



New South Wales

Road Transport (Vehicle Registration) Amendment (Heavy Vehicle Registration Charges) Regulation 2009

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*.

DAVID BORGER, MP
Minister Assisting the Minister for Transport

Explanatory note

The object of this Regulation is to make amendments to the *Road Transport (Vehicle Registration) Regulation 2007* that are consequential on the enactment of the *Road Transport (Vehicle Registration) Amendment (Heavy Vehicle Registration Charges) Act 2009*.

The *Road Transport (Vehicle Registration) Amendment (Heavy Vehicle Registration Charges) Act 2009* amends the *Road Transport (Vehicle Registration) Act 1997* to insert provisions dealing with registration charges for chargeable heavy vehicles and repeals the *Road Transport (Heavy Vehicles Registration Charges) Act 1995*.

A motor vehicle or trailer is a chargeable heavy vehicle if:

- (a) in the case of a motor vehicle or trailer that has a compliance plate—the maximum mass of the vehicle (including any load, recorded on the compliance plate as the GVM, GTMR or ATM of the vehicle) is more than 4.5 tonnes, or
- (b) in the case of a motor vehicle or trailer that does not have a compliance plate—its operating mass is more than 4.5 tonnes.

This Regulation provides for the following:

- (a) annual registration charges for chargeable heavy vehicles for the 2009–2010 financial year that are consistent with the provisions of the *Model Heavy Vehicle Charges Act* set out in the *National Transport Commission (Model Heavy Vehicle Charges Act) Regulations 2008* of the Commonwealth,
- (b) the calculation of refunds of registration charges on the cancellation of the registration of a chargeable heavy vehicle,

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- (c) exemptions from registration charges for chargeable heavy vehicles that are based on the provisions of Part 4 of the *Road Transport (Heavy Vehicles Registration Charges) Act 1995* (as in force immediately before its repeal),
- (d) other consequential amendments.

This Regulation is made under the *Road Transport (Vehicle Registration) Act 1997*, including sections 14 (the general regulation-making power), 17A and 17L (2) (b).

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under the

Road Transport (Vehicle Registration) Act 1997

1 Name of Regulation

This Regulation is the *Road Transport (Vehicle Registration) Amendment (Heavy Vehicle Registration Charges) Regulation 2009*.

2 Commencement

This Regulation commences on 1 January 2010 and is required to be published on the NSW legislation website.

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Schedule 1 Amendment of Road Transport (Vehicle Registration) Regulation 2007

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[1] Clauses 10 (1) (c), 30 (1) (b) and 41 (1) (d)

Omit “registration charge” wherever occurring.

Insert instead “relevant registration charge”.

[2] Clause 14 Maintenance of the Registers

Omit “, the *Road Transport (Heavy Vehicles Registration Charges) Act 1995*” from clause 14 (3).

[3] Clause 15 Certificates of registration

Omit “under the *Road Transport (Heavy Vehicles Registration Charges) Act 1995*” from clause 15 (1) (i).

Insert instead “for the purposes of Part 2A of the Act”.

[4] Clause 16 Registration labels

Omit “under the *Road Transport (Heavy Vehicles Registration Charges) Act 1995*” from clause 16 (2) (a) (ix).

Insert instead “for the purposes of Part 2A of the Act”.

[5] Clause 31 Obligations of registered operators

Omit “the *Road Transport (Heavy Vehicles Registration Charges) Act 1995*” from clause 31 (3) (b).

Insert “Part 2A of the Act”.

[6] Clause 31 (4)

Omit “section 20 of the *Road Transport (Heavy Vehicles Registration Charges) Act 1995*”.

Insert instead “section 17J of the Act”.

[7] Clause 41 Suspension or cancellation of registration by Authority

Omit “, this Regulation or the *Road Transport (Heavy Vehicles Registration Charges) Act 1995*” from clause 41 (1) (c).

Insert instead “or this Regulation”.

[8] Part 6, Divisions 1–4

Insert before clause 77:

Division 1 Preliminary**76A Definitions**

In this Part:

civil defence work means the work of dealing with an emergency as defined in section 4 of the *State Emergency and Rescue Management Act 1989*.

government-owned vehicle means a vehicle owned by the Crown or by a statutory body representing the Crown.

