Land Transport (Offences and Penalties) Amendment Regulations (No 2) 2002

Pursuant to sections 167 and 218 of the Land Transport Act 1998, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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1 Title

(1) These regulations are the Land Transport (Offences and Penalties) Amendment Regulations (No 2) 2002.

(2) In these regulations, the Land Transport (Offences and Penalties) Regulations 1999[1] are called "the principal regulations".

2 Commencement

These regulations come into force on 1 July 2002.

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[1] SR 1999/99

3 Summary offences and penalties

Regulation 3 of the principal regulations is amended by adding the following subclauses:

"(3) Subclauses (1) and (2) do not apply to a breach of—

"(a) section 2.6(8) of Land Transport Rule: Tyres and Wheels 2001, which is an offence under regulation 21(7A) of the Traffic Regulations 1976; or

"(b) section 8 of Land Transport Rule: Vehicle Dimensions and Mass 2002 if that breach consists of an overloading offence, which is an offence under section 43 of the Land Transport Act 1998.

"(4) To avoid doubt, the penalty applicable to a person who is liable on summary conviction for an overloading offence is specified by the scale in the applicable table in Part III of the Second Schedule of the Transport Act 1962."

4 Infringement offences

Regulation 4 of the principal regulations is amended by adding the following subclauses:

"(4) Subclauses (1) and (2) do not apply to a breach of—

"(a) section 2.6(8) of Land Transport Rule: Tyres and Wheels 2001; or

"(b) section 8 of Land Transport Rule: Vehicle Dimensions and Mass 2002 if that breach consists of an overloading offence.

"(5) The infringement fee for a breach of section 2.6(8) of Land Transport Rule: Tyres and Wheels 2001 is specified by the scale in Part II of the Second Schedule of the Transport Act 1962.

"(6) The infringement fee for a breach of section 8 of Land Transport Rule: Vehicle Dimensions and Mass 2002, if that breach consists of an overloading offence, is specified by the scale in the applicable table in Part III of the Second Schedule of the Transport Act 1962."

5 Schedule 1 amended

Schedule 1 of the principal regulations is amended by revoking the item "*Tyres and Wheels 2001 (32013)*", and substituting the items set out in the Schedule.

Schedule

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Amendments to Schedule 1 of principal regulations

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
Tyres and Wheels 2001 (32013):*					
Section 4.1	Responsibilities of operators	500	500	150	150
Section 4.2	Responsibilities of repairers	500	500	370	370
Section 4.3	Responsibilities of modifiers	500	500	370	370
Section 4.4	Responsibilities of certifiers	500	500	370	370
Section 4.5	Responsibilities of manufacturers and retailers	500	500	370	370

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
Vehicle Dimensions and Mass 2002 (41001):**					
Section 8.1	Responsibilities of operators	1,000	1,000	370	370
Section 8.2	Responsibilities of modifiers	1,000	1,000	370	370
Section 8.3	Responsibilities of inspectors and inspecting organisations	1,000	1,000	370	370
Section 8.4	Responsibilities of manufacturers	1,000	1,000	370	370

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringe-ment fee for individual ($)	Infringement fee for body corporate ($)

* Does not apply if breach in respect of section 2.6(8) of the rule.

** Does not apply if breach in respect of an overloading offence.

Diane Wilderspin,
Acting for Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 July 2002, amend the Land Transport (Offences and Penalties) Regulations 1999 by specifying the infringement fees and maximum penalties on summary conviction for breaches of section 2.6(8) of Land Transport Rule: Tyres and Wheels 2001 (32013) and various provisions of Land Transport Rule: Vehicle Dimensions and Mass 2002 (41001). With respect to a breach of section 2.6(8) of Land Transport Rule: Tyres and Wheels 2001 (32013), the offence provisions of the Traffic Regulations 1976 and the infringement fee scale of Part 2 of Schedule 2 of the Transport Act 1962 apply instead of these regulations. With respect to a breach of Land Transport Rule: Vehicle Dimensions and Mass 2002 (41001), if that breach consists of an overloading offence, the offence provisions of section 43 of the Land Transport Act 1998 apply instead of these regulations, which means that the penalty for summary conviction for an overloading offence is specified by the scale in the applicable table in Part 3 of Schedule 2 of the Transport Act 1962. These regulations also provide that the infringement fee for an overloading offence is specified by the scale in the applicable table in Part 3 of Schedule 2 of the Transport Act 1962. These regulations are a companion to the Traffic Amendment Regulations 2002 and the Heavy Motor Vehicle Amendment Regulations 2002.

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