



AUSTRALIAN CAPITAL TERRITORY

Motor Traffic (Amendment) Act (No. 2) 1993

No. 57 of 1993

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AUSTRALIAN CAPITAL TERRITORY

Motor Traffic (Amendment) Act (No. 2) 1993

No. 57 of 1993

An Act to amend the *Motor Traffic Act 1936*

[Notified in ACT Gazette S172: 6 September 1993]

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Short title

1. This Act may be cited as the *Motor Traffic (Amendment) Act (No. 2) 1993*.

Commencement

2. (1) Section 1 and this section commence on the day on which this Act is notified in the *Gazette*.

(2) The remaining provisions commence on a day fixed by the Minister by notice in the *Gazette*.

(3) If the provisions referred to in subsection (2) have not commenced before the end of the period of 6 months commencing on the day on which this Act is notified in the *Gazette*, those provisions, by force of this subsection, commence on the first day after the end of that period.

Principal Act

3. In this Act, “Principal Act” means the *Motor Traffic Act 1936*.¹

Interpretation

4. Section 4 of the Principal Act is amended—

- (a) by omitting “motor lorry” from the definition of “motor implement” in subsection (1) and substituting “truck”;
- (b) by omitting “motor lorry” from the definition of “visiting motor vehicle” in subsection (1) and substituting “rigid truck or articulated vehicle”;
- (c) by omitting from subsection (1) the definition of “learner” and substituting the following definition:
 - “ ‘learner’ means the holder of a learner licence or learner licence receipt when driving a vehicle of a class to which the licence or receipt relates;”;
- (d) by omitting from subsection (1) the definitions of “equipment motor lorry” and “motor lorry”; and
- (e) by inserting in subsection (1) the following definitions:
 - “ ‘articulated motor omnibus’ means a motor omnibus that consists of 2 or more rigid sections coupled together so that—
 - (a) there is rotary movement between them; and
 - (b) passengers may move freely from one to another;
 - ‘B-double’ means a combination of vehicles that consists of an articulated vehicle drawing a semi-trailer, where the rear semi-trailer is superimposed on the other semi-trailer;
 - ‘corresponding licence’ means a licence or an authorisation to drive a motor vehicle issued by a State or another Territory or in another country;
 - ‘determined fee’ means the fee determined by the Minister under section 217A for the purposes of the provision in which the expression occurs;

‘equipment truck’ means a motor vehicle constructed to be used principally for the purpose of conveying machinery that is permanently affixed to the motor vehicle to a working site and, while at the working site, of providing a platform and power supply for the operation of the machinery;

‘full licence’ means a full licence granted under section 10 or paragraph 10A (1) (b);

‘gross combination mass’, in relation to a vehicle comprising a motor vehicle and a trailer or semi-trailer that is coupled to the motor vehicle, means the aggregate of—

- (a) the gross mass of the motor vehicle; and
- (b) the gross mass of the trailer or semi-trailer;

‘gross mass’, in relation to a vehicle, means the aggregate of—

- (a) the mass of the vehicle;
- (b) the mass of any equipment being carried by the vehicle; and
- (c) the mass of any load being carried by the vehicle;

‘heavy articulated vehicle’ means an articulated vehicle that has—

- (a) a manufacturer’s gross combination mass that exceeds 24 tonnes; or
- (b) more than 3 axles;

‘heavy trailer combination’ means a motor vehicle the manufacturer’s gross vehicle mass of which exceeds 4.5 tonnes to which there is attached 1 trailer—

- (a) the manufacturer’s gross vehicle mass of which exceeds 5 tonnes; or
- (b) if the trailer is exempt from the requirement that its manufacturer’s gross vehicle mass be stated—the tare of which exceeds 2 tonnes;

‘inter-state Registrar’ means a person who, under the law of a State or another Territory, has functions that correspond to the functions of the Registrar;

‘learner licence’ means a learner licence granted under section 9A;

‘learner licence receipt’ means a learner licence receipt granted under section 9A;

‘light motor omnibus’ means a motor omnibus that—

- (a) has a manufacturer’s gross vehicle mass that does not exceed 15 tonnes; and
- (b) is capable of seating more than 30 adults;

‘light truck’ means a rigid truck that has—

- (a) a manufacturer’s gross vehicle mass that does not exceed 15 tonnes; or
- (b) not more than 2 axles;

‘light vehicle’ means a motor vehicle, other than a motor cycle, that—

- (a) has a manufacturer’s gross vehicle mass that does not exceed 4.5 tonnes; and
- (b) is capable of seating not more than 12 adults;

and includes a motor tractor and a motor implement;

‘manufacturer’s gross combination mass’, in relation to a vehicle comprising a motor vehicle and a trailer or semi-trailer that is coupled to the motor vehicle, means the mass that the manufacturer of the vehicle recommends should not be exceeded by the gross combination mass of the motor vehicle and the trailer or semi-trailer;

‘manufacturer’s gross vehicle mass’, in relation to a vehicle, means the mass that the manufacturer of the vehicle recommends should not be exceeded by the gross mass of the vehicle;

‘probationary licence’ means a probationary licence granted under section 180V;

‘provisional endorsement’ means an endorsement on a licence made under section 9B;

‘provisional licence’ means a provisional licence granted under section 9B or paragraph 10A (1) (a);

‘rigid motor omnibus’ means a small motor omnibus, a light motor omnibus or a heavy motor omnibus;

‘rigid truck’ means a motor vehicle constructed to be used principally for the carriage on public streets of goods, merchandise or produce or the conveyance of materials or equipment, but does not include an equipment truck, a motor implement, a motor tractor or a passenger car derivative;

‘road train’ means a combination of vehicles that consists of—

- (a) a rigid truck drawing more than 1 trailer; or
- (b) an articulated vehicle drawing 1 or more trailers;

but does not include a B-double;

‘small motor omnibus’ means a motor omnibus that—

- (a) has a manufacturer’s gross vehicle mass that does not exceed 15 tonnes; and
- (b) is capable of seating not less than 13 and not more than 30 adults;

‘special licence’ means a special licence granted under section 13A;”.

Design rules

5. Section 7A of the Principal Act is amended—

- (a) by omitting “motor lorry, an equipment motor lorry” from paragraph (b) of the definition of “heavy motor vehicle” in subsection (1) and substituting “rigid truck, an equipment truck”; and
- (b) by omitting from subsection (1) the definition of “manufacturer’s gross vehicle mass”.

Substitution

6. Sections 9 and 10 of the Principal Act are repealed and the following sections substituted:

Classes of licences

“9. (1) The Minister may, by instrument, declare that a specified class of licence entitles the licensee to drive a specified class of motor vehicles.

“(2) An instrument made under subsection (1) is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.

Learner licences and learner licence receipts

“9A. (1) Subject to this Act and to the *Motor Traffic (Alcohol and Drugs) Act 1977*, the Registrar may grant—

- (a) a learner licence to a person who does not hold another licence; and
- (b) a learner licence receipt to a person who holds a full, provisional or probationary licence;

in relation to a class of vehicles specified on the licence or receipt (as the case requires) and may renew that licence or receipt from time to time.

“(2) Before granting a learner licence or learner licence receipt the Registrar shall require the applicant to pass a test approved by the Registrar.

