



New South Wales

Road Transport (General) Amendment (Suspension of Licences) Regulation 2001

under the

Road Transport (General) Act 1999

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (General) Act 1999*.

CARL SCULLY, M.P.,

Minister for Roads

Explanatory note

The object of this Regulation is to amend the *Road Transport (General) Regulation 1999* so as to restrict the power of a Local Court to allow certain kinds of appeal against the suspension of a driver's licence.

This Regulation is made under the *Road Transport (General) Act 1999*, including section 71 (the general power to make regulations) and clause 24 of Schedule 2.

2001 No 632

Clause 1 Road Transport (General) Amendment (Suspension of Licences)
Regulation 2001

**Road Transport (General) Amendment (Suspension
of Licences) Regulation 2001**

1 Name of Regulation

This Regulation is the *Road Transport (General) Amendment (Suspension of Licences) Regulation 2001*.

2 Commencement

This Regulation commences on 17 August 2001.

3 Amendment of Road Transport (General) Regulation 1999

The *Road Transport (General) Regulation 1999* is amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 3)

Schedule 2, Savings and transitional provisions, clause 6

Insert after clause 6 (7):

- (7A) A Local Court may only allow an appeal against a decision to suspend a person's driver licence under the *Road Transport (Driver Licensing) Regulation 1999* on the grounds referred to in clause 38 (1A) of that Regulation if the Court is satisfied:
- (a) that there is nothing in the person's medical condition to suggest that the person is, or will again become, incapable of controlling a motor vehicle, and
 - (b) that the incident that led to the suspension of the licence:
 - (i) was caused by something other than the person's medical condition at the time, or
 - (ii) was caused by the person's medical condition at that time, being a condition to which the person is no longer subject.
- (7B) The fact that a person has been acquitted of an offence arising out of the incident that led to the suspension of the person's driver licence, following the person's allegation that the incident was caused by the person's medical condition at that time, is irrelevant to the Local Court's consideration of the matters referred to in subclause (7A) (b).