



Road Transport (Driver Licensing) Amendment (Learner Licences and Demerit Points) Regulation 2003

under the

Road Transport (Driver Licensing) Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (Driver Licensing) Act 1998*.

CARL SCULLY, M.P.,
Minister for Roads

Explanatory note

The object of this Regulation is to amend the *Road Transport (Driver Licensing) Regulation 1999*.

In particular this Regulation:

- (a) specifies demerit points for certain offences relating to holders of learner licences and provisional licences driving without wearing seatbelts and driving with passengers who are not appropriately restrained, and
- (b) provides that a learner licence may be cancelled or suspended by the Roads and Traffic Authority if:
 - (i) the holder of the learner licence is convicted of an offence under the *Road Transport (Driver Licensing) Act 1998* or the Regulation, or of another offence set out in Schedule 1 to the Regulation, or
 - (ii) the holder of the learner licence pays a penalty pursuant to section 15 of the *Road Transport (General) Act 1999* in respect of any such offence, or
 - (iii) an order under Division 4 of Part 3 of the *Fines Act 1996* has been made, or is taken to be made, against the holder of the learner licence in respect of any such offence.

This Regulation is made under the *Road Transport (Driver Licensing) Act 1998*, including sections 19 (the general regulation-making power) and 20.

2003 No 470

Clause 1 Road Transport (Driver Licensing) Amendment (Learner Licences and Demerit Points) Regulation 2003

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Road Transport (Driver Licensing) Act 1998

1 Name of Regulation

This Regulation is the *Road Transport (Driver Licensing) Amendment (Learner Licences and Demerit Points) Regulation 2003*.

2 Amendment of Road Transport (Driver Licensing) Regulation 1999

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

Schedule 1 Amendments

(Clause 2)

[1] Clause 12A

Insert after clause 12:

12A Suspension or cancellation of learner licence

In addition to any other ground on which a learner licence may be cancelled or suspended by the Authority, a learner licence may be immediately cancelled or suspended by the Authority in the event of any of the following:

- (a) the holder of the learner licence is convicted of an offence under the Act or this Regulation, or of another offence set out in Schedule 1,
- (b) the holder of the learner licence pays a penalty pursuant to section 15 of the *Road Transport (General) Act 1999* in respect of any such offence,
- (c) an order under Division 4 of Part 3 of the *Fines Act 1996* has been made, or is taken to have been made, against the holder of the learner licence in respect of any such offence.

Note. Clause 39 contains requirements relating to the giving of notice of the suspension or cancellation of a licence.

[2] Schedule 1 Demerit points offences and penalties

Insert in appropriate order in Part 2 of Schedule 1:

Learner or P1 or P2 driver drive vehicle unrestrained (no restraint fitted)	3	6	Clause 47C (2) of <i>Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999</i>
Learner or P1 or P2 driver drive vehicle with unrestrained passenger	3	6	Clause 47C (2) of <i>Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999</i>
Driver drive with person in the boot of motor vehicle	3	6	Clause 47D of <i>Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999</i>

BY AUTHORITY