

# AUSTRALIAN CAPITAL TERRITORY

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## Motor Traffic (Amendment) Ordinance (No. 7) 1985

No. 63 of 1985

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated 21 November 1985.

N. M. STEPHEN  
Governor-General

By His Excellency's Command,

G. SCHOLLES  
Minister of State for Territories

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An Ordinance to amend the *Motor Traffic Ordinance 1936*

### Short title

1. This Ordinance may be cited as the *Motor Traffic (Amendment) Ordinance (No. 7) 1985*.<sup>1</sup>

### Principal Ordinance

2. In this Ordinance, "Principal Ordinance" means the *Motor Traffic Ordinance 1936*.<sup>2</sup>

### Interpretation

3. Section 4 of the Principal Ordinance is amended by inserting after sub-section (1) the following sub-section:

“(1A) Where, by reason of the length of the name of the owner, or the number of names of the owners, of a motor vehicle or trailer, the certificate of registration granted in respect of the vehicle or trailer does not specify the full name or names of the owner or owners of the vehicle or trailer—

- (a) the name or names of the owner or owners of the motor vehicle or trailer may appear on the certificate of registration in an abbreviated form;
- (b) the Registrar shall maintain a separate record showing—
  - (i) the full name or names of the owner or owners of the motor vehicle or trailer; and
  - (ii) the same details in respect of the motor vehicle or trailer as appear on the certificate of registration granted in respect of the vehicle or trailer; and
- (c) the name or names appearing in that record in respect of the vehicle or trailer as the name of the owner or owners of the vehicle or trailer shall, for the purposes of the definition of “owner” in sub-section (1), of sub-section (4) and of section 199, be deemed to be the name or names specified in the certificate of registration granted in respect of the motor vehicle or trailer.”.

4. Section 22 of the Principal Ordinance is repealed and the following section substituted:

**Sale or disposal of vehicle**

“22. (1) Subject to section 23, where a registered motor vehicle is sold or disposed of, the former owner shall, within 14 days of the sale or disposal—

- (a) return to the Registrar—
  - (i) the number plate or number plates, as the case may be, issued in respect of the vehicle; and
  - (ii) the certificate of registration granted in respect of the vehicle, and in writing request the Registrar to cancel the registration of the vehicle; or
- (b) give the number plate or number plates, and the certificate of registration, to the new owner,

and shall complete and furnish to the Registrar a notice of disposal in accordance with a form supplied by the Registrar.

Penalty: \$200

“(2) Where a registered motor vehicle is sold or disposed of, the new owner shall, within 14 days of the sale or disposal—

(a) furnish to the Registrar—

- (i) the registration number, make, model and engine number of the motor vehicle;
- (ii) the date of the sale or disposal of the motor vehicle;
- (iii) the new owner’s name and address;
- (iv) the certificate of registration in respect of the vehicle; and
- (v) the consent in writing of the former owner to the transfer of the vehicle; and

(b) either—

- (i) where the number plate or number plates, as the case may be, issued in respect of the vehicle has or have been given to the new owner—in writing request the Registrar to cancel the registration of the vehicle, and return the number plate or number plates to the Registrar; or
- (ii) apply to the Registrar for the transfer of the registration in respect of the vehicle from the former owner to the new owner.

Penalty: \$200.

“(3) Upon receipt of—

- (a) the information specified in paragraph (2) (a);
- (b) a notice of disposal ; and
- (c) an application under sub-paragraph (2) (b) (ii),

and on payment of the determined fee, the Registrar shall transfer the registration of the motor vehicle to the new owner.

“(4) Where the Registrar has received a notice in writing from the person who has title to a motor vehicle stating that the person does not authorize the sale or disposal of the motor vehicle, the Registrar shall not transfer the registration of the motor vehicle unless there is produced to the Registrar the consent in writing of that person to the sale or disposal of the motor vehicle.

“(5) Where—

- (a) the Registrar has not received the information specified in paragraph (2) (a), or a notice of disposal, in respect of a motor vehicle; and
- (b) the Registrar is satisfied that—
  - (i) the person disposing of the motor vehicle is authorized so to dispose of the motor vehicle; or
  - (ii) the person applying for the transfer of the registration of the motor vehicle is entitled to be registered as the owner of the vehicle,

the Registrar may transfer the registration of the motor vehicle to the person applying for the transfer of the registration of the motor vehicle.

“(6) Where—

- (a) a notice of disposal has been received by the Registrar in respect of a vehicle; and
- (b) the Registrar has not, within 14 days of the date specified in the notice of disposal as the date of the sale or disposal of the vehicle, received a request under sub-paragraph (2) (b) (i) or an application under sub-paragraph (2) (b) (ii),

the Registrar may cancel the registration of the vehicle.

