



Australian Capital Territory

# **Magistrates Court (Sale of Motor Vehicles Infringement Notices) Regulation 2005**

**Subordinate Law SL2005-31**

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The Australian Capital Territory Executive makes the following regulation under the *Magistrates Court Act 1930*.

Dated 10 November 2005.

JON STANHOPE  
Minister

SIMON CORBELL  
Minister

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**Magistrates Court Act 1930**

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## 1 Name of regulation

This regulation is the *Magistrates Court (Sale of Motor Vehicles Infringement Notices) Regulation 2005*.

## 2 Commencement

This regulation commences on the commencement of the *Statute Law Amendment Act 2005*, schedule 3, amendment 3.399.

*Note* The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

## 3 Purpose of regulation

The purpose of this regulation is to provide for infringement notices under the *Magistrates Court Act 1930*, part 3.8 for certain offences against the Sale of Motor Vehicles Act.

*Note* The *Magistrates Court Act 1930*, pt 3.8 provides a system of infringement notices for offences against various Acts. The infringement notice system is intended to provide an alternative to prosecution.

## 4 Dictionary

The dictionary at the end of this regulation is part of this regulation.

*Note 1* The dictionary at the end of this regulation defines certain terms used in this regulation, and includes references (*signpost definitions*) to other terms defined elsewhere.

For example, the signpost definition ‘*registrar*—see the Sale of Motor Vehicles Act, dictionary.’ means that the term ‘registrar’ is defined in that dictionary and the definition applies to this regulation.

*Note 2* A definition in the dictionary (including a signpost definition) applies to the entire regulation unless the definition, or another provision of the regulation, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

## **5 Notes**

A note included in this regulation is explanatory and is not part of this regulation.

*Note* See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

## **6 Administering authority**

The administering authority for an infringement notice offence against the Sale of Motor Vehicles Act is the registrar.

## **7 Infringement notice offences**

The *Magistrates Court Act 1930*, part 3.8 applies to an offence against a provision of the Sale of Motor Vehicles Act mentioned in schedule 1, column 2.

## **8 Infringement notice penalties**

- (1) The penalty payable by an individual for an offence against the Sale of Motor Vehicles Act, under an infringement notice for the offence, is the amount mentioned in schedule 1, column 4 for the offence.
- (2) The penalty payable by a corporation for an offence against the Sale of Motor Vehicles Act, under an infringement notice for the offence, is 5 times the amount mentioned in schedule 1, column 4 for the offence.
- (3) The cost of serving a reminder notice for an infringement notice offence against the Sale of Motor Vehicles Act is \$34.

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**9 Contents of infringement notices—other information**

- (1) An infringement notice served on a company by an authorised person for an infringement notice offence against the Sale of Motor Vehicles Act must include the company's ACN.

*Note* The requirement under this section is additional to the requirement under the *Magistrates Court Act 1930*, s 121 (1) (c).

- (2) In this section:

*company* means a company registered under the Corporations Act.

**10 Contents of infringement notices—identifying authorised person**

An infringement notice served on a person by an authorised person for an infringement notice offence against the Sale of Motor Vehicles Act must identify the authorised person by—

- (a) the authorised person's full name, or surname and initials; or
- (b) any unique number given, for this regulation, to the authorised person by the administering authority.

**11 Contents of reminder notices—identifying authorised person**

A reminder notice served on a person by an authorised person for an infringement notice offence against the Sale of Motor Vehicles Act must identify the authorised person by—

- (a) the authorised person's full name, or surname and initials; or
- (b) any unique number given, for this regulation, to the authorised person by the administering authority.

**12 Costs if liability disputed**

The cost of beginning a proceeding is \$200.

**13 Authorised people for infringement notice offences**

An inspector (other than a police officer) under the Sale of Motor Vehicles Act, section 5B (Inspectors) may serve—

- (a) an infringement notice for an infringement notice offence against the Sale of Motor Vehicles Act; and
- (b) a reminder notice for an infringement notice offence against the Sale of Motor Vehicles Act.

*Note* For how documents may be served, see the Legislation Act, pt 19.5.

**14 Expiry of regulation**

- (1) This regulation expires on the default application date.
- (2) In this section:

***default application date***—see the Criminal Code, section 10.

*Note* This date is the date the provisions of the Criminal Code, ch 2 apply to all ACT offences.



## Schedule 1      Sale of Motor Vehicles Act infringement notice offences and penalties

(see s 7 and s 8)

column 1 item	column 2 offence provision	column 3 offence penalty (penalty units)	column 4 infringement penalty (\$)
1	7	50	500
2	15 (1)	20	500
3	16 (1)	20	500
4	16 (2)	20	500
5	16 (3)	20	500
6	20 (1)	10	250
7	20 (4)	30	750
8	21 (1)	10	250
9	26 (2)	5	125
10	73 (2)	5	125
11	73 (4)	5	125

## Dictionary

(see s 4)

*Note 1* The Legislation Act contains definitions and other provisions relevant to this regulation.

*Note 2* For example, the Legislation Act, dict, pt 1, defines the following terms:

- corporation
- Corporations Act
- individual
- police officer.

*Note 3* Terms used in this regulation have the same meaning that they have in the *Magistrates Court Act 1930* (see Legislation Act, s 148). For example, the following terms are defined in the *Magistrates Court Act 1930*, dict:

- administering authority
- authorised person
- infringement notice
- infringement notice offence
- reminder notice.

**registrar**—see the Sale of Motor Vehicles Act, dictionary.

***Sale of Motor Vehicles Act*** means the *Sale of Motor Vehicles Act 1977*.

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## Endnotes

**1 Notification**

Notified under the Legislation Act on 10 November 2005.

**2 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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