



New South Wales

Road Transport (Driver Licensing) Amendment (Notice of Licence Suspension or Cancellation) Regulation 2007

under the

Road Transport (Driver Licensing) Act 1998

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

ERIC ROOZENDAAL, M.L.C.,
Minister for Roads

Explanatory note

The object of this Regulation is to amend the *Road Transport (Driver Licensing) Regulation 1999* to make provision for a police officer and a person appointed by the Roads and Traffic Authority to personally serve a written notice on a person indicating that the records of the Authority show that the person's driver licence is suspended or cancelled.

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

2007 No 471

Clause 1 Road Transport (Driver Licensing) Amendment (Notice of Licence
Suspension or Cancellation) Regulation 2007

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of Licence Suspension or Cancellation) Regulation 2007**

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1 Name of Regulation

This Regulation is the *Road Transport (Driver Licensing) Amendment (Notice of Licence Suspension or Cancellation) Regulation 2007*.

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 Amendment

(Clause 2)

Clause 39A

Insert after clause 39:

39A Notice of suspension or cancellation of driver licence

- (1) An authorised officer may give a person notice in writing that the person's driver licence is suspended or cancelled if the records of the Authority indicate that the person's driver licence is suspended or cancelled.
- (2) A notice under this clause:
 - (a) must be in a form approved by the Authority, and
 - (b) must identify the person to whom it is given and state that the Authority's records show that his or her driver licence has been suspended or cancelled, and
 - (c) must state the date and time that the notice was given to the person.
- (3) Despite clause 6 of the *Road Transport (General) Regulation 2005*, a notice may only be given for the purposes of this clause by serving the notice personally.
- (4) Where a notice is given by a police officer under this clause, particulars of the notice are to be forwarded to the Authority immediately after the notice is given.
- (5) The giving of a notice to a person under this clause does not preclude any other action against the person in relation to an offence or alleged offence under any Act or regulation (including proceedings for an offence against section 25A of the Act).
- (6) For the purposes of this clause:

authorised officer means:

 - (a) a police officer, and
 - (b) a person who is appointed by the Authority as an authorised officer for the purposes of this clause.

Note. Section 230 (2) of the *Road Transport (General) Act 2005* provides that a statement in a certificate purporting to have been issued by the Authority or a police officer as to any matter that appears in or can be calculated from records kept or accessed by the Authority or police officer is admissible in any proceedings and is prima facie evidence of the matters stated.