“(3) A learner licence or learner licence receipt shall not be granted to an applicant unless—

- (a) in the case of a licence or receipt to drive a motor cycle—
 - (i) the applicant is at least 16 years and 9 months of age; and
 - (ii) has, within 3 months prior to applying for the licence or receipt, successfully completed a motor cycle rider training course approved by the Registrar by notice in the *Gazette*; and
- (b) in the case of a licence or receipt to drive a light vehicle other than a taxi or a private hire car—the applicant is at least 16 years of age.

“(4) Notwithstanding subsection (3), the Registrar may grant a learner licence to drive a vehicle of the class specified in the learner licence to a person to whom the Registrar would, but for this subsection, be prohibited from granting a learner licence, if the Registrar is satisfied that special circumstances exist that justify granting a learner licence to the person.

“(5) A learner licence granted by virtue of subsection (4) shall be subject to such conditions, specified in the licence, as are necessary to ensure that the licensee does not drive a motor vehicle otherwise than for purposes in connection with the special circumstances referred to in subsection (4).

“(6) A person to whom a learner licence is granted by virtue of subsection (4) shall comply with a condition specified in the licence.

“(7) A learner licence and learner licence receipt are valid for the period of 15 months commencing on the date of grant.

“(8) A learner shall not drive on a public street a light vehicle—

(a) if the seat next to the learner is not occupied by—

- (i) a person who holds a full licence to drive a motor vehicle in the class driven by the learner; or
- (ii) by a person who is submitting the learner to a driving test authorised by the Registrar;

(b) if there is not displayed conspicuously at, and so as to be clearly visible from, the front and rear of the vehicle, a square sign—

- (i) each side of which is not less than 155 millimetres in length; and
- (ii) displaying the letter ‘L’ in black on a yellow background;

being a sign that has been issued or authorised by the Registrar; or

(c) where a trailer is coupled to the vehicle—if the manufacturer’s gross vehicle mass of the trailer exceeds 750 kilograms.

“(9) A learner shall not drive on a public street a motor cycle—

(a) if it is being used for the carriage of any person other than the learner or a person who—

- (i) holds a full licence to drive a motor cycle; and
- (ii) is safely seated in a sidecar attached to the motor cycle;

(b) if there is not displayed conspicuously at, and so as to be clearly visible from, the rear of the motor cycle a square sign—

- (i) each side of which is not less than 155 millimetres in length; and
- (ii) displaying the letter ‘L’ in black on a yellow background;

being a sign that has been issued or authorised by the Registrar; or

(c) to which there is coupled a trailer.

“(10) The owner or person in charge of a motor vehicle shall not—

- (a) cause;
- (b) permit; or

- (c) fail to take reasonable precautions to prevent;

a contravention of subsection (8) or (9) in connection with the vehicle.

Provisional licences and endorsements

“9B. (1) Subject to this Act and to the *Motor Traffic (Alcohol and Drugs) Act 1977*, the Registrar may—

- (a) grant a provisional licence to drive a specified class of vehicles to a person who does not hold a provisional or full licence; or
- (b) make, on a provisional or full licence, a provisional endorsement that entitles the licensee to drive a specified class of vehicles that he or she is not already entitled to drive;

and may renew such a licence or endorsement from time to time.

“(2) Subject to this section, the Registrar shall not grant a provisional licence or make a provisional endorsement unless the applicant—

- (a) in the case of a provisional licence or endorsement to drive a motor cycle, has held—
 - (i) a learner licence;
 - (ii) a corresponding licence; or
 - (iii) a learner licence receipt;

to drive a motor cycle for a period of, or periods totalling, not less than 3 months;

- (b) in the case of a provisional licence or endorsement to drive a light vehicle, has held—
 - (i) a learner licence;
 - (ii) a corresponding licence; or
 - (iii) a learner licence receipt;

to drive a light vehicle for a period of, or periods totalling, not less than 6 months;

- (c) in the case of a provisional licence to drive a rigid truck, rigid motor omnibus, public motor vehicle or private hire car—has held a licence, a provisional endorsement or a corresponding licence to drive a light vehicle for a period of, or periods totalling, not less than 12 months;

- (d) in the case of a provisional licence to drive an articulated vehicle, heavy trailer combination or an articulated motor omnibus—has held a licence or a corresponding licence to drive a rigid truck or rigid motor omnibus (other than a small motor omnibus) for a period of, or periods totalling, not less than 12 months; or
- (e) in the case of a provisional licence to drive a road train or B-double—has held a licence or a corresponding licence to drive—
 - (i) a heavy articulated vehicle; or
 - (ii) a heavy trailer combination—
 - (A) the manufacturer's gross combination mass of which exceeds 24 tonnes; or
 - (B) that has more than 3 axles;for a period of, or periods totalling, not less than 12 months.

“(3) A reference in a paragraph of subsection (2) to a corresponding licence shall be read as a reference to a corresponding licence that, in the opinion of the Registrar, is equivalent to a licence referred to in that paragraph.

“(4) In calculating, for the purposes of subsection (2), the time during which a person has held a licence, any period during which the licence has been suspended shall be disregarded.

“(5) Subject to this section, the Registrar shall not grant a provisional licence or make a provisional endorsement unless the applicant—

- (a) in the case of a licence to drive a rigid truck or rigid motor omnibus—is at least 18 years of age;
- (b) in the case of a licence to drive an articulated vehicle, heavy trailer combination or articulated motor omnibus—is at least 19 years of age;
- (c) in the case of a licence to drive a road train, B-double, public motor vehicle or private hire car—is at least 21 years of age; and
- (d) in the case of any other licence or of an endorsement—is at least 17 years of age.

“(6) The Registrar shall not grant a provisional licence unless the applicant—

- (a) surrenders any other licence or corresponding licence that he or she may be holding and furnishes a declaration that he or she holds no other licence or corresponding licence; or
- (b) furnishes a declaration that he or she holds no licence or corresponding licence.

“(7) Subject to this Act and to the *Motor Traffic (Alcohol and Drugs) Act 1977*, a provisional endorsement ceases to be valid if the licence on which it is made is cancelled, suspended or expires.

“(8) A provisional licence shall not be granted for a period that exceeds 3 years from the date of the grant, but may be extended in accordance with subsection (23).

“(9) A provisional endorsement shall not be made for a period that exceeds 12 months, but may be extended in accordance with subsection (23).

“(10) Where the Registrar grants a provisional licence for a period that is less than 3 years, the fee payable on the grant is an amount that bears the same proportion to the fee determined in respect of the grant of a provisional licence as the number of full months for which the licence is granted bears to 36.

“(11) Notwithstanding subsections (2) and (5), if the Registrar is satisfied that special circumstances exist that justify his or her so doing, the Registrar may grant a provisional licence to a person to whom, but for this subsection, he or she would be prohibited from granting it by reason of either of those subsections.

“(12) A provisional licence granted under subsection (11) shall be subject to such conditions, specified in the licence, as are necessary to ensure that the licensee does not drive a motor vehicle otherwise than for purposes connected with the special circumstances referred to in that subsection.

“(13) A person to whom a provisional licence is granted under subsection (11) shall comply with a condition specified in the licence.

“(14) The Registrar shall not grant a provisional licence, make a provisional endorsement or renew a provisional licence unless satisfied that the applicant is capable of driving, with safety to the public, a motor vehicle of the class specified in the licence or endorsement, as the case requires.

