

Road Transport (Vehicle Registration) Amendment Regulation 2008 (No 1)

Subordinate Law SL2008-16

made under the

Road Transport (Vehicle Registration) Act 1999 and the *Road Transport (General) Act 1999*

EXPLANATORY STATEMENT

OVERVIEW

The *Road Transport (Vehicle Registration) Amendment Regulation 2008* (No 1) (the Amendment Regulation) amends the *Road Transport (Vehicle Registration) Regulation 2000* and the *Road Transport (General) Regulation 2000*.

The objective of the Amendment Regulation is to prevent a new owner of a vehicle that has a suspended or cancelled registration due to a dishonoured registration payment made by the previous owner from being disadvantaged.

The main feature of the Amendment Regulation is to:

- allow for a person, who has purchased a vehicle with a suspended registration due to a dishonoured registration payment made by the previous owner, to transfer that vehicle into the new owner's name prior to the end of the dishonoured payment process, and pay the amount payable for registering the vehicle from the date of transfer to the end of the registration period; and
- allow for a person, who has purchased a vehicle with a cancelled registration due to a dishonoured registration payment made by the previous owner, to re-establish the registration into the new owner's name without the new owner being liable to pay fees normally required for re-establishment of registration (unless the person would have been liable for these fees irrespective of the registration having been cancelled due to a dishonoured payment).

DETAIL

Formal Provisions

1 Name of regulation

Clause 1 provides the name of the regulation, the *Road Transport (Vehicle Registration) Amendment Regulation 2008 (No 1)*.

2 Commencement

Clause 2 specifies that the regulation commences on the day after its notification day.

3 Legislation amended

Clause 3 notes that the regulation amends the *Road Transport (Vehicle Registration) Regulation 2000* and the *Road Transport (General) Regulation 2000*.

Road Transport (Vehicle Registration) Regulation 2000

4 New Section 77A

Clause 4 inserts new section 77A which provides for the transfer of a vehicle registration when the vehicle's registration is suspended due to a dishonoured registration payment made by the previous operator. The effect of section 77A is that a person may apply to the road transport authority to re-establish the vehicle's registration and is not liable to pay a surcharge otherwise payable on re-establishing registration.

Section 77A also provides for the road transport authority to refuse an application to re-establish registration of a vehicle on the same grounds as are set out in existing section 78 of the Regulation.

5 New Section 85A

Clause 5 inserts new section 85A providing for the re-establishment of a vehicle registration when that vehicle's registration is cancelled due to a dishonoured registration payment made by the previous operator. Section 85A allows for a person to apply to the road transport authority to re-establish the vehicle's registration and provides that the person is not liable to pay a surcharge otherwise payable on re-establishing registration because the registration is cancelled.

Section 85A also provides for the road transport authority to refuse an application to re-establish registration on the same grounds as exist in section 32 of the Regulation.

Road Transport (General) Regulation 2000

6 and 7 Road Transport (General) Regulation 2000, schedule 1, part 1.11, new items 34A and 40A

Clauses 6 and 7 amend schedule 1, part 1.11 of the *Road Transport (Vehicle Registration) Regulation 2000*. Schedule 1, part 1.11 sets out the decisions under the *Road Transport (Vehicle Registration) Regulation 2000* which can be reviewed by the Road Transport Authority and the Administrative Appeals Tribunal.

New item 34A inserted by clause 6 and new item 40A inserted by clause 7 in schedule 1, part 1.11, make decisions under new sections 77A (4) and 85A (3) reviewable decisions.