

Road Transport (Vehicle Registration) Terms and Conditions for the Sale of Rights To, and Storage of, Non-Standard Numberplates Determination 2023 (No 1)

Notifiable Instrument NI2023—140

Made under the

Road Transport (Vehicle Registration) Regulations 2000, sections 54 (Selling rights to non-standard registration numbers) and 56 (Storage of non-standard registration numbers).

1 Name of instrument

This instrument is the *Road Transport (Vehicle Registration) Terms and Conditions for the Sale of Rights To, and Storage of, Non-Standard Numberplates Determination 2023 (No 1)*.

2 Commencement

This instrument commences on 3 April 2023.

3 Determination

Under sections 54 (3) and 56 (2) of the *Road Transport (Vehicle Registration) Regulation 2000* the Road Transport Authority must determine the conditions on which rights may be sold and exercised in respect to non-standard registration numbers and the conditions on which the numberplates displaying the non-standard registration number may be stored. These are set out in Schedule 1.

4 Revocation

The *Road Transport (Vehicle Registration) Terms and Conditions for the Sale of Rights To, and Storage of, Non-Standard Numberplates Determination 2017* NI2017-119 is revoked.

Derise Cubin

Executive Branch Manager, Licensing and Registration, Access Canberra.

Delegate of the Head of Access Canberra exercising a declared function of the Director-General of the Transport Canberra and City Services Directorate in that entity's capacity as road transport authority.

21 March 2023

Note: The *Public Sector Management (Head of Access Canberra Functions) Declaration 2017 (No 1)* declares that the head of Access Canberra may exercise functions given to the Director-General of the Transport Canberra and City Services Directorate, including the powers and functions under sections 47 and 51 of the *Road Transport (Vehicle Registration) Regulation 2000*, for which the Director-General of the Transport Canberra and City Services Directorate is the Road Transport Authority. The Executive Branch Manager, Licensing and Registration, Access Canberra is then delegated the head of Access Canberra's declared powers and functions under the *Road Transport Legislation (Access Canberra) Delegations 2017 (No 1)*.

SCHEDULE 1

TERMS AND CONDITIONS FOR THE SALE OF, AND STORAGE OF, NON-STANDARD NUMBERPLATES

1. Non-Standard Registration Numbers

Rights may be sold to non-standard registration numbers (referred to as non-standard numbers from this point on). If a person owns the rights to a non-standard number, those rights cannot be re-sold by the Road Transport Authority (subject to items 10 and 12).

Non-standard numbers and the numberplates on which they may be displayed are defined in the *Road Transport (Vehicle Registration) Design of Numberplates Determination 2023 (No. 1)*, made under Regulation 47 of the *Road Transport (Vehicle Registration) Regulations 2000* (the Regulations). An application for a 'name' non-standard number may be treated as an application for a 'make' or 'unique' number if it can otherwise be so classified.

Non-standard numbers may only be displayed on vehicles registered in the ACT.

2. Plate Format

The format of non-standard numbers and the numberplates on which they are displayed is subject to the *Road Transport (Vehicle Registration) Design of Numberplates Determination 2023 (No. 1)*, made under the Regulations, and the approval of the Road Transport Authority. The non-standard number and format (including slogans and logos) requested, must be specified at the time of payment for the rights to the number. Once numberplate(s) are ordered from the plate manufacturer, the format cannot be changed. The numberplates may be remade on payment of the determined fee.

3. Numberplate Ownership

Numberplates remain the property of the Territory. The purchaser owns the rights to a non-standard number, which means the exclusive rights to be given the number as a registration number. (Non-standard numbers and numberplates may be recalled – see item 12)

4. Display of Non-Standard Number Plates

A non-standard number may only be displayed on a vehicle registered in the ACT in the name of the owner of the number. Non-standard numbers may not be displayed on a public vehicle, other than a restricted hire vehicle, within the meaning contained in the *Road Transport (General) Act 1999*. Non-standard numbers may not be displayed on trailers, except as allowed under the *Road Transport (Vehicle Registration) Design of Numberplates Determination 2023 (No. 1)*.

5. Payment

The rights to non-standard numbers will only be granted on full payment of the determined fee as set out in the current Numberplate fees determination. The purchase price for the rights to a non-standard number does not include vehicle registration fees, storage fees or any other fees not related to the manufacture of the numberplate. Purchasers are notified in writing when the numberplates are available.

6. No Refund

With the exception of non-standard numbers and numberplates recalled by the Road Transport Authority (see item 12), payments for the rights to a non-standard plate number are non-refundable. If a non-standard number is purchased for someone else without his or her knowledge, and that person does not wish to become the owner of the number, the payment will not be refunded. It is therefore in the interest of the purchaser to find out if the intended owner of the rights to the registration number will accept it.

