

Road Transport (Vehicle Registration) Terms and Conditions for the Sale of Rights To, and Storage of, Non-Standard Numberplates Determination 2002

Notifiable Instrument NI 2002—158

made under the

Road Transport (Vehicle Registration) Regulations 2000, regulations 54 (Selling rights to non-standard registration numbers) and 56 (Storage of non-standard registration numbers).

Pursuant to subsection 17(1) of the *Road Transport (General) Act 1999 (the Act)*, Alan Geoffrey Thompson, the person for the time being performing the duties of the Government Office which includes the position of Chief Executive of the Road Transport Authority, on 27 October 2001 delegated his powers under regulations 54 and 56 of the *Road Transport (Vehicle Registration) Regulations 2000* to the person occupying position number:
46114 General Manager, Road Transport

I, Brian MacDonald, General Manager, Road Transport, hereby determine that the terms and conditions on which the Road Transport Authority sells the rights to, and stores, non-standard registration numbers, shall be as set out in the attached Schedule.

Brian MacDonald
Delegate of the Road Transport Authority

27 May 2002

1. Non-Standard Registration Numbers

Rights may be sold to non-standard registration numbers (referred to as non-standard numbers from this point on). If a person owns the rights to a non-standard number, those rights cannot be re-sold by the Road Transport Authority (subject to items 9 and 12).

Non-standard numbers and the numberplates on which they may be displayed are defined in the *Determination of Design of Number Plates*, made under Regulation 47 of the *Road Transport (Registration) Regulations 2000* (the Regulations). An application for a 'name' non-standard number may be treated as an application for a 'make' or 'unique' number if it can otherwise be so classified.

Non-standard numbers may only be displayed on vehicles registered in the ACT.

2. Plate Format

The format of non-standard numbers and the numberplates on which they are displayed is subject to the *Determination of Design of Number Plates* made under the *Road Transport (Vehicle Regulation) Regulations 2000*, and the approval of the Road Transport Authority. The non-standard number and format (including slogans and logos) requested, must be specified at the time of payment for the rights to the number. Once numberplate(s) are ordered from the plate manufacturer, the format cannot be changed. The numberplates may be remade on payment of the determined fee.

3. Numberplate Ownership

Numberplates remain the property of the Territory. The purchaser owns the rights to a non-standard number, which means the exclusive rights to be given the number as a registration number. (Non-standard numbers and numberplates may be recalled – see item 12.)

4. Display of Non-Standard Number Plates.

A non-standard number may only be displayed on a vehicle registered in the ACT in the name of the owner of the number. Non-standard numbers may not be displayed on a public vehicle, other than a restricted hire vehicle, within the meaning contained in the *Road Transport (General) Act 1999*. Non-standard numbers may not be displayed on trailers or veteran, vintage or historic vehicles, except as allowed under the *Determination of Design of Number Plates*.

5. Payment

The rights to non-standard numbers will only be granted on full payment of the determined fee. The purchase price for the rights to a non-standard number does not include vehicle registration fees, storage fees or any other fees not related to the manufacture of the numberplate. Purchasers are notified in writing when the numberplates are available.

6. No Refund

With the exception of non-standard numbers and numberplates recalled by the Road Transport Authority (See item 12, 'Plate Recall'), payments for the rights to a non-standard plate number are non-refundable. If a non-standard number is purchased for someone else without his or her knowledge, and that person does not wish to become the owner of the number, the payment will not be refunded. It is therefore in the interest of the purchaser to find out if the intended owner of the rights to the registration number will accept it.

7. Declaration

A person wishing to purchase the rights to a non-standard number that contains a business name, trademark, or other intellectual property, must declare on application that he/she owns

This is page 2 of the Schedule to the Determination made by the Delegate of the Road Transport Authority under the *Road Transport (Vehicle Registration) Regulations 2000* on the 27th day of May 2002.

the rights to the intellectual property, or has been given permission to use the intellectual property by the owner of that property. This also applies to any intellectual property contained in slogans or logos.

The owner must also agree to indemnify the Territory against any loss or damage that the Territory may suffer in connection with the allocation of the non-standard number.

8. Procedure When Plates are Available

A purchaser shall, within 56 days of notification of the numberplate availability (the holding period), either:

- collect the numberplates, and immediately affix them to a vehicle registered in the ACT in the plate owner's name; or
- arrange for the storage of the numberplates as provided below.

9. Storage of Non-Standard Numberplates

The Road Transport Authority may place non-standard numberplates in storage in order to retain the rights to the non-standard number while the plates are not on a vehicle. On application for storage, the owner of a non-standard number must pay of the determined fee and present the numberplate(s) on which the non-standard number is displayed to the Road Transport Authority.

Non-standard numberplates may be stored for up to twelve months at a time. A non-standard numberplate may not be stored for more than five years in total, except as allowed in special circumstances by the Road Transport Authority.

By the expiry of the storage period the owner of the rights to a non-standard number must either extend the storage period or arrange with the Road Transport Authority to display the numberplates on a vehicle registered in the ACT (see 10, Cessation of Right to Display).

10. Cessation of Right to Display

The owner of the rights to a non-standard number may lose the rights to that number if:

- at the end of the 56 day holding period, the owner has not affixed the numberplates to a vehicle registered in the ACT or placed them in storage; or
- the numberplates have not been transferred to a registered vehicle or placed in storage within 2 years of the vehicle's registration expiry date; or
- where the numberplates are displayed on a vehicle and the vehicle registration is cancelled, the owner does not transfer the plates to a registered vehicle or place them in storage by close of business on the cancellation date; or
- where numberplates have been placed in storage, the plate owner does not extend the storage period or affix the plates to a vehicle registered in the ACT by the storage expiry date.

In these circumstances the original purchase price and other fees paid by the purchaser are forfeited to the Territory and the Road Transport Authority may arrange for the rights to the non-standard registration numbers to be re-sold.

11. Transfer of Non-standard Numbers and Numberplates

The owner of the rights to a non-standard number may, with the Road Transport Authority's approval:

- arrange for the numberplates to be transferred from one vehicle registered in the ACT in the plate owner's name to another vehicle registered in the same name, for the determined fee, or

This is page 3 of the Schedule to the Determination made by the Delegate of the Road Transport Authority under the *Road Transport (Vehicle Registration) Regulations 2000* on the 27th day of May 2002.

- arrange for the transfer of the rights to the non-standard number to someone else on payment of the determined fee. (The fee will be determined from time to time). The new owner will have the same rights and obligations as the previous owner.

12. Recall of Non-standard Numbers and Numberplates

The Road Transport Authority may recall non-standard numbers and the numberplates on which the numbers are displayed. If a non-standard number is recalled, the owner of the number is entitled to reasonable compensation, as agreed between the plate owner and the authority.

Note: the Authority reserves the right to recall a non-standard registration number before the numberplate displaying the number has been issued to the applicant.