

1991—No. 665

TRAFFIC ACT 1909—REGULATION

(Relating to the removal of public vehicle components from driver's licence classifications)

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.

Commencement

1. This Regulation commences on 1 January 1992.

Amendments

2. The Motor Traffic Regulations 1935 are amended:
 - (a) by omitting Regulations 8 and 9 and by inserting instead the following Regulations:

Classes of licences

8. Licences are classified as follows in respect of the following types of motor vehicles:

Class 1A:

- (a) any motor vehicle (except a motor cycle) equipped to seat not more than 12 adults, including the driver, and not exceeding 4.5 tonnes manufacturer's gross vehicle mass;
- (b) a tractor;
- (c) an implement.

Class 1B:

- (a) any motor vehicle equipped to seat more than 12 adults but not more than 30 adults, including the driver;
- (b) any motor vehicle of a type included in Class 1A.

Class 3A:

- (a) any motor vehicle (except an articulated vehicle, a motor omnibus equipped to seat more than 30 adults, including the driver, a heavy trailer combination or a motor cycle) not exceeding 15 tonnes manufacturer's gross vehicle mass or not having more than 2 axles;
- (b) a tractor;
- (c) an implement.

Class 3B—any motor vehicle (except an articulated vehicle, a motor omnibus equipped to seat more than 30 adults, including the driver, a heavy trailer combination or a motor cycle).

Class 4A—any motor vehicle of a type included in Class 3A and a motor omnibus equipped to seat more than 30 adults, including the driver.

Class 4B—any motor vehicle of a type included in Class 3B and a motor omnibus equipped to seat more than 30 adults, including the driver.

Class 5A:

- (a) any articulated motor vehicle or heavy trailer combination not exceeding 24 tonnes manufacturer's gross combination mass or not having more than 3 axles;
- (b) any motor vehicle of a type included in Class 4B.

Class 5B—any motor vehicle (except a road train or a motor cycle).

Class 5C—any motor vehicle (except a motor cycle).

Class R—any motor cycle.

Any of the above licence classifications (except Class R) may be extended by the endorsement on the licence by the Authority of the letter R. A licence so endorsed authorises the holder to ride a motor cycle, subject to such conditions as the Authority may determine and specify on the licence.

Restrictions on issue of licences

9. (1) A licence of any of the following classes is not to be issued unless the applicant for the licence satisfies the criteria set out in relation to each such class:

Class 1A—the applicant is 17 years of age or over.

Class 1B—the applicant:

- (a) is 18 years of age or over; and
- (b) has held a licence (other than a learner's licence), or the equivalent of a licence issued under the law in force in any State, Territory or country (other than the equivalent of a learner's licence), to drive a motor vehicle other than a motor cycle for a period of, or for periods totalling, one year.

Class 3A—the applicant:

- (a) is 18 years of age or over; and
- (b) has held a licence (other than a learner's licence), or the equivalent of a licence issued under the law in force in any State, Territory or country (other than the equivalent of a learner's licence), to drive a motor vehicle other than a motor cycle for a period of, or for periods totalling, one year.

Class 3B—the applicant:

- (a) is 18 years of age or over; and
- (b) has held a Class 3A licence (other than a learner's licence), or the equivalent of such a licence issued under the law in force in any State, Territory or country (other than the equivalent of a learner's licence), to drive a motor vehicle for a period of, or for periods totalling, one year.

Class 4A—the applicant:

- (a) is 19 years of age or over; and
- (b) has held a licence (other than a learner's licence), or the equivalent of a licence issued under the law in force in any State, Territory or country (other than the equivalent of a learner's licence), to drive a motor vehicle other than a motor cycle for a period of, or for periods totalling, one year.

Class 4B—the applicant:

- (a) is 19 years of age or over; and

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- (b) has held a Class 3A, Class 3B or Class 4A licence (other than a learner's licence), or the equivalent of such a licence issued under the law in force in any State, Territory or country (other than the equivalent of a learner's licence), to drive a motor vehicle for a period of, or for periods totalling, one year.

Class 5A—the applicant:

- (a) is 19 years of age or over; and
- (b) has held a Class 3A, Class 3B, Class 4A or Class 4B licence (other than a learner's licence), or the equivalent of such a licence issued under the law in force in my State, Territory or country (other than the equivalent of a learner's licence), to drive a motor vehicle for a period of, or for periods totalling, one year.

Class 5B—the applicant:

- (a) is 19 years of age or over; and
- (b) has held a Class 3A, Class 3B, Class 4A, Class 4B or Class 5A licence (other than a learner's licence), or the equivalent of such a licence issued under the law in force in any State, Territory or country (other than the equivalent of a learner's licence), to drive a motor vehicle for a period of, or for periods totalling, one year.

Class 5C—the applicant:

- (a) is 21 years of age or over; and
- (b) has held a Class 5B licence (other than a learner's Licence), or the equivalent of such a licence issued under the law in force in any State, Territory or country (other than the equivalent of a learner's licence), to drive a motor vehicle for a period of, or for periods totalling, one year.

