE MOTOR TRAFFIC ACT, 1909, RELATING TO POWERS TO MAKE REGULATIONS.

SCHEDULE 2.—CONSEQUENTIAL AMENDMENTS TO THE MOTOR TRAFFIC ACT, 1909.

Amendment of Act No. 5, 1909. **3.** The Motor Traffic Act, 1909, is amended in the manner set forth in Schedules 1 and 2.

Pro tanto validation of certain regulations. **4.** (1) Any regulation purporting to have been made under the Motor Traffic Act, 1909, before the date of assent to this Act shall, if it was not validly made, be, on and from that date, deemed to have been validly made and to be as valid and effectual as it would have been if the amendments made by section 3 and Schedules 1 and 2 had been in force when it purported to be made.

(2) In any proceedings in any court relating to an offence alleged to have been committed before the date of assent to this Act against any regulation referred to in subsection (1), the enactment of subsection (1) and of section 3 and Schedules 1 and 2 shall be disregarded by that court in determining whether any such regulation was validly made.

SCHEDULE

Motor Traffic (Regulations) Amendment.

SCHEDULE 1.   Sec. 3.

AMENDMENTS TO THE MOTOR TRAFFIC ACT, 1909,
RELATING TO POWERS TO MAKE REGULATIONS.

(1) Section 3 (1) (u)—

After section 3 (1) (t), insert :—

(u) provide for the exemption of any class or
description of persons or motor vehicles from
any specified provision or provisions of the
regulations in such circumstances, if any, and
subject to such conditions, if any, as may be
specified in the regulations or in any
instrument granting the exemption.

(2) Section 3 (3)–(6)—

After section 3 (2), insert :—

(3) A provision of a regulation may—

(a) apply generally or be limited in its application
by reference to specified exceptions or factors;
or

(b) apply differently according to different factors
of a specified kind,

or may do any combination of those things.

(4) Subsection (3) is supplemental to and not in
derogation of any other provision of this Act relating
to the making of regulations.

SCHEDULE

Motor Traffic (Regulations) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MOTOR TRAFFIC ACT, 1909,
RELATING TO POWERS TO MAKE REGULATIONS—*continued.*

(5) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(6) The generality of subsection (5) is not affected by any other provision of this Act relating to the making of regulations.

Sec. 3.

SCHEDULE 2.

CONSEQUENTIAL AMENDMENTS TO THE
MOTOR TRAFFIC ACT, 1909.

(1) (a) Section 3 (1) (q)—

Omit ", and generally for carrying this Act into effect".

(b) Section 3 (1) (q2)—

Omit ", and prescribe any matter which may be necessary or convenient, in relation to such special number plates, or such records".

SCHEDULE

Motor Traffic (Regulations) Amendment.

SCHEDULE 2—*continued.*

CONSEQUENTIAL AMENDMENTS TO THE
MOTOR TRAFFIC ACT, 1909—*continued.*

(c) Section 3 (1) (s)—

Omit ", subject to such exemptions as may be specified,".

(d) Section 3 (1) (t)—

Omit "year.", insert instead "year;".

(2) Section 8c (8) (c)—

Omit the paragraph.