7. A non-refundable storage fee is payable by owners that wish to retain the rights to non-standard numbers and numberplates while the plates are not affixed to a vehicle registered in the ACT (see item 9)

A person wishing to purchase the rights to a non-standard number that contains a business name, trademark, or other intellectual property, must declare on application that he/she owns the rights to the intellectual property, or has been given permission to use the intellectual property by the owner of that property. This also applies to any intellectual property contained in slogans or logos.

The owner must also agree to indemnify the Territory against any loss or damage that the Territory may suffer in connection with the allocation of the non-standard number.

8. Procedure When Plates are Available

A purchaser shall, within 56 days of notification of the numberplate availability (the holding period), either:

- collect the numberplates, and immediately affix them to a vehicle registered in the ACT in the plate owner's name; or
- arrange for the storage of the numberplates as provided below.

9. Storage of Non-Standard Numberplates

Owners of non-standard numberplates who wish to retain their rights to the non-standard number while the plates are not affixed to a vehicle registered in the ACT are responsible for their storage.

Owners are required to notify the Road Transport Authority when they have placed the plates in storage and pay the storage as determined in the relevant Fee Determination. Owners must place their number plates in storage to retain their rights to the non-standard number and select an appropriate duration as fees for the storage of number plates are non-refundable. The maximum storage period is 5 years, except in special circumstances approved by the Road Transport Authority. The minimum storage period is 2 months.

When storing the plates, owners should ensure that in selecting the storage place they have taken reasonable precautions to protect the plates from improper use, loss, damage or theft.

Owners are reminded of their obligations under the *Road Transport (Vehicle Registration) Act 1999* to notify the Road Transport Authority within 14 days of discovery of any damage, loss, theft or destruction of plates.

Before the expiry of the storage period the owner of the rights to a non-standard number must either extend the storage period through notification and payment of the relevant fee to the Road Transport Authority or arrange to display the numberplates on a vehicle registered in the ACT (see item 10).

10. Cessation of Right to Display

The owner of the rights to a non-standard number may lose the rights to that number if:

- at the end of the 56 day holding period, the owner has not affixed the numberplates to a vehicle registered in the ACT or arranged storage in accordance with item 9; or
- the numberplates have not been transferred to a registered vehicle or stored in accordance with item 9 within 2 years of the vehicle's registration expiry date; or
- the numberplates have been removed from a vehicle registered in the ACT and not been stored in accordance with item 9; or
- where the numberplates are displayed on a vehicle and the vehicle registration is cancelled, the owner does not transfer the plates to a registered vehicle or arrange storage (see item 9) by close of business on the cancellation date; or
- where numberplates have been placed in storage, the plate owner does not extend the storage period or affix the plates to a vehicle registered in the ACT by the storage expiry date.

Note: In these circumstances the original purchase price and other fees paid by the purchaser are forfeited to the Territory and the Road Transport Authority may arrange for the rights to the non-standard registration numbers to be re-sold.

11. Transfer of Non-standard Numbers and Numberplates

The owner of the rights to a non-standard number may, with the Road Transport Authority's approval:

- arrange for the numberplates to be transferred from one vehicle registered in the ACT in the plate owner's name to another vehicle registered in the same name, for the determined fee, or
- arrange for the transfer of the rights to the non-standard number to someone else on payment of the determined fee. (The fee will be determined from time to time). The new owner will have the same rights and obligations as the previous owner.

12. Recall of Non-standard Numbers and Numberplates

The Road Transport Authority may recall non-standard numbers and the numberplates on which the numbers are displayed. If a non-standard number is recalled, the owner of the number is entitled to reasonable compensation, as agreed between the plate owner and the authority.

Note: The Road Transport Authority reserves the right to recall a non-standard registration number before the numberplate displaying the number has been issued to the applicant.

13. Definitions

<i>Fee expiry date</i>	Midnight on the last day of the storage period, for example, a storage period of 2 months that commenced on 22 October ends on 22 December
<i>Placed in storage</i>	The point at which the owner notifies the Road Transport Authority that they have arranged storage in accordance with item 9 and the storage fee has been paid
<i>Storage expiry date</i>	The date notified to the owner on their receipt issued on payment of the storage fee and if not stated the fee expiry date
<i>Storage fee</i>	The amount determined from time to time and notified in the relevant fee determination
<i>Storage period</i>	The period commencing on the date the owner notifies the Road Transport Authority that they have placed the plates in storage to the fee expiry date