“(15) Where, for the purposes of subsection (14), the Registrar requires an applicant to undergo a driving test, the Registrar shall not fix the date and time for the test unless the applicant has paid to the Territory the determined fee.

“(16) An applicant is entitled to a refund of a fee referred to in subsection (15) if the proposed driving test in respect of which the fee was paid is cancelled by the Registrar.

“(17) An applicant for a licence is entitled to a refund of a fee referred to in subsection (15) less an amount determined by the Minister if, not later than 48 hours before the time fixed for a driving test in respect of which the fee was paid, the applicant informs the Registrar that he or she does not intend to undergo the test at the time so fixed.

“(18) The amount of a refund that a person is entitled to under subsection (16) or (17) may be applied in satisfaction or partial satisfaction of a determined fee under subsection (15).

“(19) The Registrar may refuse to grant a provisional licence to drive a public motor vehicle, a private hire car or a licensed goods motor vehicle to a person who does not produce to the Registrar a certificate of good character signed by not less than 2 persons of good repute.

“(20) The Registrar may refuse to grant a provisional licence to drive a public motor vehicle, a private hire car or licensed goods vehicle unless the applicant satisfies the Registrar that he or she is—

- (a) a fit and proper person to hold the licence; and
- (b) able to speak, read and write the English language.

“(21) A person who has held a provisional licence or endorsement to drive a light vehicle for less than 12 months shall not drive on a public street a motor vehicle in that class—

- (a) unless there is displayed conspicuously at, and so as to be clearly visible from, the front and rear of the vehicle, a square sign—
 - (i) each side of which is not less than 155 millimetres in length; and
 - (ii) displaying the letter ‘P’ in red on a white background; being a sign that has been issued or authorised by the Registrar; or
- (b) to which there is coupled a trailer the manufacturer’s gross vehicle mass of which exceeds 750 kilograms.

“(22) A person who has held a provisional licence or endorsement to drive a motor cycle for less than 12 months shall not drive on a public street a motor cycle—

- (a) unless there is displayed conspicuously at, and so as to be clearly visible from, the rear of the vehicle, a square sign—
 - (i) each side of which is not less than 155 millimetres in length; and
 - (ii) displaying the letter ‘P’ in red on a white background; being a sign that has been issued or authorised by the Registrar; or
- (b) to which there is coupled a trailer.

“(23) On receipt of an appropriate application the Registrar shall grant to a person whose provisional licence or endorsement has been suspended under this Act or any other law of the Territory an extension of the period of validity of that licence or endorsement for a period of time equal to the period of the suspension.

Full licences

“10. (1) Subject to this Act and to the *Motor Traffic (Alcohol and Drugs) Act 1977*, the Registrar may grant to a person a full licence to drive a specified class of motor vehicles and may renew that licence from time to time.

“(2) Subject to this section, the Registrar shall not grant a full licence unless the applicant—

- (a) has held a full licence or holds or has held a corresponding licence; or
- (b) has held a provisional licence, a probationary licence or a corresponding licence for a period of, or periods totalling, not less than 3 years.

“(3) Subject to this section, the Registrar shall not grant a full licence unless the applicant—

- (a) in the case of a full licence to drive a rigid truck, rigid motor omnibus, public motor vehicle or private hire car—has held a licence or provisional endorsement, or a corresponding licence, to drive a light vehicle for a period of, or periods totalling, not less than 12 months;

- (b) in the case of a full licence to drive an articulated vehicle, a heavy trailer combination or an articulated motor omnibus—has held a licence or a corresponding licence to drive a rigid truck or rigid motor omnibus (other than a small motor omnibus) for a period of, or periods totalling, not less than 12 months; or
 - (c) in the case of a full licence to drive a road train or B-double—has held a licence or a corresponding licence to drive—
 - (i) a heavy articulated vehicle; or
 - (ii) a heavy trailer combination—
 - (A) the manufacturer's gross combination mass of which exceeds 24 tonnes; or
 - (B) that has more than 3 axles;
- for a period of, or periods totalling, not less than 12 months.

“(4) A reference in a paragraph of subsection (2) or (3) to a corresponding licence shall be read as a reference to a corresponding licence that, in the opinion of the Registrar, is equivalent to a licence referred to in that paragraph.

“(5) In calculating, for the purposes of this section, the time during which a person has held a licence, any period during which the licence has been suspended shall be excluded.

“(6) Subject to this section, the Registrar shall not grant a full licence unless the applicant—

- (a) in the case of a licence to drive a rigid truck or rigid motor omnibus—is at least 18 years of age;
- (b) in the case of a licence to drive an articulated vehicle, a heavy trailer combination or an articulated motor omnibus—is at least 19 years of age; and
- (c) in the case of a licence to drive a road train, B-double, public motor vehicle or private hire car—is at least 21 years of age.

“(7) The Registrar shall not grant a full licence unless the applicant—

- (a) surrenders any other licence or corresponding licence that he or she may be holding and furnishes a declaration that he or she holds no other licence or corresponding licence; or
- (b) furnishes a declaration that he or she holds no licence or corresponding licence.

“(8) Notwithstanding subsections (3) and (6), if the Registrar is satisfied that special circumstances exist that justify his or her so doing, the Registrar may grant a full licence to a person to whom, but for this subsection, he or she would be prohibited from granting the licence by reason of either of those subsections.

“(9) A licence granted by virtue of subsection (8) shall be subject to such conditions, specified in the licence, as are necessary to ensure that the licensee does not drive a motor vehicle otherwise than for purposes connected with the special circumstances referred to in that subsection.

“(10) A person to whom a licence is granted by virtue of subsection (8) shall comply with a condition specified in the licence.

“(11) The Registrar shall not grant or renew a full licence unless he or she is satisfied that the applicant is capable of driving, with safety to the public, a motor vehicle of the class specified in the licence.

“(12) Where, for the purposes of subsection (11), the Registrar requires an applicant to undergo a driving test, the Registrar shall not fix the date and time for the test unless the applicant has paid to the Territory the determined fee.

“(13) An applicant for a licence is entitled to a refund of a fee referred to in subsection (12) if the proposed driving test in respect of which the fee was paid is cancelled by the Registrar.

“(14) An applicant for a licence is entitled to a refund of a fee referred to in subsection (12) less an amount determined by the Minister if, not later than 48 hours before the time fixed for a driving test in respect of which the fee was paid, the applicant informs the Registrar that he or she does not intend to undergo the test at the time so fixed.

“(15) The amount of a refund that a person is entitled to under subsection (13) or (14) may be applied in satisfaction or partial satisfaction of a fee payable under subsection (12).

“(16) The Registrar may refuse to grant a full licence to drive a public motor vehicle, a private hire car or a licensed goods motor vehicle to a person who does not produce to the Registrar a certificate of good character signed by not less than 2 persons of good repute.

“(17) The Registrar may refuse to grant a full licence to drive a public motor vehicle, a private hire car or a licensed goods motor vehicle unless the applicant satisfies the Registrar that he or she is—

- (a) a fit and proper person to hold the licence; and

- (b) able to speak, read and write the English language.

Grant of licence to a person who has held a probationary licence

“10A. (1) The Registrar shall grant to an applicant who has held a probationary licence for a period of, or periods totalling, not less than 12 months—

- (a) if the applicant’s prior licence had been a provisional licence—a provisional licence; or
- (b) if the applicant’s prior licence had been a full licence—a full licence.

