

1991—No. 138

TRAFFIC ACT 1909—REGULATION

(Relating to the administration of authorities concerning authorised inspection stations)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Traffic Act 1909, has been pleased to make the Regulation set forth hereunder.

WAL MURRAY
Minister for Roads.

Citation

1. This Regulation may be cited as the Motor Traffic (Business Licences) Amendment Regulation 1991.

Commencement

2. This Regulation commences on 15th day of March, 1991.

Amendment of Motor Traffic Regulations 1935

3. The Motor Traffic Regulations 1935 are amended:

(a) by omitting Regulation 92A (3) and by inserting instead the following clause:

(3) Any person who the Authority is satisfied can perform the required duties and has suitable premises and equipment may be authorised to use the premises for the purposes of conducting any inspection referred to in clause (2).

(b) by omitting Regulation 92A (4) (b) and by inserting instead the following paragraph:

(b) remain in force until it is surrendered, suspended or cancelled; and

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- (c) by omitting from Regulation 92A (4) and (5) the matter “or (3)” wherever occurring;
- (d) by omitting from Regulation 92A (4) (c) the words “and renewed”;
- (e) by omitting from Regulation 92A (5) the words “or renewed”;
- (f) by inserting after Regulation 92A (5) the following clauses:
 - (6) An authority referred to in clause (3) is an authority to use premises for conducting inspections of motor vehicles to determine whether they are suitable for safe use or comply with the Act or these Regulations, being a component licence of a master licence under the Business Licences Act 1990 and being a component licence that is in force.
 - (7) An authority referred to in clause (3) shall:
 - (a) apply to the inspection of any motor vehicle or only to the inspection of any class or classes of motor vehicles specified in the authority;
 - (b) remain in force until it is surrendered, suspended or cancelled; and
 - (c) be granted or refused (as the case may be) by the Director of Business Licences under the Business Licences Act 1990 as authorised by the Authority.
- (g) by omitting from Regulation 92D (1) the words “or renew” and “or renewal”;
- (h) by inserting after Regulation 92D (1) the following clause:
 - (1A) A notice of refusal referred to in clause (1) may be given by the Director of Business Licences on behalf of the Authority.
- (i) by omitting Regulation 92D (5) and by inserting instead the following clauses:
 - (5) When the decision to suspend or cancel an authority has effect, the holder shall immediately deliver to the Authority any forms issued by the Authority in connection with the authority together with the authority itself (other than an authority referred to in Regulation 92A (3)).
 - (6) In the case of an authority referred to in Regulation 92A (3), a reference in clause (1) or Regulation 92E (1) to the Authority’s refusing to issue an authority is a reference to the Authority’s authorising the Director of Business Licences to refuse to grant the component licence.
- (j) by omitting from Regulation 92E (1) the words “or renew”;

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- (k) by inserting after Regulation 92F the following Regulation:
Authorities administered under the Act
92G. If an authority referred to in Regulation 92A (3) is being administered under the Traffic Act 1909 pursuant to an authorisation under Part 2 of Schedule 2 to the Business Licences Act 1990, then for the purposes of that administration these Regulations are to be construed as if they had not been mended by the Motor Traffic (Business Licences) Amendment Regulation 1991.
- (l) by omitting from item 23 (a) of Schedule A the words “or renewal”;
- (m) by omitting item 24 of Schedule A.
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EXPLANATORY NOTE

The object of this Regulation is to mend the Motor Traffic Regulations 1935 to reflect changes in the administration of authorities to use premises as authorised inspection stations for the purpose of determining whether or not motor vehicles are suitable for safe use or comply with the requirements of the Act or the Regulations.

The changes are consequential on the application of the Business Licences Act 1990 to those authorities, which will be applied for, granted and administered as component licences of a master licence under that Act. However, in some cases they will continue to (temporarily) to be administered under the Traffic Act 1909. those cases, the Motor Traffic Regulations 1935 are to be read as if they had not been amended by this Regulation.

The authorities will remain in force until they are surrendered, suspended or cancelled.