76B Meaning of “eligible pensioner”

- (1) In this Part, an ***eligible pensioner*** is a person in receipt of a relevant pensioner benefit who:
 - (a) is the holder of a current driver licence (being a licence for which no fee was payable by virtue of the *Road Transport (Driver Licensing) Act 1998* or the regulations under that Act), or
 - (b) is not the holder of any such driver licence, but who has:
 - (i) satisfied the Authority, by the production of a certificate from a medical practitioner, that the person is not medically fit to drive a vehicle, or
 - (ii) otherwise satisfied the Authority that the person should be treated as an eligible pensioner for the purposes of this Regulation.
- (2) For the purposes of subsection (1), a person is in receipt of a ***relevant pensioner benefit*** if the person is:
 - (a) the holder of a Pensioner Concession Card that is in force issued by the Commonwealth Department of Families, Housing, Community Services and Indigenous Affairs or the Commonwealth Department of Veterans' Affairs, or
 - (b) in receipt of a pension or other amount paid by the Commonwealth Department of Veterans' Affairs in respect of a war-caused disability seriously affecting the person's powers of movement, being a pension or other amount (or a pension or other amount below a rate) approved by the Authority for the purposes of this paragraph, or

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- (c) an armed services widow within the meaning of the *Social Security Act 1991* of the Commonwealth who is:
 - (i) in receipt of a pension under Part II or IV of the *Veterans' Entitlements Act 1986* of the Commonwealth at the maximum rate applicable under section 1064 (5) of the *Social Security Act 1991* of the Commonwealth, and
 - (ii) under the pension age for the person set out in section 5QA of the *Veterans' Entitlements Act 1986* of the Commonwealth.

Division 2 Calculation of registration charges for chargeable heavy vehicles

76C Annual registration charges for chargeable heavy vehicles

- (1) For the purposes of section 17A of the Act, the amount payable as the annual registration charge for a chargeable heavy vehicle is to be calculated in accordance with the provisions of Schedule 4.
- (2) A heavy vehicle must be registered as an individual vehicle or a towing unit in a category under Schedule 4.

76D Calculation of refund of registration charges for heavy vehicles on cancellation of registration

- (1) For the purposes of section 17L (2) (b) of the Act, a refund of a registration charge for a chargeable heavy vehicle is to be calculated in accordance with this clause.
- (2) A refund is to be calculated using the formula:

$$\left(\frac{\text{number of days} \times \text{charge}}{365} \right) - \text{fee}$$

where:

charge means the registration charge paid under Part 2A of the Act.

fee means the unpaid fees payable under the Act or this Regulation (including any unpaid fee for the cancellation of the registration).

number of days means the number of unexpired days of the registration period, from the date on which the Authority cancels the registration of the vehicle.

- (3) If an amount of refund determined in accordance with subclause (2) would comprise an amount that is not a whole number of dollars, the amount of refund is to be adjusted downwards to the next whole number of dollars.

Division 3 Exemptions from registration charges for chargeable heavy vehicles

76E Exemption for eligible pensioners

- (1) A chargeable heavy vehicle that is owned solely by an eligible pensioner, or jointly owned by 2 or more eligible pensioners only, is exempt from registration charges if:
- (a) it is not used in the course of any trade, business or profession or let out for hire, and
 - (b) it is used solely or principally by the pensioner or pensioners, and
 - (c) it is used substantially for social or domestic purposes or for pleasure, and
 - (d) it is a vehicle or a vehicle of a class or description of vehicles approved for the time being by the Authority.
- (2) Except as provided by subclause (3), an eligible pensioner is entitled to an exemption from registration charges in respect of one chargeable heavy vehicle only.
- (3) An eligible pensioner is entitled to an exemption from registration charges in respect of 2 chargeable heavy vehicles if the pensioner and another eligible pensioner are the joint registered owners of the vehicles and the pensioners are married to each other or in a de facto relationship with each other, or reside in the same household.
- (4) In this clause:
de facto relationship has the same meaning as in the *Property (Relationships) Act 1984*.

