



New South Wales

Road Transport (Vehicle Registration) Amendment (Trader's Plates) Regulation 2004

under the

Road Transport (Vehicle Registration) Act 1997

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (Vehicle Registration) Act 1997*.

CARL SCULLY, M.P.,
Minister for Roads

Explanatory note

The object of this Regulation is to amend the *Road Transport (Vehicle Registration) Regulation 1998* with respect to trader's plates:

- (a) to increase the range of traders to whom trader's plates may be issued to include those persons who provide a service in relation to unregistered registrable vehicles that is incidental to the manufacture or repair of, or dealings in, those vehicles, being a service that the Roads and Traffic Authority is satisfied requires the use of trader's plates, and
- (b) to permit a prospective purchaser of an unregistered registrable vehicle to test drive the vehicle using trader's plates if the person has the written authorisation of the trader to whom the plates have been issued, and
- (c) to make certain requirements in relation to the issuing of an authorisation to a person to test drive an unregistered registrable vehicle, and
- (d) to remove requirements in relation to identification labels for trader's plates, and
- (e) to remove the power of the Roads and Traffic Authority to transfer trader's plates between traders.

This Regulation is made under the *Road Transport (Vehicle Registration) Act 1997*, including sections 14 (the general regulation-making power) and 15.

2004 No 850

Clause 1 Road Transport (Vehicle Registration) Amendment (Trader's Plates)
Regulation 2004

**Road Transport (Vehicle Registration) Amendment
(Trader's Plates) Regulation 2004**

under the

Road Transport (Vehicle Registration) Act 1997

1 Name of Regulation

This Regulation is the *Road Transport (Vehicle Registration) Amendment (Trader's Plates) Regulation 2004*.

2 Amendment of Road Transport (Vehicle Registration) Regulation 1998

The *Road Transport (Vehicle Registration) Regulation 1998* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 2)

[1] Clause 45 Issue of trader's plates

Omit clause 45 (1). Insert instead:

- (1) On the payment of the applicable scheduled fee, the Authority may issue one or more trader's plates to any person that the Authority is satisfied:
 - (a) is a manufacturer, or repairer of, or dealer in, unregistered registrable vehicles, or
 - (b) provides some other service in relation to unregistered registrable vehicles that is incidental to the manufacture or repair of, or dealings in, those vehicles, being a service that the Authority is satisfied requires the use of trader's plates.
- (1A) Despite subclause (1), the Authority is not to issue a trader's plate to a person unless the Authority is satisfied that the person carries on business from premises that the Authority considers to be suitable for the issue of trader's plates.

[2] Clause 45 (2) (c)

Insert at the end of clause 45 (2) (b) (ii):

- , and
- (c) remains the property of the Authority.

[3] Clauses 46 and 47

Omit the clauses.

[4] Clause 48

Omit the clause. Insert instead:

48 Use of vehicles with trader's plates on road or road related area

For the purposes of section 18 (2) (b) of the Act, a registrable vehicle to which a trader's plate is attached may be used on a road or road related area only if the use of the vehicle is an authorised use under clause 50.

[5] Clause 49 Affixing of identification labels

Omit the clause.

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Schedule 1 Amendments

[6] Clause 50 Purposes for which trader's plates may be used

Omit clause 50 (1). Insert instead:

- (1) Subject to subclause (2), the use of a registrable vehicle to which a trader's plate is affixed on a road or road related area is an authorised use if the vehicle (or in the case of a trailer, the vehicle by which it is drawn):
 - (a) is conveying the trader to whom the plate has been issued or the trader's authorised employee or agent, and is being driven:
 - (i) for a purpose connected with its manufacture or repair or connected with a dealing in the vehicle, or
 - (ii) for a purpose connected with a service of the kind referred to in clause 45 (1) (b) that is being provided in relation to the vehicle, or
 - (iii) to the nearest convenient motor registry for registration by the most direct or convenient route, or
 - (iv) for delivery at the address of a person who has acquired it from such a trader, or
 - (b) is being test driven by a prospective purchaser who is in possession of a written authorisation to drive the vehicle issued by the trader to whom the plate has been issued or by the trader's authorised employee or agent.

[7] Clause 50 (3) and (4)

Insert after clause 50 (2):

- (3) A person must not authorise an individual to test drive, on a road or road related area, an unregistered registrable vehicle to which a trader's plate is attached unless:
 - (a) the person is the trader to whom the trader's plate has been issued or is the trader's authorised employee or agent, and
 - (b) the person reasonably believes the individual to be a genuine prospective purchaser, and
 - (c) the person has made a record of the individual's name and address, and
 - (d) the person has provided the individual with a written authorisation to drive the vehicle.Maximum penalty (subclause (3)): 20 penalty units.

(4) In this clause:

trader's authorised employee or agent means an employee or agent of the trader duly authorised in writing.

[8] Clause 51 Unauthorised uses of identification labels

Omit the clause.

[9] Clause 54

Omit the clause. Insert instead:

54 Disposal or cessation of business

If a trader to whom a trader's plate has been issued sells, disposes of or ceases to carry on the business to which the trader's plate relates, the trader must immediately give written notification to the Authority of the sale, disposition or cessation of the business and deliver the trader's plate to the Authority.

Maximum penalty: 20 penalty units.

[10] Clause 55 Return of trader's plate

Omit "or transferred" wherever occurring from clause 55 (1) and (2).

[11] Schedule 2 Fees

Omit item (c) from Part 4.

[12] Schedule 6 Savings and transitional provisions

Insert after clause 9:

10 Transferred trader's plates

A trader's plate that was transferred to a person by the Authority under clause 54 (2) before the repeal of that subclause by the *Road Transport (Vehicle Registration) Amendment (Trader's Plates) Regulation 2004* is taken to have been issued to that person under clause 45 and expires at the end of the period for which it was issued under the transfer.

[13] Dictionary

Omit the definitions of *identification label* and *trader*.

Insert in alphabetical order:

trader means a person who is entitled to hold a trader's plate.