“(2) A licence granted under this section shall—

- (a) specify the class of vehicles that the probationary licence had specified; and
- (b) be subject to the conditions that the probationary licence had been subject to.

“(3) The Registrar shall make, on a licence granted under this section, any provisional endorsement that had been made on the prior licence and was in effect when it was cancelled.

“(4) In calculating, for the purposes of this section, the time during which a person has held a probationary licence, any period during which the licence has been suspended shall be excluded.

“(5) Sections 9B and 10 do not apply to an applicant referred to in subsection (1).

“(6) In this section—

‘prior licence’, in relation to an applicant for a licence under this section, means the last licence held by the applicant prior to obtaining a probationary licence.

Conditions on licences

“10B. (1) Where the Registrar believes on reasonable grounds that it is desirable in the interests of road safety to—

- (a) grant a licence subject to a condition; or
- (b) impose a condition on a licence;

the Registrar shall give to the applicant or licensee (as the case requires) a written notice—

- (c) specifying those interests and stating the facts and circumstances that constitute the basis for the Registrar’s belief; and

- (d) inviting the applicant or licensee to show cause within a specified period of time why the licence should not be granted subject to the condition specified in the notice or why the condition specified in the notice should not be imposed on the licence, as the case requires.

“(2) After—

- (a) the expiry of the period of time specified in a notice under subsection (1); and
- (b) taking into consideration any representation made by the applicant or licensee;

the Registrar shall grant the licence subject to the condition or vary the licence if satisfied on reasonable grounds that it is desirable in the interests of road safety to do so.

“(3) For the purpose of varying a licence the Registrar shall, by written notice accompanying the relevant notice under subsection (1), require the licensee to forward the licence to the Registrar within 14 days after the date of the notice.

“(4) A licence that has not been forwarded to the Registrar within the period of 14 days referred to in a notice under subsection (3) becomes subject to the condition specified in the notice at the end of that period.

“(5) On application by a licensee accompanied by the licence, the Registrar shall, if satisfied on reasonable grounds that it is desirable in the interests of road safety to do so—

- (a) vary the licence in accordance with the application by imposing, altering or omitting a condition; or
- (b) refuse to vary the licence.

“(6) The holder of a licence that is subject to a condition shall comply with the condition.

“(7) Nothing in this section shall be construed as—

- (a) affecting the powers of the Registrar under section 9A, 9B or 10; or
- (b) enabling the Registrar to vary a licence by altering or omitting a condition or limitation imposed by, or as a result of an order of, a court.

“(8) In this section—

‘condition’ includes a condition relating to—

- (a) the times during which the licensee may drive a motor vehicle;
- (b) the equipment to be carried on or in, or modifications to be made to, a motor vehicle that may be driven by the licensee; and
- (c) the purpose for which, or the location where, the licensee may drive a motor vehicle;

‘licence’ includes a learner licence receipt.”.

Refusal of licence to certain persons

7. Section 11 of the Principal Act is amended by omitting “taxi, a motor omnibus” and substituting “public motor vehicle”.

Medical examination of applicants for and persons holding driver’s licences

8. Section 12 of the Principal Act is amended—

- (a) by omitting from subsection (2) “an omnibus, a taxi,” and substituting “a public motor vehicle”; and
- (b) by omitting from subsection (2) “an omnibus, a taxi” and substituting “a public motor vehicle”.

Driver wearing corrective lenses

9. Section 13 of the Principal Act is amended—

- (a) by omitting subsection (1) and substituting the following subsection:

“(1) A licence granted to a person who wears corrective lenses while undergoing any test as to his or her capability of driving a motor vehicle shall be marked or endorsed accordingly.”; and

- (b) by omitting from subsection (2) “spectacles” and substituting “corrective lenses”.

Special licences to drive

10. Section 13A of the Principal Act is amended—

- (a) by omitting subsection (4) and substituting the following subsections:

“(3) Subject to section 14, the Registrar shall comply with the order of the Court.

“(4) A special licence granted to a person whose licence has been suspended is subject to any condition that the suspended licence is subject to.”; and

- (b) by omitting from subsection (5) “ordered to be specified in” and substituting “applicable to”.

Fees

11. Section 14 of the Principal Act is amended by omitting paragraph (b) and substituting the following paragraphs:

- “(b) the grant or renewal of a licence or of a learner licence receipt;
(ba) the extension of a provisional or probationary licence; or”.

Insertion

12. After section 14 of the Principal Act the following section is inserted:

Cancellation of licence of holder of corresponding licence

“14A. (1) Where the Registrar is advised by an inter-state Registrar—

- (a) that a holder of a driving licence has obtained a corresponding licence; and
(b) of the date of obtaining that corresponding licence;

the Registrar shall cancel that person’s driving licence.

“(2) A cancellation under subsection (1) has effect from the day when the corresponding licence was obtained.

“(3) Where the Registrar believes on reasonable grounds that a holder of a driving licence also holds a corresponding licence, the Registrar may give to him or her a written notice advising that his or her licence may be cancelled unless, within 14 days after the date of the notice, he or she—

- (a) shows cause why the licence should not be cancelled; or
(b) surrenders the corresponding licence.

“(4) The Registrar shall cancel the licence of a person who fails to comply with a notice under subsection (3).

“(5) The Registrar shall give to a person who surrenders a corresponding licence a receipt for that licence.

“(6) For the purposes of this section the Registrar is entitled to rely on information that—

- (a) is received in writing or by means of a computer;
- (b) appears to be received from the inter-state Registrar by whom it purports to be sent; and
- (c) does not appear to be inaccurate.”.

Substitution

13. Section 97 of the Principal Act is repealed and the following section substituted:

Change of name or address

“97. (1) The holder of a current certificate of registration or licence shall, within 14 days after a change in his or her name or address—

- (a) in the case of a change in name—
 - (i) attend at the Registrar’s office and notify the Registrar of the change;
 - (ii) furnish the Registrar with such evidence of the change as the Registrar reasonably requires; and
 - (iii) surrender the certificate or licence; and
- (b) in the case of a change in address—notify the Registrar of the change.

Penalty: \$500.

“(2) Where a person complies with subsection (1), the Registrar shall vary the certificate or licence appropriately.”.

Lost certificates

14. Section 98 of the Principal Act is amended by omitting from subsection (1) “forward to the Registrar a statutory declaration” and substituting “notify the Registrar”.

Refusal, cancellation or suspension of licences or registrations

15. Section 104 of the Principal Act is amended—

(a) by inserting after paragraph (2) (e) the following paragraph:

“(ea) cancel—

(i) a driving licence that was granted or renewed in error; or

(ii) a provisional endorsement on a driving licence that was made in error;” and

(b) by omitting from paragraph (f) “in any case” and substituting “or”.

Duration of licences and registrations

16. Section 105 of the Principal Act is amended—

(a) by omitting from subsection (1) “permit licence” and substituting “learner licence, provisional licence”; and

(b) by omitting from subsection (1A) “section 104 and subsection (3), a” and substituting “this Act, a full”.

Repeal

17. Section 106 of the Principal Act is repealed.

Insertion

18. After section 107 of the Principal Act the following section is inserted:

Inter-state licences

“107A. (1) This section applies to a person who resides in the Territory and holds a corresponding driving licence.