“(7) Where a motor vehicle is repossessed under a hire-purchase agreement—

- (a) the person repossessing the vehicle shall, for the purposes of this section, be deemed to be the new owner of the vehicle; and
- (b) the Registrar may, at the request of the person repossessing the vehicle, transfer the registration of the motor vehicle without the written consent of the former owner of the vehicle.

“(8) Where the date of the sale or disposal of a registered motor vehicle notified to the Registrar by the former owner of the vehicle is not the same as the date notified to the Registrar by the new owner of the vehicle—

- (a) where the Registrar is satisfied that the later of the dates is the date on which the sale or disposal took place—that later date; and
- (b) in any other case—the earlier of the dates,

shall be deemed to be the date of the sale or disposal of the motor vehicle.

“(9) Until the provisions of sub-section (1) are complied with in respect of a motor vehicle, the person in whose name the vehicle is registered remains liable as owner for any breach in respect of the vehicle of such of the provisions of this Ordinance as apply to an owner.

“(10) In this section—

‘motor vehicle’ includes trailer;

‘sale or disposal’, in relation to a motor vehicle, includes—

- (a) repossession under a hire-purchase agreement; and
- (b) any change in the ownership of the vehicle, whether for valuable consideration or otherwise.”.

#### **Transferring of number plates to vehicle of the same class**

5. Section 23 of the Principal Ordinance is amended by omitting from sub-section (1) “seven” and substituting “14”.

#### **Sale of motor vehicle on behalf other persons**

6. Section 24 of the Principal Ordinance is amended by omitting sub-section (1) and substituting the following sub-section:

“(1) A person who, not being a trader, sells or disposes of a registered motor vehicle or trailer on behalf of any other person shall, within 14 days of the sale or disposal, furnish to the Registrar—

- (a) the registration number, make, model and engine number of the motor vehicle or trailer;
- (b) the names and addresses of—
  - (i) the owner of the vehicle or trailer;
  - (ii) the person on whose behalf the vehicle or trailer was sold or disposed of;
  - (iii) the new owner of the vehicle or trailer; and
  - (iv) the person who sold or disposed of the vehicle or trailer; and
- (c) the date of disposal.”.

#### **Alteration in description of motor vehicle or trailer**

7. Section 25 of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1) “seven” and substituting “7”;
- (b) by omitting from sub-section (1) “to the Registrar for amendment the certificate above-mentioned” and substituting “the certificate of registration to the Registrar”; and
- (c) by omitting sub-section (2) and substituting the following sub-section:

“(2) Subject to section 26, the Registrar shall issue to the owner a new certificate of registration incorporating the alteration.”.

**Repeal**

8. Section 96 of the Principal Ordinance is repealed.

**Change of name or address**

9. Section 97 of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1) “seven days after any change of his address” and substituting “7 days after any change of the person’s name or address”;
- (b) by omitting from sub-section (1) “his certificate” and substituting “the person’s certificate”; and
- (c) by omitting sub-section (2) and substituting the following sub-section:

“(2) The Registrar shall

  - (a) in the case of a certificate of registration—retain the inaccurate certificate and issue to the person a new certificate; and
  - (b) in the case of a licence—
    - (i) endorse the amendment on the licence and return the licence to the licensee; or
    - (ii) retain the inaccurate licence and issue a new licence to the licensee.”.

**Return of certificates after cancellation, &c.**

10. Section 100 of the Principal Ordinance is amended by omitting sub-section (1) and substituting the following sub-section:

“(1) A person to whom a certificate of registration or a licence has been granted shall, forthwith after receipt of notification by the Registrar of the

cancellation of the registration, or the suspension or cancellation of the licence, return to the Registrar the certificate of registration or licence, as the case may be, and every number plate issued by the Registrar in connection with the registration.”.

### **Repeal**

11. Section 101 of the Principal Ordinance is repealed.

### **Duration of registrations and licences**

12. Section 105 of the Principal Ordinance is amended—

- (a) by omitting sub-sections (2) and (2A); and
- (b) by omitting sub-section (3A) and substituting the following sub-section:

“(3A) In calculating the fee payable under sub-section (3)—

- (a) part of a month shall be treated as a month; and
- (b) where the fee so calculated includes a fraction of 10 cents, the fee shall be reduced by the amount of the fraction.”.

### **Application**

13. The Principal Ordinance, as amended by sections 3, 4 and 5 of this Ordinance, applies to and in relation to the transfer of the registration of a motor vehicle or trailer, being a registration or renewal of registration in respect of a period that commences on or after 1 January 1986 and the certificate of which was issued on or after 1 December 1985.

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### **NOTES**

- 1. Notified in the *Commonwealth of Australia Gazette* on 28 November 1985.
- 2. No. 45, 1936 as amended to date. For previous amendments *see* Note 2 to No. 2, 1985 and *see also* No. 2, 1985.