



New South Wales

Road Transport (General) Amendment Regulation 2008

under the

Road Transport (General) Act 2005

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (General) Act 2005*.

MICHAEL DALEY, M.P.,
Minister for Roads

Explanatory note

The object of this Regulation is to amend the *Road Transport (General) Regulation 2005* to provide for the charging of fees with respect to the clamping of vehicles and to make certain amendments that are necessary as a consequence of the commencement of certain amendments made to the *Road Transport (General) Act 2005* by the *Road Transport Legislation Amendment (Car Hoons) Act 2008*.

This Regulation is made under the *Road Transport (General) Act 2005*, including sections 219F (1) and (2) and 223 and section 10 (the general regulation-making power).

2008 No 432

Clause 1 Road Transport (General) Amendment Regulation 2008

Road Transport (General) Amendment Regulation 2008

under the

Road Transport (General) Act 2005

1 Name of Regulation

This Regulation is the *Road Transport (General) Amendment Regulation 2008*.

2 Commencement

This Regulation commences on 26 September 2008.

3 Amendment of Road Transport (General) Regulation 2005

The *Road Transport (General) Regulation 2005* is amended as set out in Schedule 1.

Schedule 1 Amendments

(clause 3)

[1] Part 5, heading

Omit the heading. Insert instead:

Part 5 Impounded and clamped vehicles**[2] Clause 36 Impounding fee**

Omit “section 223 (2) (a)”. Insert instead “section 223 (2)”.

[3] Clause 38A

Insert after clause 38:

38A Fees with respect to clamping of vehicles

For the purposes of section 219F (1) and (2) of the Act, the fee payable with respect to the clamping of a vehicle under section 219 or 219A, respectively, of the Act is to be determined by adding together the various components (as applicable) set out in items 4–7 of Schedule 1 in relation to that fee.

[4] Schedule 1 Fees

Omit “36 and 47”. Insert instead “36, 38A and 47”.

[5] Schedule 1 Fees

Omit “section 223 (2) (a)” from item 2. Insert instead “section 223 (2)”.

[6] Schedule 1

Insert after item 3:

- | | | |
|-----|---|----------------|
| 4 | For travelling to a place (the <i>call out place</i>) to collect a vehicle and transport it to the place where it is to be clamped (the <i>clamping place</i>): | clause 38A |
| (a) | for transportation to a clamping place within 10 kilometres of the call out place, and | 234 |
| (b) | in addition for each kilometre in excess of 10 kilometres that the vehicle is transported | 5.68 |
| 5 | For clamping the vehicle | clause 38A 264 |

2008 No 432

Road Transport (General) Amendment Regulation 2008

Schedule 1 Amendments

- 6 For removing clamps from a vehicle clamped at the home address of a driver or registered operator clause 38A 132

In addition to any amount specified in item 4 or 5, the fee is to include a surcharge of 20% for action taken by a clamping agent outside the usual business operating hours of the clamping agent

- 7 For each day that a clamped vehicle is stored at a place under the control of or used for the purposes of clamping vehicles by a clamping agent clause 38A 17.60

BY AUTHORITY