“(2) The Registrar may—

(a) of his or her own motion; or

(b) on receipt of a written application;

by notice, declare that—

(c) a class of persons to whom this section applies; or

(d) a specified person to whom this section applies;

is exempt from holding a driving licence under this Act.

“(3) A notice under paragraph (2) (c) is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.

“(4) A requirement of this or any other Act that a person hold a driving licence does not apply to a person in respect of whom a declaration under subsection (2) is in effect.”.

Load limits in public streets

19. Section 133A of the Principal Act is amended—

- (a) by omitting “motor lorry” from paragraphs (a), (b) and (c) of the definition of “exempt vehicle” in subsection (1) and substituting “rigid truck or articulated vehicle”;
- (b) by omitting from subsection (2) “motor lorries” and substituting “rigid trucks or articulated vehicles”;
- (c) by omitting from subsection (5) “motor lorry” and substituting “rigid truck or articulated vehicle”;
- (d) by omitting from subsection (6) “arising out of the driving of a lorry upon a public street or a part of a public street,”; and
- (e) by omitting from paragraphs (6) (a), (b), (c) and (d) “motor lorry” and substituting “rigid truck or articulated vehicle”.

Repeal

20. Section 145 of the Principal Act is repealed.

Unauthorised use of farm vehicles

21. Section 169 of the Principal Act is amended by omitting “or motor lorry” (wherever occurring) and substituting “, rigid truck or articulated vehicle”.

Insertion

22. After section 171 of the Principal Act the following section is inserted:

Unauthorised use of “L” and “P” plates

“171A. (1) A person, other than a learner, shall not, on a public street, drive a motor vehicle on which there is displayed a sign that resembles, or can reasonably be mistaken for, a sign referred to in paragraph 9A (8) (b).

“(2) A person, other than a person referred to in subsection 9B (21) or (22), shall not, on a public street, drive a motor vehicle on which there is displayed a sign that resembles, or can reasonably be mistaken for, a sign referred to in subsection 9B (21).”.

Licence and learner licence receipt to be produced on demand

23. Section 172 of the Principal Act is amended by adding at the end the following subsection:

“(3) In this section—

‘licence’ includes—

- (a) a learner licence receipt, whether or not the driver is driving a vehicle in respect of which the receipt has been granted; and
- (b) a corresponding licence.”.

Driver to be licensed etc.

24. Section 176 of the Principal Act is amended—

- (a) by inserting in paragraphs (1) (a) and (b) “or learner licence receipt” after “licence”; and
- (b) by omitting subsections (4) and (5) and substituting the following subsections:

“(4) This section does not apply to or in respect of a learner who complies with section 9A.

“(5) Notwithstanding paragraphs (1) (a) and (b), a person may—

- (a) drive a rigid truck or rigid motor omnibus;
- (b) drive an articulated vehicle, a heavy trailer combination or an articulated motor omnibus;
- (c) drive a road train or B-double;
- (d) drive a public motor vehicle or private hire car; or
- (e) cause or permit a person to drive a motor vehicle specified in paragraph (a), (b), (c) or (d);

if the driver of the motor vehicle is learning to drive it and, subject to subsection (6), if—

- (f) in the case of a motor vehicle referred to in paragraph (a)—the driver is at least 18 years of age, holds a licence to drive a light vehicle and has held it for a period of, or periods totalling, not less than 12 months;

- (g) in the case of a motor vehicle referred to in paragraph (b)—the driver is at least 19 years of age, holds a licence to drive a rigid truck or a rigid motor omnibus (other than a small motor omnibus) and has held it for a period of, or periods totalling, not less than 12 months;
- (h) in the case of a motor vehicle referred to in paragraph (c)—the driver is at least 21 years of age, holds a licence to drive—
 - (i) a heavy articulated vehicle; or
 - (ii) a heavy trailer combination—
 - (A) the manufacturer's gross combination mass of which exceeds 24 tonnes; or
 - (B) that has more than 3 axles;and has held it for a period of, or periods totalling, not less than 12 months;
- (j) in the case of a motor vehicle referred to in paragraph (d)—the driver is at least 21 years of age and—
 - (i) where the vehicle is a taxi, private hire car or rigid motor omnibus—holds a licence to drive a light vehicle and has held it for a period of, or periods totalling, not less than 12 months; and
 - (ii) where the vehicle is an articulated motor omnibus—holds a licence to drive a rigid truck or rigid motor omnibus (other than a small motor omnibus) and has held it for a period of, or periods totalling, not less than 12 months;
- (k) the seat next to the driver is occupied by a person who holds a full licence to drive a motor vehicle of the same class as the vehicle that the learner is learning to drive;
- (m) the vehicle is not being used for the carriage of any person other than the driver and the person referred to in paragraph (k); and

- (n) there is displayed conspicuously at, and so as to be clearly visible from, the front and rear of the motor vehicle a square sign—
- (i) each side of which is not less than 155 millimetres in length; and
 - (ii) displaying the letter ‘L’ in black on a yellow background;

being a sign that has been issued or authorised by the Registrar.

“(6) A requirement of paragraph (5) (f), (g), (h) or (j) does not apply to a driver if the Registrar, on being satisfied that special circumstances exist that justify his or her so doing, gives to the driver a written authority to drive that specifies the requirement or the paragraph that is not to apply to the driver.

“(7) Where the holder of a corresponding licence—

- (a) is not a resident of the Territory;
- (b) has resided in the Territory for less than 3 months; or
- (c) is exempt from holding a licence by virtue of section 107A;

a reference in this section to a licence includes a reference to that corresponding licence.”.

Insertion

25. After Part XIA of the Principal Act the following Part is inserted:

“PART XIB—DEMERIT POINTS AND PROBATIONARY LICENCES

Interpretation

“180NA. In this Part—

‘corresponding law’ means a law of a State or another Territory that corresponds to this Part;

‘corresponding offence’ means an offence under a law of a State or another Territory that corresponds to an offence prescribed for the purposes of section 180NB;

‘licence’ means a driving licence;

‘offence’ means an offence committed after the commencement of this Part;

‘register’ means the Demerit Points Register maintained under section 180P;

‘relevant demerit points’, in relation to a licence, means the demerit points incurred by the holder of the licence in relation to offences that have occurred within any period of 3 years, being demerit points that have been recorded in the register.

Demerit points

“180NB. (1) A holder of a licence who—

- (a) is convicted of a prescribed offence;
- (b) pays a penalty in respect of a prescribed offence in respect of which he or she has not been convicted; or
- (c) is convicted of a corresponding offence or pays a penalty in respect of such an offence;

incurs the prescribed number of demerit points.

“(2) A holder of a corresponding licence who—

- (a) is convicted of a prescribed offence; or
- (b) pays a penalty in respect of a prescribed offence in respect of which he or she has not been convicted;

incurs the prescribed number of demerit points.

Demerit Points Register

“180P. (1) The Registrar shall maintain a register, to be known as the Demerit Points Register.

“(2) Where a person incurs 1 or more demerit points the Registrar shall record, in relation to that person’s licence—

- (a) the date of the commission of the offence in respect of which a demerit point is incurred;
- (b) the date of the conviction or payment of the penalty; and
- (c) the number of demerit points recorded in respect of each offence.