Class R—the applicant is 17 years of age or over and:

- (a) has been the holder of a Class R licence previously; or
- (b) is the holder of a current learner's licence, being a licence which the person has held for not less than 3 months,

and is the holder of a certificate of satisfactory completion of a provisional licence rider training course under Part 2A (being a certificate that is not more than 3 months old at the

time the person applies for the Class R licence) or is, by virtue of clause (2) or Regulation 531, exempt from the requirement to hold such a certificate.

(2) A person applying for the issue of a Class R licence who has previously held such a licence is exempt from the requirement to hold the certificate referred to in clause (1).

(3) Despite clause (2), the Authority may, in a particular case or class of cases, require a person referred to in that clause to undertake an appropriate authorised rider training course referred to in Part 2A (even if the person has previously undertaken such a course), and to be the holder of a certificate of satisfactory completion of that course (being a certificate that is not more than 3 months old at the time the person applies for the further licence), before the person is granted a Class R licence.

(4) A Class 1B, Class 3A, Class 3B, Class 4A, Class 4B, Class 5A, Class 5B or Class 5C licence must not be issued to any person if the licence referred to in clause (1) held by the person is a provisional licence.

(5) The Authority may, at its discretion, but subject to Regulation 10 (1), grant a licence of any class to any person who is under the age prescribed in clause (1) in respect of that class of licence, or who has not held a licence, or the equivalent of a licence (other than a learner's licence or its equivalent) for the period or periods prescribed in clause (1) in respect of that class of licence or whose licence is a provisional licence, where the Authority is satisfied that special circumstances exist which justify the granting of a licence of that class to the person.

(6) In this Regulation, a reference to a licence includes a reference to a renewal of a licence.

- (b) by omitting from Regulations 9B and 10 the word "Commissioner" wherever occurring (except where it occurs as part of the expression "Commissioner of Police" in Regulation 10 (2D)) and by inserting instead the word "Authority";
- (c) by omitting Regulation 10 (1) (d);
- (d) by omitting Regulation 10 (2A) and (2B) and by inserting instead the following clauses:

(2A) Without limiting the generality of clause (1), the Authority may refuse to grant to any person a Class 1B, Class 3A, Class 3B, Class 4A, Class 4B, Class 5A, Class 5B or Class 5C licence if the Authority is not satisfied that the person has had such experience in driving a motor vehicle (other than a motor cycle) as will

enable the person to drive with safety a vehicle of the type to which that class of licence relates.

(2B) The Authority may refuse to renew a licence which has been cancelled pursuant to a notice under section 18C of the Act until such time as the amount payable in accordance with the notice has been paid.

- (e) by omitting Regulation 10 (214);
- (f) by omitting from Regulation 10 (5) the words “he thinks” and by inserting instead the words “it thinks”;
- (g) by omitting Regulation 12 (1) (c);
- (h) by omitting Regulation 12 (1) (e)—(f1) and by inserting instead the following paragraphs:
 - (e) to a person who:
 - (i) is at least 18 years and 9 months of age; and
 - (ii) has held a Class 1A, Class 1B, Class 3A or Class 3B licence or the equivalent of such a licence issued under the law in force in any State, Territory or country, (other than a learner’s licence or its equivalent), to drive a motor vehicle for a period of, or for periods totalling, 9 months,
to learn to drive a motor vehicle of a type to which a Class 4A licence relates;
 - (e1) to a person who:
 - (i) is at least 18 years and 9 months of age; and
 - (ii) has held a Class 3A, Class 3B or Class 4A licence, or the equivalent of such a licence issued under the law in force in my State, Territory or country (other than a learner’s licence or its equivalent) to drive a motor vehicle for a period of, or for periods totalling, 9 months,
to learn to drive a motor vehicle of a type to which a Class 4B licence relates;
 - (f) to a person who:
 - (i) is at least 18 years and 9 months of age; and
 - (ii) has held a Class 3A, Class 3B or Class 4A, or Class 4B licence, or the equivalent of such a licence issued under the law in force in any State, Territory or

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country (other than a learner's licence or its equivalent) to drive a motor vehicle for a period of, or for periods totalling, 9 months,

to learn to drive a motor vehicle of a type to which a Class 5A licence relates;

(f1) to a person who:

(i) is at least 18 years and 9 months of age; and

(ii) has held a Class 3A, Class 3B or Class 4A, Class 4B or Class 5A licence, or the equivalent of such a licence issued under the law in force in my State, Territory or country (other than a learner's licence or its equivalent) to drive a motor vehicle for a period of, or for periods totalling, 9 months,

to learn to drive a motor vehicle of a type to which a Class 5B licence relates;

Savings

3. A licence (including a learner's licence) of any class that was issued under the Motor Traffic Regulations 1935 before 1 January 1992 (a "superseded licence") is taken to be a licence of the equivalent class prescribed by the Motor Traffic Regulations 1935 as amended by this Regulation. References in those Regulations or in any licence document, form of application or other statutory or administrative instrument to a superseded licence are to be construed accordingly.

EXPLANATORY NOTE

The object of this Regulation is to amend the Motor Traffic Regulations 1935 so as to omit the provisions relating to those classes of drivers' licences that are concerned with the use of a vehicle as a public passenger vehicle. As a consequence of enactment of the Passenger Transport Act 1990, administrative responsibilities concerning public passenger vehicles will be transferred from the Roads and Traffic Authority to the Department of Transport from 1 January 1992.