76F Exemption for civil defence vehicles

- (1) A chargeable heavy vehicle (other than a government-owned vehicle) that, while on a road or road related area, is used solely for or in connection with civil defence work and is registered in the name of a body controlling that work is exempt from registration charges.

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- (2) The Minister may grant an exemption or partial exemption from registration charges in respect of any other chargeable heavy vehicle (other than a government-owned vehicle) that, while on a road or road related area, is used solely for or in connection with civil defence work.

76G Exemption for vehicles used for mine rescue work

A chargeable heavy vehicle (other than a government-owned vehicle) specially constructed to carry out mine rescue work for the purposes of the *Coal Industry Act 2001* is exempt from registration charges.

76H Exemption for vehicles with trader's plates

A chargeable heavy vehicle on which a trader's plate is being used in accordance with the Act is exempt from registration charges.

76I Exemption for vehicles exempted from registration

A chargeable heavy vehicle that is exempted from registration is exempt from registration charges.

76J Exemptions granted by Minister

- (1) The Minister may grant an exemption or partial exemption from registration charges in respect of a chargeable heavy vehicle (other than a government-owned vehicle) for which there is no other provision for exemption or partial exemption under this Division if the vehicle:
- (a) is, in the Minister's opinion, used solely or principally as an ambulance, and
 - (b) is used by or on behalf of a non-profit organisation having as one of its objects a charitable, benevolent, philanthropic or patriotic purpose.
- (2) The Minister may grant an exemption or partial exemption from registration charges in respect of a chargeable heavy vehicle for which there is no other provision for exemption (other than partial exemption) under this Division if the vehicle is registered conditionally under this Regulation.

Division 4 Miscellaneous

[9] Clause 79 Registration charges

Omit the clause.

[10] **Schedule 4**

Insert after Schedule 3:

**Schedule 4 Registration charges for chargeable
heavy vehicles**

(Clause 76C)

Part 1 Interpretation

Note. Some of the expressions defined in this Part are also defined in the Dictionary (whether in the same terms, substantially the same terms or different terms). A definition for an expression that is defined in this Part prevails over any different definition of the same expression set out in the Dictionary. The expressions defined in this Part are based on nationally agreed definitions for use in relation to determining registration charges for heavy vehicles.

1 Definitions

(1) In this Schedule:

articulated bus means a bus consisting of more than one rigid section with passenger access between the sections and the sections connected to one another so as to allow rotary movement between the sections.

axle means one or more shafts positioned in a line across a vehicle, on which one or more wheels intended to support the vehicle turn.

axle group means a single axle group, tandem axle group, twinsteer axle group, tri-axle group or quad-axle group.

B-double combination means a combination consisting of a prime mover towing 2 semi-trailers.

B-double lead trailer means a semi trailer that is nominated for use as the lead trailer in a B-double combination.

B-triple combination means a combination consisting of a prime mover towing 3 semi-trailers.

B-triple lead trailer means a semi trailer that is nominated for use as the lead trailer in a B-triple combination.

B-triple middle trailer means a semi trailer that is nominated for use as the second trailer in a B-triple combination.

bus means a motor vehicle, built mainly to carry people, that seats more than 9 adults (including the driver).

bus (type 1) means a rigid bus that has 2 axles and an MRC not exceeding 12 tonnes.

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bus (type 2) means:

- (a) a rigid bus that has 2 axles and an MRC exceeding 12 tonnes, or
- (b) a rigid bus that has 3 or 4 axles.

converter dolly means a trailer with a fifth wheel coupling designed to support a semi trailer for hauling purposes.

dog trailer means a trailer with:

- (a) one axle group or single axle at the front that is steered by connection to the towing vehicle by a drawbar, and
- (b) one axle group or single axle at the rear.

drawbar means a part of a trailer (other than a semi trailer) that connects the trailer body to a coupling for towing purposes.

fifth wheel coupling means a device, other than the upper rotating element and the kingpin (which are parts of a semi trailer), used with a prime mover, semi trailer or a converter dolly to permit quick coupling and uncoupling and to provide for articulation.

