

**MOTOR CAR (DRIVER'S LICENCES) AMENDMENT
REGULATIONS 2007**

BR 47 / 2007

MOTOR CAR ACT 1951

1951 : 89

**MOTOR CAR (DRIVER'S LICENCES) AMENDMENT
REGULATIONS 2007**

The Minister responsible for Transport, in exercise of the powers conferred by sections 76A, 96, 102 and 103 of the Motor Car Act 1951, makes the following regulations:

Short title

1 These Regulations, which amend the Motor Car (Driver's Licences) Regulations 1952 (the "principal Regulations"), may be cited as the Motor Car (Driver's Licences) Amendment Regulations 2007.

Amends regulation 2

2 (1) The definition "driver's licence" in regulation 2 of the principal Regulations is amended by replacing the words "section 73" by the words "section 76 or section 76A".

(2) The definition "learner's permit" in regulation 2 of the principal Regulations is amended by replacing the words "section 76" by the words "section 79".

Amends regulation 5

3 Regulation 5 of the principal Regulations is amended by replacing the word "Schedule" by the words "Schedule 1".

Amends regulation 7

4 Regulation 7(1)(b) of the principal Regulations is amended by replacing the word "Schedule" by the words "Schedule 1".

MOTOR CAR (DRIVER'S LICENCES) AMENDMENT REGULATIONS 2007

Inserts new regulation 7(3)

5 The principal Regulations are amended by inserting the following regulation next after regulation 7(2) —

“(3) Sub-regulation (1) does not apply in the case of a person who undergoes only the test referred to in paragraph (i) of Schedule 1 for the purposes of applying for a provisional driver's licence under section 76A of the Motor Car Act 1951.”.

Amends regulation 8

6 Regulation 8(1) of the principal Regulations is amended by replacing the word “Schedule” by the words “Schedule 1”.

Amends regulation 9

7 (1) Regulation 9(2)(c) of the principal Regulations is amended by replacing the word “Schedule” by the words “Schedule 1”.

(2) Regulation 9(5) of the principal Regulations is amended by replacing the words “section 72” by the words “section 74”.

Amends regulation 11

8 (1) The portion of Regulation 11 of the principal Regulations before paragraph (a) is amended by —

(a) inserting after the words “driver's licence” the words “, other than a provisional driver's licence under section 76A of the Motor Car Act 1951,”; and

(b) replacing the words “section 82” by the words “section 86”.

(2) Paragraph (e) of Regulation 11 of the principal Regulations is amended by replacing the words “section 82” by the words “section 86”.

Inserts new regulation 11A

9 The principal Regulations are amended by inserting the following regulation next after regulation 11 —

“Issue of provisional driver's licence

11A A provisional driver's licence under section 76A of the Motor Car Act 1951 shall not be issued to an applicant unless —

(a) the form of application is completed and signed by the applicant;

(b) the application is accompanied by a certificate from a registered medical practitioner in accordance with section 76A(1)(e) of the Motor Car Act 1951;

MOTOR CAR (DRIVER'S LICENCES) AMENDMENT REGULATIONS 2007

- (c) the application is accompanied by a certificate, duly completed and signed by an examiner, certifying that the applicant has passed the written test referred to in section 76A(1)(c) of the Motor Car Act 1951 and the test of ability to drive referred to in section 76A(1)(d) of that Act;
- (d) the application is accompanied, where so required by the Minister —
 - (i) by satisfactory proof of the age of the applicant; and
 - (ii) by satisfactory proof that the applicant understands the English language and can read and write English;
- (e) the issue or renewal of a licence to the applicant is in conformity with the Motor Car Act 1951 and the Road Traffic Act 1947;
- (f) the appropriate fee is paid to the Minister; and
- (g) where the application is in respect of the driving of a private motor car that is owned by a person other than the applicant, the application is accompanied by a declaration in the form, determined by the Minister from time to time, duly completed and signed by the owner of the motor car.

Prescribed offences

11B The offences listed in Schedule 2 are prescribed as offences for the purposes of section 76A(4) of the Motor Car Act 1951.”.

Amends regulation 12

10 (1) Regulation 12 of the principal Regulations is amended by replacing the words “section 82” by the words “section 86”.

(2) Regulation 12 of the principal Regulations is amended by replacing the words “section 83(3)” by the words “section 86(3)”.

Amends regulation 18

11 Regulation 18 of the principal Regulations is amended by replacing the words “section 82” by the words “section 86”.

Amends regulation 22

12 Regulation 22 of the principal Regulations is amended by replacing the words “section 84” by the words “section 89”.

MOTOR CAR (DRIVER'S LICENCES) AMENDMENT REGULATIONS 2007

Amends the Schedule

13 The heading "SCHEDULE" in the Schedule to the principal Regulations is amended by replacing the word "SCHEDULE" by the words "SCHEDULE 1".

Inserts new Schedule 2

14 The principal Regulations are amended by inserting the following next after SCHEDULE 1 —

"SCHEDULE 2 Offences under the Road Traffic Act 1947

Section 7(4) - exceeding speed limit

Section 12 - neglecting traffic directions or signs

Section 17(2) - failing to stop at intersection

Section 27(4) - failing to stop or allow free passage at pedestrian crossing

Section 27(5) - remaining on pedestrian crossing or failing to comply with signal of police officer

Section 30(3) - failing to stop when requested by a police officer

Section 32(2) - owner failing to give information to police officer as to driver and occupants of vehicle

Section 34(1) - causing death by reckless or dangerous driving

Section 34(2) - causing injury by reckless or dangerous driving

Section 35(1) - driving or attempting to drive, or having the care or control of a motor car or an auxiliary bicycle while the ability to do so is impaired by alcohol or a drug

Section 35(2) - driving or attempting to drive or having the care or control of a cycle (not being an auxiliary bicycle) or any other vehicle other than a motor car while the ability to do so is impaired by alcohol or a drug

Section 35A(2) - failing to comply with the demand of a police officer

Section 35A - driving or having the care or control of a motor car, auxiliary bicycle, cycle (not being an auxiliary bicycle) or any other vehicle other than a motor car, having consumed alcohol in such a quantity that the proportion of alcohol exceeds 100 milligrammes in 100 millilitres of blood

Section 36(1) - dangerous driving

**MOTOR CAR (DRIVER'S LICENCES) AMENDMENT
REGULATIONS 2007**

Sections 37(1) and (2) - driving without due care and attention or reasonable consideration

Section 38 - opening door of vehicle in a dangerous manner

Section 42(2) - failing to stop after accident, to give name and address or to report accident

Offences under the Motor Car Act 1951

Section 52(2)(a)(i) - using or allowing use of unlicensed motor car

Section 53(2) - using motor car in contravention of conditions of licence

Section 65 - using unregistered motor car or motor car not bearing identification plate

Section 74(1) - driving motor car without driver's licence or permitting unlicensed person to drive

Section 85(2) - failing to produce driver's licence when required by police officer

Section 111(1) - failing to stop motor car when requested or signalled by police officer

Section 112(1) - driver failing to give name and address when required by police officer

Section 112(2) - driver failing to produce motor car licence when required by police officer

Section 114 - owner failing to give information to police officer as to driver and occupant of motor car

Section 120 - contravention of Act or regulations or order, demand, requirement or direction made thereunder

Section 123 - driving motor car while disqualified".

Made this 23rd day of May, 2007

Premier