“(3) A recording under subsection (2) that is in respect of an offence of which a licensee is convicted shall not be made until the licensee’s rights of appeal are exhausted and any appeal has been disposed of.

“(4) Where a person who incurs a demerit point holds a licence on which there is a provisional endorsement, the Registrar shall record the particulars referred to in subsection (2) also in relation to the endorsement.

“(5) A recording under this section, unless deleted by the Registrar under this Part, is not affected by the expiry of the period for which the relevant licence or provisional endorsement is in force or by the cancellation of the relevant licence on the application of the licensee.

Inter-state licensees who obtain licences

“180Q. (1) Where a licence is granted to a person who holds or has held a corresponding licence, the Registrar shall—

- (a) notify in writing or by means of a computer the inter-state Registrar for the State or Territory under the law of which the corresponding licence had been granted;
- (b) seek from the inter-state Registrar particulars of any entries in the register kept by that Registrar that are recorded against the corresponding licence, including entries made in relation to offences committed before the commencement of this Part; and
- (c) record such particulars in the register.

“(2) The Registrar is entitled to rely on information received in response to an enquiry under paragraph (1) (b) that—

- (a) is in writing or received by means of a computer;
- (b) appears to be received from an inter-state Registrar; and
- (c) does not appear to be inaccurate.

Transfer of recordings on grant of new licences

“180R. (1) Where—

- (a) a licence is surrendered for the purpose of obtaining another licence; and
- (b) at the same time, or subsequently, another licence is granted to the same person;

the Registrar shall record in the register, in relation to the new licence, the number and relevant details of any demerit points recorded in the register in relation to the previous licence.

“(2) Subsection (1) does not apply where a person surrenders a learner licence in order to obtain a provisional licence.

Provision of information to inter-state Registrars

“180S. (1) Where an entry is made in the register under subsection 180P (2) in relation to a corresponding licence, the Registrar shall notify the relevant inter-state Registrar of the particulars of the entry.

“(2) Upon receiving a request in writing or by means of a computer from an inter-state Registrar, the Registrar shall notify him or her of any particulars that are recorded in the register in relation to a licence specified in the request.

“(3) The Registrar shall keep a record of all notifications made under this section.

Warning notice

“180T. (1) Where—

- (a) less than 7 relevant demerit points are recorded in the register in relation to a full licence;
- (b) 1 or more further relevant demerit points are recorded in relation to that licence; and
- (c) as the result of that further recording the number of relevant demerit points recorded in relation to the licence equals or exceeds 7;

the Registrar shall send to the licensee a written notice setting out the particulars recorded in the register in relation to that licence.

“(2) The validity of any action or decision of the Registrar is not affected by a failure to comply with subsection (1).

Suspension or cancellation of full licences

“180U. (1) Where 12 or more relevant demerit points are recorded in the register in relation to a full licence, the Registrar shall send to the licensee a written notice that—

- (a) sets out the particulars of the relevant demerit points recorded in relation to that licence;
- (b) advises the licensee that the licence and any learner licence receipt held by the licensee will be suspended for 3 months unless the licensee, within 14 days after the date of the notice, attends at the office of the Registrar in order to—
 - (i) have the licence cancelled;
 - (ii) surrender the licence; and

(iii) apply for a probationary licence for a period of 12 months;
and

(c) sets out the fee payable on the grant of a probationary licence.

“(2) Where a licensee surrenders a full licence and applies for a probationary licence, the Registrar shall—

(a) cancel the licence; and

(b) refund to that person the proportionate part of the fee paid on its grant.

“(3) At the expiry of the period of 14 days referred to in paragraph (1) (b) the Registrar shall suspend for 3 months the licence and any learner licence receipt held by a licensee who has not surrendered his or her licence for cancellation and applied for a probationary licence.

“(4) The validity of a notice under subsection (1) is not affected by a failure to comply with paragraph (1) (a) or (c).

“(5) Where a licensee also holds a learner licence receipt—

(a) if his or her licence is cancelled under paragraph (2) (a)—subject to section 180W, the validity and effectiveness of the learner licence receipt are not affected; and

(b) if his or her licence is suspended under subsection (3)—the Registrar shall suspend the learner licence receipt for the period of time for which the licence is suspended.

“(6) Upon taking action under subsection (2) the Registrar shall delete from the register the relevant demerit points by virtue of which the notice under subsection (1) had been sent.

“(7) In paragraph (2) (b) a reference to the proportionate part of the fees paid on the grant of a licence shall be read as a reference to the amount that bears to the fees paid on the grant the same proportion that the number of full months in the period commencing 12 months after the date of the cancellation and ending at the expiry of the period for which the licence had been granted bears to the number of full months in the period for which the licence had been granted.

Probationary licences

“180V. (1) The Registrar shall grant a probationary licence valid for a period not exceeding 12 months to a person—

(a) whose full licence is surrendered and cancelled under subsection 180U (2);

- (b) who surrenders a corresponding licence that, in the opinion of the Registrar, is equivalent to a probationary licence; or
- (c) who, being a person whose driving licence has been cancelled by a court, is declared by the Court to be a fit and proper person to hold a driving licence.

“(2) A probationary licence shall be granted subject to any conditions that the last licence held by the applicant prior to obtaining the probationary licence or surrendered corresponding licence (as the case requires) had been subject to.

“(3) On receipt of an appropriate application, the Registrar shall grant to a person whose probationary licence has been suspended under this Act or any other law of the Territory an extension of the period of validity of that licence for a period of time equal to the period of the suspension.

“(4) Where—

- (a) the Registrar grants a probationary licence to a person who surrenders a corresponding licence; and
- (b) the probationary licence is granted for a period of time that is equal to the unexpired period of the surrendered licence;

the fee payable on the grant is an amount that bears the same proportion to the fee determined in respect of the grant of a probationary licence as the number of full months in the period for which the licence is granted bears to 12.

“(5) Upon granting a probationary licence to a person referred to in paragraph (1) (c), the Registrar shall delete from the register all demerit points recorded in relation to the cancelled licence.

Cancellation of probationary licences

“180W. (1) Where 2 or more demerit points are recorded in the register in relation to a probationary licence, the Registrar shall send to the licensee a written notice that—

- (a) sets out the particulars of the demerit points recorded in the register in relation to that licence;
- (b) advises the licensee that—
 - (i) 14 days after the date of the notice his or her licence and any learner licence receipt held by him or her will be cancelled; and

- (ii) the licensee will thereupon cease to be licensed and be disqualified from holding a licence or a learner licence receipt for 6 months; and
- (c) requests the licensee to surrender the licence and any learner licence receipt held by him or her to the Registrar as soon as possible after the expiry of the period of 14 days after the date of the notice.

“(2) At the expiry of the period of 14 days after the date of the notice the Registrar shall—

- (a) cancel the licence and any learner licence receipt held by the licensee; and
- (b) delete from the register the demerit points by virtue of which the notice under subsection (1) had been sent.

“(3) The validity of a notice under subsection (1) is not affected by a failure to comply with paragraph (1) (a).