lead trailer, in a combination, means the trailer that is, or that is to be, attached to the prime mover.

load carrying vehicle means a vehicle designed and constructed to haul or carry goods and wares in addition to any fuel, water, lubricants, tools and any other equipment or accessories necessary for normal operation of the vehicle.

long combination truck means a truck nominated to haul 2 or more trailers.

low loader means a gooseneck semi trailer with a loading deck no more than 1 metre above the ground.

low loader dolly means a mass-distributing device that:

- (a) is usually coupled between a prime mover and low loader, and
- (b) consists of a gooseneck rigid frame, and
- (c) does not directly carry any load on itself, and
- (d) is equipped with one or more axles, a kingpin and a fifth wheel coupling.

medium combination truck means a truck, other than a short combination truck, nominated to haul one trailer.

multi-combination prime mover means a prime mover nominated to haul 2 or more trailers.

nominated means nominated by the person applying for registration.

pig trailer means a trailer with one axle group or single axle near the middle of its load-carrying surface, and connected to the towing vehicle by a drawbar.

pole type trailer means a trailer that:

- (a) is attached to a towing vehicle by means of a pole or an attachment fitted to a pole, and
- (b) is ordinarily used for transporting loads, such as logs, pipes, structural members or other long objects, that are generally capable of supporting themselves like beams between supports.

prime mover means a motor vehicle designed to haul a semi trailer.

quad-axle group means a group of 4 axles, in which the horizontal distance between the centre-lines of the outermost axles is more than 3.2 metres but not more than 4.9 metres.

semi trailer means a trailer (including a pole type trailer) that has:

- (a) one axle group or single axle towards the rear, and
- (b) a means of attachment to a prime mover or a converter dolly that results in some of the load being imposed on the prime mover, or the converter dolly, as the case may be.

short combination prime mover means a prime mover nominated to haul one semi trailer.

short combination truck means a truck nominated to haul one trailer where, according to the nomination:

- (a) the combination has 6 axles or fewer, and
- (b) the maximum total mass that is legally allowable for the combination is 42.5 tonnes or less.

single axle means an axle not forming part of an axle group.

single axle group means a group of 2 or more axles, in which the horizontal distance between the centre-lines of the outermost axles is less than 1 metre.

special purpose vehicle—see clause 4.

special purpose vehicle (type O) means a special purpose vehicle (other than a special purpose vehicle (type P)):

- (a) built, or permanently modified, primarily for use on roads, and
- (b) that has at least one axle or axle group loaded in excess of the axle load limits specified in the Table to this definition.

Note. Examples of this kind of vehicle are mobile cranes, fire engines, truck-mounted concrete pumps and boring plants. These kinds of vehicle may also fall within the definition of ***special purpose vehicle***

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(*type T*) if they have no axle or axle group loaded in excess of the axle load limits specified in the Table to this definition.

Table—Axle load limits

Column 1	Column 2	Column 3
Item no	Type of axle or axle group	Axle load limit (tonnes)
1	Single axles:	
	(a) 2 tyres	6.0
	(b) 2 wide profile tyres (375mm to 450mm)	6.7
	(c) 2 wide profile tyres (over 450mm),	7.0
	(d) 4 or more tyres (on pig trailer)	8.5
	(e) 4 or more tyres (on other vehicles)	9.0
2	Twinsteer axle groups:	
	(a) non-load sharing suspensions	10.0
	(b) load sharing suspensions	11.0
3	Tandem axle groups:	
	(a) 4 tyres	11.0
	(b) 4 wide profile tyres (375mm to 450mm)	13.3
	(c) 4 wide profile tyres (over 450mm)	14.0
	(d) 6 tyres	13.0
	(e) 8 or more tyres (on pig trailers)	15.0
	(f) 8 or more tyres (on other vehicles)	16.5
4	Tri-axle groups:	
	(a) 6, 8 or 10 tyres	15.0

Column 1	Column 2	Column 3
Item no	Type of axle or axle group	Axle load limit (tonnes)
(b)	6 wide profile tyres (375mm or over) on pig trailers	18.0
(c)	6 wide profile tyres (375mm or over) on other vehicles	20.0
(d)	12 or more tyres (on pig trailers)	18.0
(e)	12 or more tyres (on other vehicles)	20.0

special purpose vehicle (type P) means a special purpose vehicle built, or permanently modified, primarily for:

- (a) off-road use, or
- (b) use on a road related area, or
- (c) use on an area of road that is under construction or repair.

