



Australian Capital Territory

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

SL2005-31

made under the

Magistrates Court Act 1930

Republication No 5

Effective: 24 May 2017

Republication date: 24 May 2017

Last amendment made by [A2017-14](#)

About this republication

The republished law

This is a republication of the *Magistrates Court (Sale of Motor Vehicles Infringement Notices) Regulation 2005*, made under the *Magistrates Court Act 1930* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 24 May 2017. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 24 May 2017.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register (www.legislation.act.gov.au). For more information, see the home page for this law on the register.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the *Legislation Act 2001*, section 95.

Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$150 for an individual and \$750 for a corporation (see *Legislation Act 2001*, s 133).



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R5
24/05/17

Magistrates Court (Sale of Motor Vehicles Infringement
Notices) Regulation 2005
Effective: 24/05/17

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Australian Capital Territory

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

made under the

Magistrates Court Act 1930

1 Name of regulation

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

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 A definition in the dictionary 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 commissioner for fair trading.

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.

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 the following:

- (a) an infringement notice for an infringement notice offence against the [Sale of Motor Vehicles Act](#);
- (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.

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 |

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:

- commissioner for fair trading
- 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.

Sale of Motor Vehicles Act means the [Sale of Motor Vehicles Act 1977](#).

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

| | |
|---|---|
| A = Act | NI = Notifiable instrument |
| AF = Approved form | o = order |
| am = amended | om = omitted/repealed |
| amdt = amendment | ord = ordinance |
| AR = Assembly resolution | orig = original |
| ch = chapter | par = paragraph/subparagraph |
| CN = Commencement notice | pres = present |
| def = definition | prev = previous |
| DI = Disallowable instrument | (prev...) = previously |
| dict = dictionary | pt = part |
| disallowed = disallowed by the Legislative Assembly | r = rule/subrule |
| div = division | reloc = relocated |
| exp = expires/expired | renum = renumbered |
| Gaz = gazette | R[X] = Republication No |
| hdg = heading | RI = reissue |
| IA = Interpretation Act 1967 | s = section/subsection |
| ins = inserted/added | sch = schedule |
| LA = Legislation Act 2001 | sdiv = subdivision |
| LR = legislation register | SL = Subordinate law |
| LRA = Legislation (Republication) Act 1996 | sub = substituted |
| mod = modified/modification | <u>underlining</u> = whole or part not commenced or to be expired |

Endnotes

3 Legislation history

3 Legislation history

Magistrates Court (Sale of Motor Vehicles Infringement Notices) Regulation 2005 SL2005-31

notified LR 10 November 2005

s 1, s 2 commenced 10 November 2005 (LA s 75 (1))

remainder commenced 12 November 2005 (s 2 and see [Statute Law Amendment Act 2005](#) A2005-20, s 2 (2) and LA s 79)

as amended by

[Justice and Community Safety Legislation Amendment Act 2008](#) A2008-7 sch 1 pt 1.16

notified LR 16 April 2008

s 1, s 2 commenced 16 April 2008 (LA s 75 (1))

sch 1 pt 1.16 commenced 7 May 2008 (s 2)

[Red Tape Reduction Legislation Amendment Act 2014](#) A2014-47 pt 7

notified LR 6 November 2014

s 1, s 2 commenced 6 November 2014 (LA s 75 (1))

pt 7 commenced 7 November 2014 (s 2)

[Statute Law Amendment Act 2015](#) A2015-15 sch 3 pt 3.34

notified LR 27 May 2015

s 1, s 2 commenced 27 May 2015 (LA s 75 (1))

sch 3 pt 3.34 commenced 10 June 2015 (s 2)

[Justice and Community Safety Legislation Amendment Act 2017 \(No 2\)](#) A2017-14 pt 14

notified LR 17 May 2017

s 1, s 2 commenced 17 May 2017 (LA s 75 (1))

pt 14 commenced 24 May 2017 (s 2 (1))

4 Amendment history

Commencement

s 2 om LA s 89 (4)

Dictionary

s 4 am [A2017-14](#) s 42, s 43

Administering authority

s 6 am [A2017-14](#) s 44

Authorised people for infringement notice offences

s 13 am [A2015-15](#) amdt 3.123, amdt 3.124

Expiry of regulation

s 14 om [A2008-7](#) amdt 1.66

Dictionary

dict am [A2017-14](#) s 45
def **registrar** om [A2017-14](#) s 46

Sale of Motor Vehicles Act infringement notice offences and penalties

sch 1 am [A2014-47](#) s 12

Endnotes

5 Earlier republications

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

| Republication No and date | Effective | Last amendment made by | Republication for |
|----------------------------------|------------------------------|-------------------------------|---|
| R1 12 Nov 2005 | 12 Nov 2005– 6 May 2008 | not amended | new regulation |
| R2 7 May 2008 | 7 May 2008– 6 Nov 2014 | A2008-7 | amendments by A2008-7 |
| R3 7 Nov 2014 | 7 Nov 2014– 9 June 2015 | A2014-47 | amendments by A2014-47 |
| R4 10 June 2015 | 10 June 2015– 23 May 2017 | A2015-15 | amendments by A2015-15 |

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