Suspension of provisional licences

“180X. (1) Where 8 or more relevant demerit points are recorded in the register in relation to a provisional licence, the Registrar shall send to the licensee a written notice that—

- (a) sets out the particulars recorded in the register in relation to that licence;
- (b) advises the licensee that 14 days after the date of the notice the licence and any learner licence receipt held by the licensee will be suspended for 3 months; and
- (c) requests the licensee to surrender the licence and any learner licence receipt held by him or her to the Registrar as soon as possible after the expiry of the period of 14 days after the date of the notice.

“(2) At the expiry of the period of 14 days after the date of the notice the Registrar shall—

- (a) suspend for 3 months the licence and any learner licence receipt held by the licensee; and
- (b) delete from the register the relevant demerit points by virtue of which the notice under subsection (1) had been sent.

“(3) The validity of a notice under subsection (1) is not affected by a failure to comply with paragraph (1) (a).

Suspension of learner licences

“180Y. (1) Where 12 or more relevant demerit points are recorded in the register in relation to a learner licence, the Registrar shall send to the licensee a written notice that—

- (a) sets out the particulars of the relevant demerit points recorded in relation to that licence;
- (b) advises the licensee that 14 days after the date of the notice the licence will be suspended for 3 months; and
- (c) requests the licensee to surrender the licence to the Registrar as soon as possible after the expiry of the period of 14 days after the date of the notice.

“(2) At the expiry of the period of 14 days after the date of the notice the Registrar shall—

- (a) suspend the licence for 3 months; and
- (b) delete from the register the relevant demerit points by virtue of which the notice under subsection (1) had been sent.

“(3) The validity of a notice under subsection (1) is not affected by a failure to comply with paragraph (1) (a).

Cancellation of special licences

“180Z. (1) Where 2 or more demerit points are recorded in the register in relation to a special licence, the Registrar shall send to the licensee a written notice that—

- (a) sets out the particulars of the demerit points recorded in relation to that licence;
- (b) advises the licensee that 14 days after the date of the notice the licence will be cancelled; and
- (c) requests the licensee to surrender the licence to the Registrar as soon as possible after the expiry of the period of 14 days after the date of the notice.

“(2) At the expiry of the period of 14 days after the date of the notice the Registrar shall—

- (a) cancel the special licence; and
- (b) delete from the register the demerit points by virtue of which the notice under subsection (1) had been sent.

“(3) The validity of a notice under subsection (1) is not affected by a failure to comply with paragraph (1) (a).

“(4) In this section a reference to a special licence shall be read as including a reference to a special licence granted under section 37 of the *Motor Traffic (Alcohol and Drugs) Act 1977*.

Suspension of provisional endorsements

“180ZA. (1) Where 4 or more demerit points are recorded in the register in relation to a provisional endorsement to a licence, the Registrar shall send to the licensee a written notice that—

- (a) sets out the particulars recorded in the register in relation to the provisional endorsement;
- (b) advises the licensee that 14 days after the date of the notice the provisional endorsement will be suspended for 3 months; and
- (c) requests the licensee to surrender the licence to the Registrar as soon as possible after the expiry of the period of 14 days after the date of the notice for appropriate amendment.

“(2) The validity of a notice under subsection (1) is not affected by a failure to comply with paragraph (1) (a).

“(3) At the expiry of the period of 14 days after the date of the notice the Registrar—

- (a) shall suspend the validity of the provisional endorsement for 3 months; and
- (b) if the licence has been surrendered in pursuance of subsection (1)—make an appropriate amendment to the licence and return it to the licensee.

“(4) While the validity of a provisional endorsement is suspended the licensee—

- (a) shall not drive a vehicle of the class to which the endorsement relates; and
- (b) shall not obtain another provisional endorsement.

Penalty: \$10,000 or imprisonment for 12 months, or both.

“(5) Where a licence has been amended under paragraph (3) (b), upon the expiry of the period of suspension of the validity of a provisional endorsement the Registrar shall, on surrender of the licence for the purpose, reinstate the provisional endorsement.

“(6) Upon the expiry of the period of suspension of the validity of a provisional endorsement the Registrar shall delete from the register the demerit points by virtue of which the endorsement had been suspended.

Demerit suspension of licence already suspended by court

“180ZB. Where the Registrar is required to send a notice under subsection 180U (1), 180W (1), 180X (1), 180Y (1) or 180ZA (1) to a person whose licence is suspended, the Registrar shall not send the notice until the expiry of the period of suspension of the licence.

Cancellation of probationary licence under this Part

“180ZC. (1) Where a probationary licence is cancelled under this Part, the person who had been the licensee is disqualified from holding—

- (a) a driving licence other than a special licence; or
- (b) a learner licence receipt;

for a period of 6 months.

“(2) Where a probationary licence is cancelled under this Part, the person who had been the licensee shall not, during the period of 6 months immediately following the cancellation—

- (a) obtain a driving licence other than a special licence;
- (b) obtain a learner licence receipt; or
- (c) if he or she does not hold a special licence— drive a motor vehicle.

Penalty: \$10,000 or imprisonment for 12 months, or both.”.

Motorcyclists to wear safety helmets

26. Section 190A of the Principal Act is amended by omitting paragraph (3) (a).

Pillion riding

27. Section 191 of the Principal Act is amended by omitting from paragraph (3) (d) “permit” and substituting “learner”.

General offences

28. Section 192 of the Principal Act is amended by inserting in subsection (1) “97,” after “section”.

Suspension or cancellation of driving licence

29. Section 193A of the Principal Act is amended—

(a) by inserting before subsection (1) the following subsection:

“(1AA) This section has effect subject to Part XIB.”;

(b) by inserting after subsection (2) the following subsection:

“(3) A person whose provisional or full licence has been cancelled is not eligible to apply for another provisional or full licence (as the case requires) until he or she has held a probationary licence for a period of, or periods totalling, not less than 12 months.”;

(c) by omitting from the penalty provision at the foot of subsection (4) “\$2,000” and substituting “\$10,000”;

(d) by omitting from the penalty provision at the foot of subsection (5) “\$2,000” and substituting “\$10,000”; and

(e) by omitting from subsection (8) all the words after “refund of” and substituting “the fee or any part of the fee paid on the grant of the licence”.

Names on trucks and omnibuses

30. Section 208 of the Principal Act is amended by omitting “any motor lorry” and substituting “a rigid truck, articulated vehicle”.

Remission or refund of fees

31. Section 209 of the Principal Act is amended by omitting subsections (2), (3) and (4) and substituting the following subsections:

“(2) Subject to this section, the Registrar may refund to a person—

(a) any excess payment made by that person in respect of any matter under this Act;

(b) any fee paid by that person in respect of an application for—

(i) the registration, or renewal of a registration, of a motor vehicle or trailer; or

(ii) the grant or renewal of a licence under this Act;

where the application is refused;

(c) any fee paid by that person in respect of—

(i) the grant or renewal of a licence that was granted or renewed in error and has been cancelled; or

- (ii) a registration, or renewal of a registration, of a motor vehicle or trailer that was registered, or that the registration of which was renewed, in error, being a registration that has been cancelled;
- (d) who holds a driving licence that is cancelled at his or her request, an amount calculated in accordance with subsection (3) in respect of the licence; or
- (e) being the person in whose name a motor vehicle or trailer is registered or licensed, an amount calculated in accordance with subsection (3), where—
 - (i) on the application of the person the registration or licence is cancelled; or
 - (ii) the motor vehicle or trailer is re-registered on account of an alteration in its construction, equipment or use.