Note. Examples of this kind of vehicle are agricultural tractors, self-propelled agricultural harvesters, bulldozers, backhoes, graders and front-end loaders.

special purpose vehicle (type T) means a special purpose vehicle (other than a special purpose vehicle (type P)):

- (a) built, or permanently modified, primarily for use on roads, and
- (b) that has no axle or axle group loaded in excess of the axle load limits specified in the Table to the definition of **special purpose vehicle (type O)** in this subclause.

Note. Examples of this kind of vehicle are mobile cranes, fire engines, truck-mounted concrete pumps and boring plants. These kinds of vehicle may also fall within the definition of **special purpose vehicle (type O)** if they have at least one axle or axle group loaded in excess of the axle load limits specified in the Table to that definition.

tandem axle group means a group of at least 2 axles, in which the horizontal distance between the centre-lines of the outermost axles is at least 1 metre but not more than 2 metres.

trailer has the same meaning as in the *Road Transport (General) Act 2005*.

tri-axle group means a group of at least 3 axles, in which the horizontal distance between the centre-lines of the outermost axles is more than 2 metres, but not more than 3.2 metres.

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truck means a rigid motor vehicle that is principally constructed as a load carrying vehicle.

truck (type 1) means a truck that has:

- (a) 2 axles and an MRC not exceeding 12 tonnes, or
- (b) 3 axles and an MRC not exceeding 16.5 tonnes, or
- (c) 4 or more axles and an MRC not exceeding 20 tonnes.

truck (type 2) means a truck that has:

- (a) 2 axles and an MRC exceeding 12 tonnes, or
- (b) 3 axles and an MRC exceeding 16.5 tonnes, or
- (c) 4 or more axles and an MRC exceeding 20 tonnes.

twinsteer axle group means a group of 2 axles.

- (2) Any term or expression used in this Schedule that is defined for the purposes of Part 2A of the Act has the same meaning in this Schedule as it has in that Part unless it is otherwise defined in this Schedule.

2 Close-spaced axles

- (1) For the purposes of this Schedule (other than the definitions of **single axle group**, **tandem axle group**, **twinsteer axle group**, **tri-axle group** and **quad-axle group** in clause 1):
 - (a) 2 axles less than one metre apart are to be regarded as one axle, and
 - (b) 3 axles not more than 2 metres apart are to be regarded as 2 axles, and
 - (c) 4 axles not more than 3.2 metres apart are to be regarded as 3 axles.
- (2) A reference to a distance in subclause (1) is a reference to the horizontal distance between the centre-lines of:
 - (a) in the case of subclause (1) (a), the 2 axles, and
 - (b) in any other case, the outermost axles.

3 Determination of number of trailers

For the purposes of determining the number of trailers that a prime mover or truck is nominated to haul:

- (a) a converter dolly and a semi trailer when used together are to be regarded as one trailer, and

-
- (b) a low loader dolly and a low loader when used together are to be regarded as one trailer.

Note. Nothing in this clause affects the requirement under another Part of this Schedule that a separate annual registration fee be paid for each converter dolly or low loader dolly and for each semi trailer.

4 Special purpose vehicle

- (1) In this Schedule, *special purpose vehicle* means:
- (a) a vehicle (other than a caravan, a mobile home, a mobile library, a mobile workshop, a mobile laboratory or a mobile billboard) where the primary purpose for which it was built, or permanently modified, was not the carriage of goods or passengers, or
 - (b) any of the following vehicles:
 - (i) a forklift,
 - (ii) a straddle carrier,
 - (iii) a mobile cherry picker,
 - (iv) a mobile crane.
- (2) The term *goods* in subclause (1) (a) does not include fuel, water, lubricants, tools and any other equipment or accessories necessary for the normal operation of the vehicle.

