

**MOTOR TRAFFIC (RADAR DETECTED OFFENCES)
AMENDMENT ACT 1987 No. 31**

NEW SOUTH WALES



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**MOTOR TRAFFIC (RADAR DETECTED OFFENCES) AMENDMENT
ACT 1987 No. 31**

NEW SOUTH WALES



Act No. 31, 1987

An Act to amend the Motor Traffic Act 1909 with respect to evidence relating to, and the testing of, approved radar speed measuring devices.
[Assented to 15 May 1987]

See also Crimes (Radar Detected Offences) Amendment Act 1987.

Motor Traffic (Radar Detected Offences) Amendment 1987

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 (Radar Detected Offences) Amendment Act 1987".

Commencement

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment of Act No. 5, 1909

3. The Motor Traffic Act 1909 is amended in the manner set forth in Schedule 1.

SCHEDULE 1

(Sec. 3)

AMENDMENTS TO THE MOTOR TRAFFIC ACT 1909

(1) Section 2 (**Interpretation**)—

Section 2 (1), definition of "Approved radar speed measuring device"—

Before the definition of "Breath analysing instrument", insert:

"Approved radar speed measuring device" means a device of a type approved by the Governor by order published in the Gazette as being designed to measure the speed at which a motor vehicle is travelling.

Motor Traffic (Radar Detected Offences) Amendment 1987

SCHEDULE 1—*continued*

AMENDMENTS TO THE MOTOR TRAFFIC ACT 1909—*continued*

(2) Section 3 (**Regulations**)—

Section 3 (1) (p2)—

After section 3 (1) (p1), insert:

- (p2) make provision with respect to approved radar speed measuring devices, including the testing of such devices;

(3) Section 4_{AB}—

After section 4_A, insert:

Evidence as to approved radar speed measuring devices

4_{AB}. (1) In proceedings for any offence in which evidence is given of a measurement of speed obtained by the use of an approved radar speed measuring device, a certificate purporting to be signed by the officer in charge of the Police Radar Engineering Unit certifying that—

- (a) the device is an approved radar speed measuring device within the meaning of the Act;
- (b) on a day specified in the certificate (being within the prescribed time before the alleged time of the offence) the device was tested in accordance with the regulations and sealed by an officer of the Police Radar Engineering Unit; and
- (c) on that day the device was accurate and operating properly,

is admissible and shall be prima facie evidence of the particulars certified in and by the certificate.

Motor Traffic (Radar Detected Offences) Amendment 1987

SCHEDULE 1—*continued*

AMENDMENTS TO THE MOTOR TRAFFIC ACT 1909—*continued*

(2) If a certificate which is so admissible is tendered in proceedings for an offence, evidence of the accuracy or reliability of the approved radar speed measuring device shall not be required in those proceedings unless evidence that the device was not accurate or not reliable has been adduced.