“(3) For the purposes of paragraph (2) (d) or (e) the amount to be refunded is, subject to subsection (4), the amount obtained by—

- (a) dividing the number of whole months in the unexpired portion of the period of validity of the licence or registration (as the case requires) by the number of whole months in the period for which the licence had been granted or last renewed or the motor vehicle or trailer was last registered or the registration last renewed (as the case requires);
- (b) multiplying the quotient by the amount of the fee paid when the licence was last granted or renewed, or the motor vehicle or trailer was last registered or its registration last renewed (as the case requires); and
- (c) deducting from the amount so obtained the amount determined by the Minister.

“(4) Where a refund is to be made under paragraph (2) (e) in respect of both the registration and the licence of a motor vehicle or trailer, paragraph (3) (c) does not apply to the calculation that is made second.

“(5) The Registrar shall not make a refund under this section in respect of a licence unless the licence is surrendered to the Registrar.

“(6) Subject to subsection (7), the Registrar shall not make a refund under this section in respect of a registration unless the applicant surrenders to the Registrar—

- (a) the number-plates issued in connection with the registration; and

(b) the certificate of registration.

“(7) Where the Registrar is satisfied that an applicant cannot comply with paragraph (6) (a) or (b), the Registrar may make a refund to an applicant who furnishes a written declaration that a number-plate or the certificate of registration (as the case requires) has been lost, stolen or destroyed.”.

Power of Minister to determine fees and amounts

32. Section 217A of the Principal Act is amended by inserting “and other amounts” after “fees”.

Schedule 2

33. Schedule 2 to the Principal Act is amended by omitting from item 17 of Part I “motor lorry” and substituting “rigid truck, articulated vehicle”.

Schedule 7

34. Schedule 7 to the Principal Act is amended—

(a) by omitting from Part II items 4 to 8 (inclusive) and substituting the following items:

“4	Subsection 9A (1)	Refusing to grant or renew a learner licence or a learner licence receipt
4A	Subsection 9A (4)	Refusing to grant a learner licence to drive in special circumstances
4B	Subsection 9A (5)	Imposing a condition on a learner licence to drive in special circumstances
5	Paragraph 9B (1) (a)	Refusing to grant or renew a provisional licence
5A	Paragraph 9B (1) (b)	Refusing to make or renew a provisional endorsement on a licence
5B	Subsection 9B (3)	Deciding that a corresponding licence is not equivalent to a provisional licence
6	Subsection 9B (11)	Refusing to grant a provisional licence to drive in special circumstances
6A	Subsection 9B (12)	Imposing a condition on a provisional licence to drive in special circumstances
6AA	Subsection 9B (19)	Refusing to grant a provisional licence to drive a public motor vehicle, a private hire car or a licensed goods motor vehicle
6B	Subsection 9B (20)	Refusing to grant a provisional licence because applicant is not a fit and proper person and lacks sufficient knowledge of English
7	Subsection 10 (1)	Refusing to grant or renew a full licence
7A	Subsection 10 (4)	Deciding that a corresponding licence is not equivalent to a full licence

7B	Subsection 10 (8)	Refusing to grant a full licence to drive in special circumstances
8	Subsection 10 (9)	Imposing a condition on a full licence to drive in special circumstances
8A	Subsection 10 (12)	Requiring applicant to undergo a driving test
8AA	Subsection 10(16)	Refusing to grant a full licence to drive a public motor vehicle, a private hire car or a licensed goods motor vehicle
8B	Subsection 10 (17)	Refusing to grant a full licence because applicant is not a fit and proper person or lacks sufficient knowledge of English
8C	Subsection 10B (2)	Granting a conditional licence or imposing a condition on a licence
8D	Subsection 10B (5)	Refusing to vary a licence on application”;

(b) by inserting after item 10 in Part II the following item:

“10A	Subsection 14A (3)	Giving notice to holder of a corresponding licence”;
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(c) by inserting after item 42 in Part II the following item:

“42A	Paragraph 107A (2) (d)	Refusing to grant an exemption from holding a licence to the holder of a corresponding licence”;
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and

(d) by omitting items 52 to 55 (inclusive) in Part II and substituting the following items:

“52	Subsection 176 (6)	Refusing to give authority to drive
53	Paragraph 209 (2) (a)	Refusing to refund an excess payment
54	Paragraph 209 (2) (b)	Refusing to refund a fee paid in respect of registration or a licence that is refused
54A	Paragraph 209 (2) (c)	Refusing to refund a fee paid in respect of a licence granted or registration made in error
55	Paragraph 209 (2) (d)	Refusing to refund a proportion of a fee paid for a driving licence that is cancelled on application
55A	Paragraph 209 (2) (e)	Refusing to refund a proportion of a fee paid for registration of a motor vehicle or trailer where the registration is cancelled on application or the motor vehicle or trailer is re-registered”.

Transitional

35. (1) A course approved by the Registrar of Motor Vehicles for the purposes of subparagraph 9 (1A) (c) (ii) of the Principal Act shall be taken, after the commencement of this Act, to have been approved for the purposes of subparagraph 9A (3) (a) (ii) of the Principal Act as amended by this Act.

(2) A person who, immediately before the date of commencement of this Act, held a licence under section 10 of the Principal Act (in this subsection referred to as the “former licence”), shall be deemed to hold a full licence under section 10 of the Principal Act as amended by this Act, subject to any terms, conditions and limitations of the former licence—

- (a) in the case of a former licence that was not suspended—from the date of commencement of this Act; and
- (b) in the case of a former licence that was suspended—from the day when the licence is reinstated.

(3) Where a person referred to in subsection (2) also held, immediately before the date of commencement of this Act, a permit licence granted under section 9 of the Principal Act, that person shall be deemed to hold a learner licence receipt granted under section 9A of the Principal Act as amended by this Act, subject to any terms, conditions and limitations of the permit licence—

- (a) in the case of a permit licence that was not suspended—from the date of commencement of this Act; and
- (b) in the case of a permit licence that was suspended—from the day when the licence is reinstated.

(4) For the purposes of subparagraphs 9B (2) (a) (iii) and (b) (iii) of the Principal Act as amended by this Act, a person who by subsection (3) is to be deemed to hold a learner licence receipt shall also be deemed to have held such a receipt for periods of not less than 3 months and 6 months respectively.

(5) A person, other than a person referred to in subsection (2) who, immediately before the date of commencement of this Act, held a permit licence granted under section 9 of the Principal Act, shall be deemed to hold a learner licence granted under section 9A of the Principal Act as amended by this Act, subject to any terms, conditions and limitations of the permit licence—

- (a) in the case of a permit licence that was not suspended—from the date of commencement of this Act; and
- (b) in the case of a permit licence that was suspended—from the day when the licence is reinstated.

(6) For the purposes of subparagraphs 9B (2) (a) (i) and (b) (i) of the Principal Act as amended by this Act, a person who by subsection (5) is to be deemed to hold a learner licence shall also be deemed to have held such a licence for periods of not less than 3 months and 6 months respectively.

(7) In this section—

“date of commencement of this Act” means the date on which this Act, other than sections 1 and 2, commences.

NOTE

1. Reprinted as at 18 May 1992. See also Acts Nos. 44 and 46, 1992; No. 47, 1993.

[Presentation speech made in Assembly on 17 June 1993]