5 Chargeable heavy vehicles in 2 or more categories

If a chargeable heavy vehicle falls within 2 or more categories or types of vehicle that are relevant for the purposes of determining a registration charge under this Schedule, the charge for the vehicle is the higher or highest of the charges that could apply to the vehicle.

Part 2 Annual registration charges for 2009–2010 financial year

6 Amount of annual registration charge for 2009–2010 financial year

The annual registration charge for a chargeable heavy vehicle that is registered, or the registration of which is renewed, during the 2009–2010 financial year is:

- (a) if the vehicle is a truck or prime mover—the relevant amount (having regard to the number of axles of the vehicle) set out in Column 2, 3, 4 or 5 of Table 1 to this clause opposite the type of truck or prime mover concerned as specified in Column 1 of the Table, or

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- (b) if the vehicle is a trailer—the relevant amount (having regard to the axles or axle group of the trailer) set out in Column 2, 3 or 4, or calculated in accordance with Column 5, of Table 2 to this clause opposite the type of trailer concerned as specified in Column 1 of the Table, or
- (c) if the vehicle is a bus—the relevant amount set out in Column 2, 3 or 4 of Table 3 to this clause (having regard to the number of axles of the vehicle) opposite the type of bus concerned as specified in Column 1 of the Table, or
- (d) if the vehicle is a special purpose vehicle—the amount (if any) specified by, or calculated in accordance with, Column 2 of Table 4 to this clause opposite the type of vehicle concerned as specified in Column 1 of the Table.

Table 1—Load carrying vehicles

Column 1	Column 2	Column 3	Column 4	Column 5
Vehicle type	2 axles	3 axles	4 axles	5 or more axles
Trucks				
Truck (type 1)	\$392	\$673	\$673	\$673
Truck (type 2)	\$673	\$886	\$886	\$886
Short combination truck	\$673	\$886	\$1,644	\$1,644
Medium combination truck	\$6,014	\$6,014	\$6,496	\$6,496
Long combination truck	\$8,293	\$8,293	\$8,293	\$8,293
Prime movers				
Short combination prime mover	\$1,032	\$4,056	\$4,460	\$4,460
Multi-combination prime mover	\$7,276	\$7,276	\$8,003	\$8,003

Table 2—Load carrying trailers

Column 1	Column 2	Column 3	Column 4	Column 5
Trailer type	Single axle	Tandem axle group	Tri-axle axle group	Quad-axle group and above
Pig trailer	\$392	\$784	\$1,176	An amount in dollars calculated using the formula: $392 \times$ Number of axles
Dog trailer	n/a	\$784	\$1,176	An amount in dollars calculated using the formula: $392 \times$ Number of axles
Semi trailer	\$392	\$784	\$1,254	An amount in dollars calculated using the formula: $418 \times$ Number of axles
B-double lead trailer and B-triple lead and middle trailers	\$392	\$2,352	\$3,684	An amount in dollars calculated using the formula: $1,228 \times$ Number of axles
Converter dolly or low dolly	\$392	\$784	\$1,176	An amount in dollars calculated using the formula: $392 \times$ Number of axles

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Table 3—Buses

Column 1	Column 2	Column 3	Column 4
Bus type	2 axles	3 axles	4 or more axles
Bus (type 1)	\$392	n/a	n/a
Bus (type 2)	\$392	\$2,154	\$2,154
Articulated bus	n/a	\$392	\$392

Table 4—Special purpose vehicles

Column 1	Column 2
Type of vehicle	Amount or formula for amount
Special purpose vehicle (type P)	No charge
Special purpose vehicle (type T)	\$256
Special purpose vehicle (type O)	An amount in dollars calculated using the formula: $320 + (320 \times \text{Number of axles over 2})$

[11] DictionaryOmit the definitions of *eligible pensioner* and *registration charge*.

Insert in alphabetical order:

eligible pensioner has the same meaning as in Part 6.*relevant registration charge* for a vehicle means:

- (a) in relation to a heavy vehicle—the amount payable as a registration charge under Part 2A of the Act, or
- (b) in relation to a light vehicle—the amount payable as motor vehicle tax under the *Motor Vehicles Taxation Act 1988*.